



MEMORANDUM
PLANNING AND ZONING APPLICATION

DATE: October 19, 2026
 FROM: Mark Sohaney *[Signature]*
 Executive Director
 SUBJECT: **The Residences of Boca**
 CRP-22-01R1/PZCRP-2026-00001

LOCATION: West of South Federal Highway and east of South Dixie Highway, between Southeast 3rd and 5th Streets (14 SE 4th Street, 33 SE 4th Street, 36 SE 3rd Street, & 41 SE 4th Street)

SITE AREA: 2.1 Acres (including abandoned rights-of-way)

APPLICANT/ AGENT: KW SE 4TH Street BOCA, LLC/Miskel Backman LLP

OWNER: KW SE 4TH Street BOCA, LLC

EXISTING LAND USE: Retail and Office Uses

PROPOSED LAND USE: Residential and Retail (High)/Restaurant

FUTURE LAND USE CATEGORY: Central Business District (CBD)

ZONING DISTRICT: [Downtown Development of Regional Impact \(DDRI\) Ordinance 4035, as amended](#)

<u>APPLICATION REQUEST(S)</u>	<u>SUBJECT PROPERTY LOCATION MAP</u>
<p>1. Amend IDA CRP-22-01 to:</p> <ol style="list-style-type: none"> Reduce the number of residential units from 190 to 133 units (a reduction of 57); Increase the size of the residential building from 338,131 to 357,585 square feet (an increase of 19,454 square feet) and of the internal structured parking from 131,089 to 138,312 square feet (an increase of 7,223 square feet); Add 5,977 square feet of Retail (High) for restaurant use; Increase the height from 133'4" to 139'9" (an increase of 6'5") and from 148'4" to 152'3" (an increase of 3'11") including architectural features; Modify certain elevations; Reduce open space from 38,219 to 36,921 square feet (a reduction of 1,298 square feet); and Relocate 8 existing surface parking spaces from Southeast 4th Street, including 4 as on-street parallel spaces on Southeast 3rd Street and 4 within the proposed parking structure. 	

Staff Recommendation:

☒	Approval with conditions
☐	Denial

SUMMARY AND PROJECT DESCRIPTION

KW SE 4TH Street Boca, LLC (the "Applicant"), owner of the approximately 1.64 acres of real property generally located at 14 Southeast 4th Street, 33 Southeast 4th Street, 36 Southeast 3rd Street, and 41 Southeast 4th Street (collectively, the "KW Parcels"), has submitted an application, pursuant to Ordinance No. 4035, as amended (a/k/a the Downtown Development of Regional Impact (DDRI) Development Order or "DDRI Development Order") to amend Individual Development Approval (IDA) No. CRP-22-01, which was adopted by the Boca Raton Community Redevelopment Agency (CRA) on April 24, 2023 (the "2023 Approval"). The proposed amendment (hereinafter, the "Application") would authorize the construction of a 12-story, approximately 357,585 square foot building with 133 residential units with amenities, an approximately 5,977 square foot ground-floor restaurant and internal structured parking (the "Project"). The 2023 Approval also approved the abandonment of three (3) portions of City right-of-way (ROW) totaling 0.45 acres that include an east-west alley on the south side of the KW Parcels, an east-west alley traversing the Parcel approximately mid-way between Southeast 3rd and 4th Streets, and the portion of Southeast 4th Street that traverses the Parcel (the "Right-of-Way Abandonment Area"). Those approved ROW abandonments, which would become effective upon the completion of construction, would carry forward to the Application, with the KW Parcels and the Right-of-Way Abandonment Area together constituting the "Property," totaling approximately 2.1 acres, located in Downtown Subarea D. The four (4) existing one (1)-story structures will be demolished as part of the proposed project.

The improvements included in the 2023 Approval have not been constructed. Due to statutory tolling extensions, the 2023 Approval remains active, with an expiration date of February 17, 2031.

The Application proposes to amend the 2023 Approval as follows:

- Reduce the number of residential units from 190 to 133 (a reduction of 57 residential units). Unit sizes range from 1,674 square feet to 2,319 square feet;
- Increase the gross building area from 338,131 square feet to 357,585 square feet (an increase of 19,454 square feet);
- Add 5,977 square feet of Retail (High) for restaurant use (the "Restaurant") fronting on Southeast 3rd Street, in place of two (2) ground-floor residential units with patios, and including 2,950 square feet of customer service area (CSA), 14.3 linear feet of bar and 1,183 square feet of outdoor seating;
- Modify certain architectural elevations to reflect the addition of the Restaurant;
- Reduce open space from 38,219 square feet to 36,921 square feet (a reduction of 1,298 square feet) to accommodate changes on the ground floor;
- Relocate eight (8) existing public surface parking spaces from Southeast 4th Street. Currently, eight (8) parallel spaces are located on the north and south of Southeast 4th Street. The Project proposes (4) spaces to be located in the Southeast 3rd Street ROW directly north of the Restaurant, and four (4) spaces are proposed on the ground level of the structured parking, just north of the main circular entry;
- Modifications to the interior floor plan of the parking structure, which will include valet parking for restaurant patrons on the ground floor at the entrance adjacent to the west alley. Additionally, valet parking for restaurant employees, and residents are provided throughout the three (3) levels of structured parking.

The building is designed with a maximum height (as "height" is defined in the DDRI Development Order) not to exceed 139 feet, nine (9) inches, with a maximum total height, including architectural features, not to exceed 152 feet, three (3) inches.

Development in the Downtown is governed by the DDRI Development Order, and the Application was submitted pursuant to the portion of the DDRI Development Order known as the Interim Design Guidelines (IDG). The IDG provides for revised setbacks, building height, building massing and articulation, including the ability to exceed the 100-foot height limitation that is otherwise applicable to non-IDG buildings. The Project conforms to the Compliance Checklist of the IDG. Moreover, pursuant to DDRI Development Order Section 2(5)(d)(1), bulk regulations allow non-habitable space of IDG buildings, such as architectural elements (including tower elements or mechanical enclosures) to extend a maximum of twenty (20) feet above the height of the tallest Primary Building Mass which, as mentioned above, is 139 feet, 9 inches.

Lastly, the Applicant is requesting to modify two additional items from the 2023 Approval: First, to eliminate a condition of approval requiring a private access easement for the Arbors Office Condominium property located to the west at 400 South Dixie Highway. That private easement would have given users of the Arbors building the right to cross the Property in order to access SE 4th Street to the east (and thereby to access South Federal Highway). The Arbors building has been demolished subsequent to the 2023 Approval, and the "Modera" multifamily residential project (IDA No. CRP-24-01, approved on July 14, 2025) is currently under construction on that site. Second, the Applicant proposes to modify language in the IDA related to the timing of the perfection of the aforementioned ROW abandonment. More specifically, this request is to allow the Notice of Abandonment to be issued, and the abandonment to be perfected, after Public Works Review (PWR) approval has been granted, all easements have been executed and provided to the City for recordation, and any utilities in the Right-of-Way Abandonment Area have been relocated. Staff supports both requests since the Modera will not use any portion of this Property for access as envisioned in the original condition (the traffic study for the Modera did not assume that any such access existed). Regarding the revised timing for the Right-of-Way Abandonment Area, the Applicant's concern is that a construction lender will not disburse a loan until the abandonment has been perfected, and staff believes that the updated language addresses this concern while also protecting the City.

Conversion of Uses

The Property is located in Downtown Subarea D. The 2023 Approval required a conversion of 6,220 square feet of Retail (High), as no residential units were available in the subarea. However, as the current Application requests a reduction of 57 residential units and the addition of 5,977 square feet of Retail (High), the previously approved conversion of the 6,220 SF of Retail (High) to residential units is no longer required.

Tax Increment Financing (TIF) Impact

The anticipated net annual tax increment revenue generated by this proposed development is estimated to be \$725,000.00.

Staff recommends approval of the Application because it meets all applicable development standards set forth in the DDRI Development Order, including the supplemental regulations applicable to applications submitted pursuant to the IDG, such as the Quantitative and Qualitative Checklists.

On-Site Improvements

Residential amenities which provide active uses for the Project include a pickle ball court and dog park. A 1,653 square foot pickleball court proposed on the western portion of the Property, along the west alley. Seating is provided on either side of the court, and a fence, varying in height between four (4) and eight (8) feet with transparent panels, surrounds the court. Additionally, a 523-square-foot dog park is located along a portion of the southern Property line.

Off-Site Improvements

The Applicant proposes to relocate four (4) City public parking spaces from Southeast 4th Street to the

Southeast 3rd Street right-of-way. New five (5) wide sidewalks are proposed at the entrance of the restaurant, additional landscaping, including street trees, are also proposed.



II. BOARD RECOMMENDATIONS

A. RECOMMENDATION FROM COMMUNITY APPEARANCE BOARD

The Project was heard at the September 15, 2026, Community Appearance Board ("CAB") meeting for formal recommendation of landscaping to the CRA. The CAB heard the applicant's presentation regarding the proposed landscape plan and voted 5-0 to recommend approval of the proposed landscaping proposed with this Application.

B. RECOMMENDATION FROM PLANNING AND ZONING BOARD

The Project was heard at the October 15, 2026, Planning and Zoning Board (the "Board") meeting. At the meeting, four (4) residents spoke in opposition to the Project. Their concerns related to the increased size and height of the building, as well as the additional traffic as a result of the Application. With a vote of 6-0, the Board voted to recommend approval of the Application.

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III. BACKGROUND

A. PROPERTY CONTEXT



B. HISTORY

Currently, the following structures are located on the Property:

- The original one (1)-story retail building at the Property on 14 SE 4th Street was built in 1963.
- The original one (1)-story office building at the Property on 33 SE 4th Street was built in 1969.
- The original one (1)-story office building at the Property on 41 SE 4th Street was built in 1962.
- The original one (1)-story office building at the Property on 36 SE 3rd Street was built in 1963.
- On April 24, 2023, the CRA approved IDA CRP-22-01, which authorized construction of the 12-story, 190 unit residential building totaling 338,131 square feet and internal structured parking totaling 131,089 square feet with a maximum height not to exceed 133 feet, four (4) inches, with architectural features at a maximum total height not to exceed 148 feet, four (4) inches and to relocate eight (8) existing surface parking spaces on Southeast 4th Street. The approval also incorporated the abandonment of City ROWs for portions of the east-west alley between Southeast 3rd and 4th Streets, the southern side of the Property, and Southeast 4th Street ROW, totaling approximately 0.45 acres.

As the original structures were constructed in the 1960's, prior to the adoption of DDRI Development Order, there are no previous IDAs applicable to the Property, aside from the 2023 Approval.

C. COMMUNITY OUTREACH AND PUBLIC INPUT

At the time of this report, no meetings with the public have been scheduled.

D. PUBLIC NOTICE

Pursuant to [Section 28-8](#), Code of Ordinances, the following notices were provided:

- 10-day mailer notice to owners of properties within 500 feet radius of the Property.
- Posting of Property 10 days prior to public hearing date.



IV. ZONING/DIMENSIONAL REQUIREMENTS

A. SETBACKS, ENCROACHMENTS & SIDEWALKS

Building Setbacks and Encroachments

As the Property is located in the Downtown, the City's Urban Design Consultant, Complete Cities Planning Group (the "City's Consultant"), reviewed the Application. The Project is proposed under the IDG and has frontage adjacent to Southeast 3rd Street, Southeast 4th Street, and various alleys proposed to be incorporated into the Property. Southeast 3rd Street is a Type C street under the IDG, and the complete setback tables are provided on sheet SP-0-02. Pursuant to the DDRI Development Order, because the Restaurant (a Retail use) is now proposed along Southeast 3rd Street, which is a Type C street, a 16-foot setback is required at the round level through the third floor, and the proposed building meets and exceeds these requirements.

A 36 foot setback is required for floors 4 and 5, a 51 foot setback is required for floors 6 and 7, and a 101 foot setback is required for floors 8 and above. It should be noted that setbacks are not required from Property lines not fronting a right-of-way, but setbacks ranging from 5 feet, ten (10) inches through 41 feet, one (1) inch are provided by the Applicant.

However, for the upper floors (4-12 stories), the DDRI Ordinance allows for the Project to use the Downtown Quality Development Regulations and the IDG to allow for encroachments into the setbacks for the portions of the building known as the Architectural Opportunity Zone (AOZ), in order to provide for greater building articulation. As such, the AOZ can be applied to allow for setback encroachments at the upper level of these building heights, resulting in an improved public realm at the ground level.

The setback table on sheet SP-0-02 also provides a summary of the AOZ encroachments, and sheet SP-0-03 depicts the volumetric analysis for the 4th through 12th floors. In terms of AOZ allowance, consistent with the IDG requirements, the building's total possible AOZ volume is 1,081,212 cubic feet. The building meets the massing standards of the IDG as 20 percent of the 35 percent of the AOZ volume limitation is used. Therefore, the CRA Board may grant the additional forty (40) feet for a total of 140 feet of potentially allowable height.

The setbacks and permitted encroachments have been reviewed by the City's Urban Design consultant and they comply with the DDRI Development Order.

B. HEIGHT

- Maximum (habitable & non-habitable space): 140'
- Provided (habitable & non-habitable space): 139' 9"
- Maximum building height with architectural features not to exceed: 160'
- Provided building height with architectural features not to exceed: 152' 3"

Pursuant to Section 1(5)(d)(1) of the DDRI Development Order, bulk regulations allow non-habitable space, such as tower elements or mechanical enclosures, to extend a maximum of twenty (20) feet above the maximum height of the tallest Primary Building Mass, which is 140 feet. As previously indicated, the proposed structure has been designed with a height of 139 feet, 9 inches with additional architectural/tower features not to exceed a height 152 feet, 3 inches (including non-habitable space).

C. OPEN SPACE

The minimum required open space is 40 percent, or 36,780 square feet, and 40 percent, or 36,921 square feet, is provided as open space. Up to 35 percent of the total required open space may be covered open space (such as arcades, colonnades, etc.), and the Project provides 35 percent covered open space.

D. ACCESS

The primary vehicular access to the Project is located through a full access driveway connection to the proposed new terminus of Southeast 4th Street, which is the main entrance to the building. A valet drop-off is provided here for residents and restaurant employees. A secondary driveway is proposed along the west alley to serve the west parking structure, which also provides a valet drop-off for restaurant patrons.

E. PARKING

Use	Required Vehicular Rate*	Quantity of Use on Property (ie: units, SF, LF, etc.)	Required Vehicular Parking	Provided Vehicular Parking	Required Bicycle Parking*	Provided Bicycle Parking
Multi – Dwelling unit	1.75 parking spaces Per Unit	133 units	233	237 Spaces	16 / 5% of the required number of parking spaces or one (1) bicycle parking space	See below
Adm. Office	3 spaces per 1,000 sq. ft.	563 SF	2 spaces	2 spaces		
Restaurant	38.9 SF/ CSA SF	2,950 SF/ CSA	76 spaces	83 spaces		
Bar	1 space/2.2 LF	14.3 LF	7 spaces	7 spaces		
Outdoor Dining	No additional parking is required for outdoor seating, provided the outdoor seating does not exceed 25% of indoor seating	1,183 SF	N/A	N/A		
TOTAL			318 spaces	322 spaces	16	18

*Required vehicular parking is set forth in the [DDRI Development Order](#), and bicycle parking is set forth in the City Code [Section 28-1655](#), Code of Ordinances.

Parking

The project requires 318 parking spaces, and 322 parking spaces are provided within three (3) floors of structured parking totaling 138,312 square feet, which is separated into two separate portions with separate access and no vehicular accessibility between them. Although the 2023 Approval prohibited valet service at the Property, the Application now proposes valet parking for all mechanical spaces in the structured parking. Valet operations are provided in the western parking structure for restaurant patrons.

At the main entrance, valet operations are also provided for residents of the building, and restaurant employees. In addition, as the eight (8) existing City public spaces will be relocated from Southeast 4th Street, four (4) parking spaces will be provided on the ground floor (the other four (4) will be relocated on-street spaces on SE 3rd Street) for members of the public to use, for a total of 326 parking spaces. Staff has conditioned that valet parking areas shall be limited to the double stacked mechanical parking in the west garage reserved for restaurant guests and for the lateral mechanical parking system in the main parking structure for residents and restaurant employees.

Ground Floor Parking

At the ground level, approximately 26,897 square feet of parking is provided in two (2) separate parking structures (east and west), as two (2) portions of the building provide separate entrances and are not accessible to each other.

West Parking

- 100 percent (%) valet for restaurant patrons only.
- Access the parking structure closest to the west alley.
- Parking for restaurant patrons is provided with 42 valet-operated mechanical vertical stackers and one (1) valet space for a total of 43 spaces.
- Restaurant patrons will valet their vehicles and walk approximately 200 feet north to the restaurant entrance.

East Parking

- This location, approximately 15,758 square feet, will be in closer proximity to the restaurant at Southeast 3rd Street.
- Self parking for 22 residential spaces is accessed through the main entrance off Southeast 4th Street, on the north side of the roundabout.
- Four (4) City public parking spaces are also relocated here.

Levels 2 and 3

- South of the roundabout, a ramp provides access to the remaining 111,415 square feet of parking on the second and third levels of the building.
- A valet operated horizontal mechanical system, rather than a vertical lift or stacker system, is provided for the residents of the building and restaurant employees.

As discussed earlier, eight (8) public parking spaces will be relocated to replace the existing eight (8) parallel parking spaces along Southeast 4th Street. Four (4) public spaces are located inside the structured parking, and four (4) of these spaces will now be located in the Northeast 3rd Street Right-of-Way, adjacent to the Restaurant. Previously, the relocated spaces were proposed on the north and south sides of Southeast 4th Avenue, directly east of the building entrance. Lastly, it should be noted that these spaces are not included in the overall parking for the Project, and will be signed and metered as City public parking.

V. MOBILITY

A. WALKABILITY/ PEDESTRIAN INFRASTRUCTURE

The Applicant proposes a six (6) foot sidewalk with pedestrian access from Southeast 3rd Street to the Restaurant entrance on the ground level. Adjacent to Southeast 3rd Street, a five (5) foot sidewalk connection is provided with access to the interior of the Property, including the pickleball court. Additionally, a crosswalk across the east alley to existing sidewalks, and a landscaped path from Southeast 3rd Street to the lobby, are depicted on the site plan. There will be sidewalks of various sizes throughout the Project, approximately five (5) feet in width.

The Property, particularly the Restaurant, is easily accessible by sidewalk from Southeast 3rd Street, and by pedestrians accessing the residential portion of the Property via the main entrance on Southeast 4th Street.

B. TRAFFIC

Compared to the 2023 Approval, the Application is projected to generate 32 fewer daily trips, one (1) fewer AM peak hour trips and two (2) fewer PM peak hour trips. The Project is vested for concurrency as part of the DDRI Development Order.

TRIP GENERATION The Residences of Boca			
Scenario	Trip Generation (trips)		
	Daily	AM Peak Hour	PM Peak Hour
Approved IDA 190 DU	847	72	72
Proposed IDA 133 DU 5,977 SF Restaurant	815	71	70
Net New Driveway Trips	-32	-1	-2

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VI. ANALYSIS

A. REVIEW CRITERIA

Site Plan- Individual Development Approval (IDA)

Pursuant to Chapter 4, Section 3.3 of the Rules of the Boca Raton CRA ("Rules"), the CRA Board ("Board") shall consider the following factors when reviewing Individual Development Approvals:

3. Review by the Board.

The Board shall consider, but the consideration shall not be limited to, the following factors when reviewing Individual Development Approvals:

- a. The Development Order, Building Code, Land Dedication Requirements, Sign Ordinance, Subdivision Regulations, Vacation and Abandonment of Streets and Easements and sections of the Zoning Code specially referenced in the Development Order;
- b. The information and plans submitted by the Applicant;
- c. Any testimony and public input received at the public meeting;
- d. The data, files, recommendations and comments of the Executive Director of the Agency, City departments, the Planning and Zoning Board and the Community Appearance Board;
- e. Conformance with the Development Order and the Design Guidelines in the Development Order; and
- f. Conformance with the Amended Downtown Plan and planning principles some of which may be articulated in subsequent studies necessary to achieve the Vision, Goals and Policies of the Plan.

(To assist in this review the Design Guidelines in the Development Order and Vision, Goals and Policies of the Amended Downtown Plan, and function, aesthetics and design guidelines adopted by the Board or City Council are provided as Appendices to the Rules)

Staff Analysis: This Application would authorize construction of a mixed-use building with 133 residential units, approximately 5,977 square feet of restaurant use and 322 parking spaces. The Project includes other on-site and off-site improvements that include a new six (6)-foot-wide sidewalk on Southeast 3rd Street along the Property frontage. The improvements along the Property's Southeast 3rd Street frontage also include the relocation of four (4) parallel parking spaces (of eight (8) total being relocated from SE 4th Street) in the ROW and the addition of street trees, including Green Buttonwoods, with 15 feet overall height at time of planting. Staff has analyzed the request and has found that the current Application complies with the required criteria. Therefore, staff supports the Applicant's requested Application with conditions.

B. URBAN DESIGN REVIEW / SITE DESIGN / ARCHITECTURE

As a Downtown Project, a review was required from the City's Consultant to confirm that it complies with the DDRI Development Order. The City's Consultant has completed its urban design review pertaining to the proposed architectural design and elements, since the Application includes

significant revisions from the 2023 Approval.

The Application was submitted under the IDG, which includes a quantitative and qualitative checklist, and is subject to the requirements of DDRI Development Order Section 2(4)(i) regarding consistency with the Amended Downtown Plan.

At the ground level, the Property's primary entrance is located off the eastern alley, which connects to SE 3rd Street to the north. Here, a covered roundabout entrance feature is provided, welcoming residents and visitors to the site. A second access drive is provided from the western alley, where valet parking drop-off/pick-up is proposed. A small number of public self-park spaces are provided at the eastern entrance. However, most of the site's parking spaces are secured behind gate arms or are served by valet. Valet services operate the proposed mechanical lift spaces on site, which include vertical and horizontal stackers. A total of 322 parking spaces is provided where 318 are required. (Four (4) of eight (8) public parking spaces being relocated from SE 4th Street will also be in the structure, with the other four (4) being relocated as parallel spaces on SE 3rd Street.) Vehicular use areas are screened by a combination of landscape buffers and architectural screens to ensure vehicles are screened from adjacent properties.

A six-foot sidewalk is provided along SE 3rd Street, with connections to the ground-floor Restaurant. The Restaurant provides the required active use along this frontage, offering indoor and outdoor dining with views of the activity from the adjacent sidewalk. A five-foot wide, connected pedestrian path is provided around most of the Property, providing access to amenities such as the Restaurant's outdoor dining, and a sport court (pickleball) and a dog park for use by the residents. Forty (40) percent of open space is provided, where a minimum of 40 percent is required.

Design emphasis is provided at the northern building entrances with overhangs and material use. Here, the ground floor uses a combination of building recesses and architectural features to meet the architectural bay requirements. The ground floor façade (stairwell at northeast corner) is setback approximately 39 feet where 16 feet is required, as measured from the curb.

Vertically, the proposed design offers a contemporary interpretation of Mizner design, incorporating traditional materials such as stucco, limestone, coral stone, wood, and metal into a modern composition. Overall, a light and neutral color palette is proposed. This color scheme is combined with large areas of glass façade and deep balconies with glass railings to maintain a light and airy appearance. The deep balconies provide undulation along the façade lengths as well as providing shade and incorporating Mizner design elements. In total, the applicant proposes to utilize 20 percent of the Architectural Opportunity Zone, where a maximum of 35 percent is permitted. In addition, 46 percent of the building footprint is utilized above 100 feet in height, where up to 50 percent is permitted.

As viewed from the north, the roofline varies to further reduce the perceived mass and scale of the building. In addition to the upper rooftop amenity deck, amenities are provided on the fourth floor rooftop, including an additional pool, yoga lawn, and lounge area. Indoor amenities at this level include a gym, party room, spa, and yoga room. Individual rooftop elements are limited to 13 percent of the primary building mass, with a combined total of 26 percent. The applicant proposes 24 percent coverage.

Conclusion:

Complete Cities found the Application complies with the DDRI Development Order.

C. DOWNTOWN PLAN COMPATIBILITY/CONSISTENCY

Based on the overall design of the Project, staff finds that the proposed site design is consistent with the following policies of the Amended Downtown Plan:

- Urban Design Policy 1.1: requires the development of a “continuous and inviting system of pedestrian streets.”
- Urban Design Policy 1.6: calls for projects to “emphasize facades as major elements of the overall street-scape.”
- A positive pedestrian experience is a fundamental goal of the Plan, and the relationship of projects to adjacent streets and sidewalks is a key element of achieving that goal.
- Urban Design Policy 1.7: encourages the “development of vistas and views as part of major projects.”
- Architectural Design Policy 1.5: Require continuity of pedestrian-oriented frontages between adjacent redeveloped buildings.



VII. FINDINGS

1. The proposed Project complies with the DDRI Development Order, including the IDG and Section 2(4)(i), “Compliance with Amended Development Order and the Amended Downtown Plan”.
2. The Project’s design provides an extensive network of pedestrian-friendly sidewalks and a thoughtful pedestrian-scaled building, and
3. The Application contributes to the overall interconnectivity between and among neighboring sites, expected for a Downtown project.

Document originated by: Susan P. Lesser, Senior Planner

INDIVIDUAL DEVELOPMENT APPROVAL

DDRI IDA NO. CRP-22-01R1

PZCRP-2026-00001

**14 SOUTHEAST 4TH STREET, 33 SOUTHEAST 4TH STREET,
36 SOUTHEAST 3RD STREET, AND 41 SOUTHEAST 4TH STREET**

CONSIDERATION OF AN INDIVIDUAL DEVELOPMENT APPROVAL (IDA) OF THE BOCA RATON COMMUNITY REDEVELOPMENT AGENCY, AMENDING IDA NO. CRP-22-01 FOR "THE RESIDENCES OF BOCA" PROJECT GENERALLY LOCATED ON APPROXIMATELY 1.64 ACRES AT 14 SOUTHEAST 4TH STREET, 33 SOUTHEAST 4TH STREET, 36 SOUTHEAST 3RD STREET, AND 41 SOUTHEAST 4TH STREET, TOGETHER WITH APPROXIMATELY 0.45 ACRES OF CITY RIGHTS-OF-WAY APPROVED TO BE ABANDONED WITH IDA NO. CRP-22-01, FOR AN OVERALL SITE TOTALING APPROXIMATELY 2.1 ACRES, WHICH WAS APPROVED TO AUTHORIZE THE CONSTRUCTION OF A TWELVE (12) STORY, 190 UNIT RESIDENTIAL BUILDING TO: (i) REDUCE THE NUMBER OF RESIDENTIAL UNITS FROM 190 TO 133 (A REDUCTION OF 57 RESIDENTIAL UNITS), (ii) INCREASE THE SQUARE FOOTAGE OF THE BUILDING FROM 338,131 SQUARE FEET TO 357,585 SQUARE FEET (AN INCREASE OF 19,454 SQUARE FEET), (iii) ALLOW 5,977 SQUARE FEET OF RETAIL (HIGH) FOR RESTAURANT USE ON THE GROUND FLOOR OF THE BUILDING (iv) INCREASE THE SIZE OF THE INTERNAL STRUCTURED PARKING FROM 131,089 SQUARE FEET TO 138,312 SQUARE FEET (AN INCREASE OF 7,223 SQUARE FEET), (v) INCREASE THE MAXIMUM HEIGHT FROM 133 FEET, FOUR (4) INCHES, TO 139 FEET, 9 INCHES (AN INCREASE OF SIX (6) FEET, FIVE (5) INCHES), ALONG WITH

AN INCREASE OF HEIGHT OF THE ARCHITECTURAL FEATURES, FROM 148 FEET, FOUR (4) INCHES TO A MAXIMUM TOTAL HEIGHT NOT TO EXCEED 152 FEET, THREE (3) INCHES (AN INCREASE OF THREE (3) FEET, ELEVEN INCHES) (vi) MODIFY CERTAIN ELEVATIONS, (vii) REDUCE OPEN SPACE FROM 38,219 SQUARE FEET TO 36,921 SQUARE FEET (A REDUCTION OF 1,298 SQUARE FEET), AND (viii) RELOCATE EIGHT (8) SURFACE PARKING SPACES FROM SOUTHEAST 4TH STREET TO FOUR (4) GROUND FLOOR STRUCTURED PARKING SPACES AND FOUR (4) PARKING SPACES IN THE SOUTHEAST 3RD STREET RIGHT-OF-WAY, ALL TOGETHER WITH RELATED ON-SITE AND OFF-SITE IMPROVEMENTS; RESULTING IN APPROXIMATELY 284,586 SQUARE FEET OF OFFICE EQUIVALENT DEVELOPMENT REMAINING IN DOWNTOWN SUBAREA D; PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE

WHEREAS, KW SE 4th Street Boca LLC ("Applicant") is the owner of approximately 1.64 acres of real property in Downtown Boca Raton generally located at 14 Southeast 4th Street, 33 Southeast 4th Street, 36 Southeast 3rd Street, and 41 Southeast 4th Street (collectively, the "KW Parcels," described in Exhibit "A-1"); and

WHEREAS, on April 24, 2023, the Boca Raton Community Redevelopment Agency (CRA) approved, pursuant to Ordinance No. 4035, as amended (the Downtown Development of Regional Impact Development Order or "DDRI Development Order"), Individual Development Approval (IDA) No. CRP-22-01 to: (i) authorize the development of a 12-story, 190 unit residential building totaling approximately 338,131 square feet, and internal structured parking totaling approximately 131,089 square feet, with a maximum height not to exceed 133 feet, four (4) inches, with architectural features with a maximum total height not to exceed 148 feet, four (4) inches, (ii) relocate eight (8) existing surface parking spaces on Southeast 4th Street, and (iii) approve the abandonment of City rights-of-way generally located between South Dixie Highway and South Federal Highway and between Southeast 3rd Street and Southeast 5th Street, including: (a) a 20-foot wide portion of an east-west alley generally located approximately midway between Southeast 3rd Street and Southeast 4th Street, (b) a 60-foot wide portion of Southeast 4th Street, and (c) a 10-foot wide portion of an east-west alley generally located approximately midway between Southeast 4th Street and Southeast 5th Street (collectively, the "Abandonments"), which rights-of-way total approximately 0.45 acres and are legally described in Exhibit "A-2" (the "Right-of-Way Abandonment Area") which IDA No. CRP-22-01 pertains to the KW Parcels and the Right-of-Way Abandonment Area (together, the "Property," described in Exhibit "A"); and

WHEREAS, the improvements authorized under IDA No. CRP-22-01 have not been constructed but, due to statutory tolling extensions, have an expiration date of February 17, 2031; and

WHEREAS, pursuant to the provisions of the DDRI Development Order and the Rules of the CRA ("Rules"), the Applicant has filed an application to amend IDA No. CRP-22-01 to: (i) reduce the number of residential units from 190 to 133 (a reduction of 57 residential units), (ii) increase the building square footage from 338,131 square feet to 357,585 square feet (an increase of 19,454 square feet), (iii) authorize 5,977 square feet Retail (High) for restaurant use (the "Restaurant") located on the ground floor fronting Southeast 3rd Street, (iv) increase the size of the internal structured parking from 131,089 square feet to 138,312 square feet (an increase of 7,223 square feet), (v) increase the building height (as "height" is defined in the DDRI Development Order) from 133 feet, four (4) inches, to 139 feet, nine (9) inches (an increase of six (6) feet, five (5) inches), along with an increase in the total height (including architectural features) from 148 feet, four (4) inches to 152 feet, three (3) inches (an increase of three (3) feet, eleven (11) inches), (vi) modify certain architectural elevations, (vii) reduce open space from 38,219 square feet to 36,921 square feet, (viii) relocate eight (8) surface parking spaces from Southeast 4th Street to four (4) parking spaces on the ground floor of the internal structured parking and four (4) spaces in the Southeast 3rd Street right-of-way, all together with related on-site and off-site improvements; resulting in approximately 284,586 square feet of office equivalent development remaining in Downtown Subarea D ("Application"); and

WHEREAS, the term Applicant shall include the Property owner, applicant, petitioner, lessee, tenant, heirs, successors in title, or any other relevant party having a lawful interest in the Property for which this IDA is granted. The term "Applicant" does not include the City as the owner of the Right-of-Way Abandonment Area, prior to the perfection of the Abandonment; and

WHEREAS, a public hearing thereon has been duly noticed and held in accordance with the requirements of the DDRI Development Order and Rules; and

WHEREAS, the CRA has considered the Application, and the recommendations of the professional staff, the Community Appearance Board and the Planning and Zoning Board, and the testimony, reports, exhibits and other documentary evidence submitted at the public hearing; and

WHEREAS, the CRA, having considered all of the foregoing and being fully advised and informed in the premises, has determined that it is in the best interests of the citizens of the City of Boca Raton to **[approve/not approve]** the Application subject to specified conditions and limitations.

FINDINGS OF FACT

The CRA hereby **[finds/does not find]** that:

1. Applicant has filed the Application with the CRA; the Project will result in approximately 284,586 square feet of office equivalent development remaining in Downtown Subarea D.
2. The Application was determined to be complete by the Executive Director of the CRA on October 16, 2026.

3. On October 16, 2026 the Executive Director of the CRA submitted his report in regard to the Application, recommending approval of the Application.
4. Adequate infrastructure facilities exist or will be provided in a timely manner, consistent with the DDRI Development Order and Rules, to serve the development of Downtown Boca Raton in a safe and efficient manner.
5. The Application consists of 73,206 square feet total office equivalent development and 37,192 square feet of net office equivalent development, as compared to what was approved in IDA No. CRP-22-01, leaving a total of approximately 284,586 square feet of office equivalent development remaining in Downtown Subarea D. A conversion of uses within Downtown Subarea D from 6,220 square feet of Retail (High), 936 square feet of Retail (Medium High), and 105 Hotel Rooms to Residential was approved in IDA No. CRP-22-01; however, because this Application (IDA No. CRP-22-01R1) expends fewer OEs than IDA No. CRP-22-01, a conversion of uses is no longer required.
6. Because the Application proposes to decrease the number of residential units from 190 to 133 compared to IDA No. 22-01, a conversion of uses within Downtown Subarea D is no longer required, and it does not affect the development rights remaining in any other subarea under the DDRI Development Order, and is consistent with the requirements of the DDRI Development Order.
7. The CRA has given public notice and held a public hearing to consider the Application.
8. The anticipated net annual tax increment revenue generated by this proposed development is estimated to be \$725,000.00.

CONCLUSIONS OF LAW

After having considered the Application for an IDA, the report and recommendations of the Executive Director of the CRA, the Planning and Zoning Board, the Community Appearance Board and the opinion, advice and counsel of the public, the CRA hereby finds that:

1. The Project proposed in the Application **[meets/does not meet]** all the requirements of the DDRI Development Order and the Rules.
2. This IDA No. CRP-22-01R1 amends IDA No. CRP-22-01, which IDA No. CRP-22-01 remains in full force and effect except as amended by this IDA No. CRP-22-01R1. Otherwise, this IDA No. CRP-22-01R1 supersedes and replaces any and all other development approvals issued regarding the Property by the City or any other authority except for the DDRI Development Order and the Rules.
3. The CRA is duly authorized and empowered to grant this IDA.

NOW, THEREFORE, IN ACCORDANCE WITH THE REQUIREMENTS OF THE DDRI DEVELOPMENT ORDER, AND THE RULES, THE BOCA RATON COMMUNITY REDEVELOPMENT AGENCY HEREBY [GRANTS/DENIES] THIS IDA NO. CRP-22-01R1,

**AMENDING IDA NO. CRP-22-01 FOR THE PROPERTY DESCRIBED IN EXHIBIT "A,"
SUBJECT TO THE FOLLOWING CONDITIONS, RESTRICTIONS AND LIMITATIONS:**

GENERAL

1. The Applicant is hereby authorized to apply for and receive building permits for development, based on the plans prepared by Arquitectonica, Inc., and received by the Development Services Department on September 2, 2026 ~~April 18, 2023~~, attached hereto and incorporated herein as Exhibit "B," subject to the conditions, restrictions and limitations set out in this IDA.

* * *

3. The following uses and intensity of development pursuant to the provisions of DDRI Development Order Section 2(3), shall be permitted to be developed on the Property as depicted in the plans attached as Exhibit "B", subject to each and every condition, requirement and limitation of this IDA, and the DDRI Development Order and the Rules:

Residential Units	<u>133</u>	490 units
Retail (High)	<u>5,977</u>	square feet

This Project consists of 73,206 ~~79,167~~ square feet total office equivalent development and 37,192 ~~43,452~~ square feet of net office equivalent development after adjustment of existing development and demolitions leaving a total of approximately 284,586 ~~398,607~~ square feet of office equivalent development remaining in Downtown Subarea D.

* * *

5. Prior to the issuance of any building permit for the Project, the Applicant shall comply with the following:
 - a) Obtain approval of design plans and necessary permits from City Staff Responsible for Public Works Review ("PWR"), and other required governmental agencies as applicable, for:
 - i. Wheel stops on all parking spaces that are adjacent to pedestrian areas for pedestrian safety;
 - ii. Demonstrate that all on-site elements, including parking stall size, wheel stops, bike racks, dumpster enclosures, etc., as shown on the approved site plan, are consistent with the City's Engineering Design Standards Manual ("EDSM");
 - iii. Water, sewer, paving and drainage plans for on-site and off-site improvements;
 - iv. A minimum of five (5) foot wide sidewalk free of encroachment along the Property frontage on Southeast 3rd Street;
 - v. Paving and other required improvements to the north-south alleys that adjoin the east and west sides of the Property, between Southeast 3rd and Southeast 5th Streets, as determined necessary by the City Engineer, but expressly including stormwater infrastructure and paving/improving the

portion of the north-south alley adjoining the Property to the west that is located north of Southeast 4th Street and is currently unpaved.

- vi. Engineering plans for the parking structure, which shall conform to the following standards: (i) the minimum unobstructed vertical clearance shall be 84 inches, (ii) the minimum unobstructed vertical clearance shall be 98 inches for any van accessible parking spaces and along at least one (1) vehicle access route to such spaces from site entrance and exit, (iii) columns (if included) shall not encroach into any parking space, (iv) ramp grade shall not exceed a 5 percent slope with parking or exceed 10 percent slope without parking, (v) grades for handicap parking spaces and access routes shall not exceed 2 percent, (vi) pull alarms, panic buttons and CCTV cameras shall be provided, (vii) handicapped parking spaces shall be provided and required to meet ADA standards, (viii) all parking stalls shall be double striped, (ix) conspicuous signs shall be provided to indicate compact, public, and reserved parking spaces, and (x) minimum 2-foot buffer distance between any parking stall and adjacent walls and columns. In the event that the parking structure needs to be redesigned to meet the above requirements, and falls below the required parking space requirements, a new development approval shall be required. In the event the parking structure needs to be redesigned to meet the above requirements, and falls below the required parking space requirements, a new development approval shall be required.
 - vii. A construction sequencing plan detailing the sequencing and timing of all infrastructure, building(s), and other site improvements that includes phasing, staging areas, a maintenance of traffic (MOT) plan, and any temporary use of right-of-way;
 - viii. Conspicuous signs to indicate each of the eight (8) public parking spaces (four (4) spaces depicted along the Southeast 3rd Street right-of-way) and four (4) spaces depicted on the ground floor of the internal structured parking directly north of the main entry, on Sheet AF-1.01 SP-0.04 of Exhibit "B," that are subject to the public parking easement required by condition no. 5.f.e.vii; and
 - ix. Conspicuous signs to be placed on the exterior of the building/parking structure to indicate the availability and public nature of the four (4) public parking spaces located in the ground floor of the parking structure, and that are subject to the easement required by condition no. 5.e.vii (which public parking spaces shall be the most easily accessible spaces on the ground floor of the parking structure, and which shall be open, available and accessible to the general public at all times, except when specifically temporarily limited in writing by the City Manager or designee); and,
 - xix. All work within the public rights-of-way to be conditionally vacated pursuant to the "Abandonments of Easements and Rights-of-Way" section of this IDA, and/or any other public right-of-way.
- b) Submit certification by a design professional that the engineering plans for all paved surfaces on the Property, for the parking structure, and all off-site improvements, are consistent with the EDSM, the DDRI Development Order, and the Americans with Disabilities Act (ADA);

- c) Provide a letter of credit or cash bond, in the forms attached to the agenda materials in connection with this matter, in an amount equal to 110 percent of the cost of construction, to ensure the timely and complete construction of:
 - i. All off-site improvements;
 - ii. All activity in the public right-of-way (including the public rights-of-way to be conditionally vacated pursuant to the "Abandonments of Rights-of-Way" section of this IDA); and
 - iii. All on-site improvements to be dedicated to the City and/or for public use;
- d) Submit evidence demonstrating that the Project complies with the Palm Beach County Unified Land Development Code, Article 13: "Impact Fee" Ordinance by presenting a receipt and building plans with the Palm Beach County Impact Fee Stamp affixed evidencing payment of impact fees, if applicable, of an amount to be determined; ~~The Applicant shall remit to the City the voluntary contribution of \$36,288.00 suggested by the School District of Palm Beach County ("District") in the District's school capacity availability determination ("SCAD") letter dated December 14, 2022 (and voluntarily proffered by the Applicant). The City shall hold such voluntarily contributed funds, together with any other SCAD contributions received by the City, and the City shall determine, in its sole discretion, how and when to expend such funds in a manner that serves, benefits, improves and invests in public schools located within the City;~~
- ef) Execute and deliver to the City for recordation, in the Public Records of Palm Beach County, together with applicable fees and in the forms attached to the agenda materials in connection with this IDA, the following:
 - i. A Declaration of Covenants and Restrictions, which shall provide:

Solid Waste Service:

 - (a) The Applicant shall contract with a private solid waste collection and disposal service as franchised by the City in accordance with the provisions of Section 14-22, Code of Ordinances, to provide solid waste pick-up service for all uses on the Property;
 - (b) The City will not be responsible for pickup of solid waste generated by any uses on the Property;
 - (c) The solid waste service will be contracted by the Applicant, and the costs of the solid waste services, including any solid waste service and all franchise and applicable solid waste disposal fees, shall be the sole responsibility of the Applicant, its successors and assigns, without recourse to the City; and
 - (d) The Applicant may change the solid waste service with which the Applicant contracts at any time without the written consent of the City, provided that any and all solid waste services with which the Applicant contracts is franchised by the City and provides a written acknowledgement that there shall be no recourse against the City;

- ii. A revocable license and perpetual maintenance agreement for street trees and landscaping improvements in the Southeast 3rd Street right-of-way, as depicted in Sheet AF-1.01 SP-0.09 of Exhibit "B."
- iii. Three (3) sidewalk easements (referred to as Sidewalk Easements #1, #2 and #3), for the purpose of providing pedestrian access to the Property, in the locations depicted in Sheet SP-0.1009 of Exhibit "B."
- iv. A 150 square foot utility easement for access to the water meter connection, located adjacent to the loading area at the southwest corner of the Property, as depicted in Sheet SP-0.1009 of Exhibit "B."
- v. A five (5)-foot wide, 1,200 square foot utility easement for access to a sanitary pipe and facilities located along the southern perimeter of the Property, as depicted in SP-0.1009 of Exhibit "B."
- vi. A declaration of unity of control in lieu of unity of title ("Unity of Control") for all portions of the Property (including the KW Parcels and the Right-of-Way Abandonment Area. In the event that, prior to the recordation of the Unity of Control, any portion of the Property is conveyed, the new owner of the conveyed portion of the Property shall join into the Unity of Control.
- vii. An easement for eight (8) public surface parking spaces (four (4) on the east ground floor of the internal structured parking, directly north of the main entry at the terminus of ~~along~~ Southeast 4th Avenue, and four (4) public spaces along Southeast 3rd Street) as depicted on Sheet SP-0.01 of Exhibit "B." The easement shall provide: in addition to the signage for each space required by condition no. 5.a.viii to be installed by the Applicant, the City may install replacement or additional signage and/or meters at such public parking spaces at the City's sole discretion; such public parking spaces shall not be subject to any fees or charges except those determined by the City; any revenues from parking meters or any other fees/charges shall be the property of the City; the City shall have the right to enforce parking restrictions (including the issuance of parking tickets, towing, vehicles, and similar enforcement actions) and shall have the rights for its personnel to enter upon the Property, as appropriate, to accomplish such enforcement actions.

fg) Remit to the City an annual contribution of \$10,432.00, which has been voluntarily proffered, to be applied towards the City's Downtown transit programs (transit shuttle, circulator or similar first mile/last mile micro-mobility service) to be paid the first year prior to the issuance of any main use building permit, and as an annual payment thereafter.

* * *

~~h) Submit an executed and recorded easement, in the form voluntarily proffered by the Applicant and attached to the agenda materials in connection with this matter which instrument runs in favor of the adjacent property owner and not to the City or the public), granting vehicular and pedestrian access to the property owner(s)~~

located immediately to the west of the Property (i.e. the Arbor office condominium), including its guests and invitees, through the Property and connecting to Southeast 4th Street to enable access to South Federal Highway.

6. The Restaurant square footage (5,977 square feet of Retail (High)) shall only be occupied by restaurant uses of no more than 2,950 square feet of customer service area (CSA), 14.3 linear feet of bar, and 1,183 square feet of outdoor CSA. Prior to the issuance of a certificate of occupancy, and thereafter, prior to the issuance of any permit for tenant improvements within the building, the Executive Director or his designee shall confirm that any restaurant use does not occupy more than 2,950 square feet of interior customer service area (CSA), 1,183 square feet outdoor CSA, and 14.3 linear feet of bar. No valet parking operations shall be allowed on this site as the site has not been designed to accommodate a valet service.

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8. During any demolition and construction activity on the Property, the Applicant shall:

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ef.) Preserve, replace and/or relocate all existing streetscape beautification elements (decorative pavers, landscaping, irrigation, decorative streetlights) in the public right-of-way as necessary subject to CAB review and approval by PWR, including restoration of the curb, crosswalks and affected medians. However, in the event that any new decorative streetlights are installed, any existing decorative streetlights shall also be replaced with the same new decorative streetlights in accordance with the Downtown Street Design Standards to ensure uniformity and consistency along any street where the new lamps are installed.

fg. The public sidewalk along Southeast 3rd Street adjacent to the Property shall remain open to pedestrians at all times during any construction and/or demolition activity. The Applicant shall at all times provide pedestrian protection measures approved by the Building Official. The sidewalk may be temporarily closed during construction of the protective measures.

9. Prior to the issuance of a Certificate of Occupancy, the Applicant shall:

- a) Complete and obtain approval for all improvements shown on the approved PWR plans, which shall include on-site improvements and required off-site improvements (including, but not necessarily limited to, those required pursuant to condition no. 5.a;
- b) Install streetlights along the Property frontage following the specifications approved by the Downtown CRA;
- c) Replace decorative streetlights with new streetlights following the specifications approved by the Downtown CRA;

- d) Preserve and/or relocate, as necessary, all existing streetscape beautification elements (decorative pavers, landscaping, irrigation, decorative streetlights) in the public right-of-way;
 - e) Have all conditions completed and accepted by the City or appropriate jurisdictions consistent with the approved Site Plan;
 - f) Construct and complete the installation underground of all electricity, telephone, CATV, and all other utility distribution lines on the Property or in any abutting public or private right of way, street, alley, easement, driveway, or other access roadway. The Applicant shall be responsible for all costs associated with underground wiring.
 - g) Install wayfinding signage and GPS pin placement for the restaurant valet drop-off via the west alley.
10. The Applicant shall provide to the City an annual report no later than January 15th of each year describing in detail the TDM program.
 11. In the event there is any conflict between the terms of this IDA and any other rule, regulation or ordinance of the City of Boca Raton, the terms of this IDA, the DDRI Development Order and the Rules shall control.
 12. The valet parking areas shall be limited to the double-stacked parking in the west parking structure reserved for restaurant guests and for the lateral parking system in the parking structure for residents and restaurant employees.
 13. The Applicant shall conduct a parking and queuing operational study demonstrating that the mechanical parking systems operate safely and effectively and do not cause circulation or queuing issues. The study shall be submitted to the Downtown Manager upon the earlier of: (i) 120 days from the date the building is 85 % occupied or (ii) one (1) year from the date of issuance of a certificate of occupancy. This condition shall not be construed to limit the City's ability to enforce any provision of the City Code, the DDRI Development Order or any City ordinance or other regulation with respect to parking and circulation on the Property (including but not limited to, code enforcement action).
 14. Loading and trash hauling activities serving the Property that utilize the alley that adjoins the west side of the Property shall be prohibited Monday through Friday between the hours of 7:00 a.m. through 9:00 a.m., and 4:00 p.m. through 8:00 p.m. A trained person shall be onsite to direct the loading trucks to ensure safety and traffic circulation. In no event, shall this alley be used as any temporary vehicle staging.

ABANDONMENTS OF RIGHTS-OF-WAY:

The "Abandonments of Rights-of-Way" section of IDA No. CRP-22-01 is hereby amended as follows:

The Project is dependent upon each and every one of the below abandonments being approved, and if one or more such abandonments is not approved by the CRA, then all such abandonments shall be deemed null and void and of no effect (and no building permit for the Project shall be issued).

1. The CRA hereby finds that the criteria for abandonment of a right-of-way, set forth in Chapter 25, Article II, Code of Ordinances, have been satisfied, and the CRA therefore declares that it is in the best interests of the City and the public to vacate and abandon the 20-foot wide portion of an east-west alley generally located approximately midway between Southeast 3rd Street and Southeast 4th Street, as more particularly described in Exhibit "A-2", attached hereto and incorporated herein, subject to the conditions set forth in Section 5 of this IDA and issuance of a certificate of occupancy for the Project.
2. The CRA hereby finds that the criteria for abandonment of a right-of-way, set forth in Chapter 25, Article II, Code of Ordinances, have been satisfied, and the CRA therefore declares that it is in the best interests of the City and the public to vacate and abandon the 60-foot wide portion of Southeast 4th Street right-of-way, as more particularly described in Exhibit "A-2", attached hereto and incorporated herein, subject to the conditions set forth in Section 5 of this IDA and issuance of a certificate of occupancy for the Project.
3. The CRA hereby finds that the criteria for abandonment of a right-of-way, set forth in Chapter 25, Article II, Code of Ordinances, have been satisfied, and the CRA therefore declares that it is in the best interests of the City and the public to vacate and abandon the 10-foot wide portion of an east-west alley generally located on the south of the Property right-of-way, as more particularly described in Exhibit "A-2", attached hereto and incorporated herein, subject to the conditions set forth in Section 5 of this IDA and issuance of a certificate of occupancy for the Project.

Perfection of the public rights-of-way abandonment(s) shall be documented by the City's recording of a notice of such abandonment(s) in the Public Records of Palm Beach County (the "Notice of Abandonment"). Provided, however, that no such Notice of Abandonment shall be issued (and the abandonment shall not be perfected) unless and until each of the following have been satisfied: (i) PWR approval has been obtained pursuant to condition no. 5.a, (ii) Sidewalk Easement #3 (condition no. 5.e.iii), the utility easement located along the southern perimeter (condition no. 5.e.v.), and the public parking easement (condition no. 5.e.vii) have been executed and provided to the City for recordation, and (iii) Any utilities located in the Abandonment Area have been relocated, pursuant to any and all required permits or other approvals by the City and other utility providers (as applicable). The Notice of Abandonment shall provide that in the event that either (i) a main use building permit has not been timely issued for the Project, or (ii) a main use building permit has been timely issued for the Project, but the construction of the Project has not timely commenced pursuant to Section 4(a) of this IDA, then, upon demand made by the City, all right, title, and interest in the Abandonment Area shall revert to the City and the Applicant shall re-convey the Abandonment Area to the City.

Sidewalk Easement #3 (condition no. 5.f.iii), the utility easement located along the southern perimeter (condition no. 5.f.v.), and the public parking easement (condition no. 5.f.vii) shall be recorded contemporaneously with the Notice of Abandonment.

In the event that a main use building permit has not been timely issued for the Project, then the abandonments approved herein shall be deemed null and void and of no further effect.

The Applicant expressly acknowledges that the Project is dependent upon the conditional abandonments approved herein, and that the Applicant is proceeding with the Project at its own risk prior to the perfection of such abandonments (since the abandonments approved herein may

be deemed null and void and of no effect in the event all conditions of this IDA are not timely satisfied).

Additional Provisions to the IDA:

- A. The Applicant of the Property for this IDA represents to the CRA that it is the express intent of the Applicant to be governed by the conditions contained herein, which conditions shall govern development of the Property, and that said conditions shall bind the Applicant and all successors in title. These conditions are adopted pursuant to the CRA's authority and all applicable provisions of law. Adherence by the Applicant and successors in title to these conditions is deemed by the CRA to be an integral part of its determination that adoption of this resolution is an appropriate exercise of its power to approve the IDA with respect to the Property. If any condition set forth herein is declared invalid or unenforceable for any reason, the CRA expresses its intent that it would not have enacted this resolution without each of said conditions. In addition to any and all available remedies, failure to abide by these conditions may result in the revocation of this development approval and the rendering of the development (and the use of the Property as contemplated in this IDA approval) unlawful pursuant to the City's Code of Ordinances and the DDRI Development Order.
- B. The IDA shall take effect immediately upon adoption.

PASSED AND DULY APPROVED with a quorum present and voting, by the Boca Raton Community Redevelopment Agency this____day of_____, 2026.

**BOCA RATON COMMUNITY REDEVELOPMENT
AGENCY**

By:_____

Andy Thomson, Chair

ATTEST:

Mary Siddons, City Clerk



CRA COMMISSIONERS	YES	NO	ABSTAINED
CHAIR ANDY THOMSON			
VICE CHAIR YVETTE DRUCKER			
COMMISSIONER MICHELLE GRAU			
COMMISSIONER JON PEARLMAN			
COMMISSIONER STACY L. SIPPLE			

EXHIBIT A

THE "PROPERTY"

The combined legal descriptions set forth in Exhibits A-1 (KW SE 4TH STREET BOCA LLC) and A-2 (the Right-of-Way Abandonment Area), containing 91,950 square feet or 2.1 acres, more or less.

EXHIBIT A-1

"KW SE 4TH STREET BOCA PROPERTY"

THE EAST ONE-HALF OF LOT 22, LOT 23, LOT 24, LESS THE NORTH 10 FEET AND LOT 25, LESS THE EAST 10 FEET, BLOCK 11, SOUTHEAST COAST LAND CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 60, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT B, BLOCK 14, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT A, LESS THE EAST 70 FEET THEREOF, BLOCK 11, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE EAST 70 FEET OF LOT A, BLOCK 11, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 71,850 SQUARE FEET OR 1.64 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA.

EXHIBIT A-2

"RIGHT-OF-WAY-ABANDONMENT AREA"

(1) /NORTHERN EAST/WEST ALLEY RIGHT-OF-WAY

A PORTION OF THAT 20-FOOT ALLEY LYING IN BLOCK 11 AS SHOWN ON SOUTH EAST COAST LAND CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 60, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS REPLATED AND SHOWN ON SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT A, BLOCK 11 OF SAID SPANISH RIVER LAND COMPANY, PLAT "A"; THENCE S88°53'17"W, ALONG THE SOUTH LINE OF SAID 20-FOOT ALLEY AND THE NORTH LINE OF SAID LOT A, BLOCK 11, A DISTANCE OF 165.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF LOT 22, BLOCK 11, OF SAID SOUTH EAST COAST LAND CO. PLAT NO. 1; THENCE N01°19'44"W, ALONG SAID SOUTHERLY EXTENSION LINE, 20.00 FEET TO THE NORTH LINE OF SAID 20-FOOT ALLEY; THENCE N88°53'17"E, ALONG THE NORTH LINE OF SAID 20-FOOT ALLEY, 165.00 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT A, BLOCK 11, SPANISH RIVER LAND COMPANY, PLAT "A"; THENCE S01°19'44"E, ALONG SAID NORTHERLY EXTENSION LINE, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,300 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH: (2) SOUTHEAST 4TH STREET RIGHT-OF-WAY

THAT PORTION OF THE 60-FOOT RIGHT-OF-WAY OF S.E. 4TH STREET LYING BETWEEN LOT A, BLOCK 11 AND LOT B, BLOCK 14, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT B, BLOCK 14; THENCE S88°53'17"W, ALONG THE SOUTH LINE OF SAID 60-FOOT RIGHT-OF-WAY AND THE NORTH LINE OF LOT B, BLOCK 14, A DISTANCE OF 240.00 FEET TO THE NORTHWEST CORNER OF SAID LOT B, BLOCK 14; THENCE N01°19'44"W, 60.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT A, BLOCK 11; THENCE N88°53'17"E, ALONG THE NORTH LINE OF SAID 60-FOOT RIGHT-OF-WAY AND THE SOUTH LINE OF LOT A, BLOCK 11, A DISTANCE OF 240.00 FEET TO THE SOUTHEAST CORNER OF LOT A, BLOCK 11; THENCE S01°19'44"E, 60.00 FEET TO THE POINT OF BEGINNING

CONTAINING 14,400 SQUARE FEET OR 0.33 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH: (3) SOUTHERN EAST/WEST ALLEY RIGHT-OF-WAY

THE NORTH ONE-HALF OF THAT 20-FOOT ALLEY LYING SOUTH OF AND CONTIGUOUS TO THE SOUTH LINE OF LOT B, BLOCK 14, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT B, BLOCK 14; THENCE S01°19'44"E, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT B, BLOCK 14, A DISTANCE OF 10.00 FEET; THENCE S88°53'17"W, ALONG A LINE 10 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT B, BLOCK 14, A DISTANCE OF 240.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT B, BLOCK 14; THENCE N01°19'44"W, ALONG SAID SOUTHERLY EXTENSION LINE, 10.00 FEET TO THE SOUTHWEST CORNER OF LOT B, BLOCK 14; THENCE N88°53'17"E, ALONG THE SOUTH LINE OF LOT B, BLOCK 14 AND ALONG THE NORTH LINE OF SAID 20-FOOT ALLEY, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,400 SQUARE FEET OR 0.05 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

THE (1) NORTHERN EAST/WEST ALLEY RIGHT-OF-WAY, (2) SOUTHEAST 4TH STREET RIGHT-OF-WAY AND (3) SOUTHERN EAST/WEST ALLEY RIGHT-OF-WAY, TOGETHER, CONTAINING 0.45 ACRES, MORE OR LESS.

INDIVIDUAL DEVELOPMENT APPROVAL

DDRI IDA NO. CRP-22-01R1

PZCRP-2026-00001

**14 SOUTHEAST 4TH STREET, 33 SOUTHEAST 4TH STREET,
36 SOUTHEAST 3RD STREET, AND 41 SOUTHEAST 4TH STREET**

CONSIDERATION OF AN INDIVIDUAL DEVELOPMENT APPROVAL (IDA) OF THE BOCA RATON COMMUNITY REDEVELOPMENT AGENCY, AMENDING IDA NO. CRP-22-01 FOR "THE RESIDENCES OF BOCA" PROJECT GENERALLY LOCATED ON APPROXIMATELY 1.64 ACRES AT 14 SOUTHEAST 4TH STREET, 33 SOUTHEAST 4TH STREET, 36 SOUTHEAST 3RD STREET, AND 41 SOUTHEAST 4TH STREET, TOGETHER WITH APPROXIMATELY 0.45 ACRES OF CITY RIGHTS-OF-WAY APPROVED TO BE ABANDONED WITH IDA NO. CRP-22-01, FOR AN OVERALL SITE TOTALING APPROXIMATELY 2.1 ACRES, WHICH WAS APPROVED TO AUTHORIZE THE CONSTRUCTION OF A TWELVE (12) STORY, 190 UNIT RESIDENTIAL BUILDING TO: (i) REDUCE THE NUMBER OF RESIDENTIAL UNITS FROM 190 TO 133 (A REDUCTION OF 57 RESIDENTIAL UNITS), (ii) INCREASE THE SQUARE FOOTAGE OF THE BUILDING FROM 338,131 SQUARE FEET TO 357,585 SQUARE FEET (AN INCREASE OF 19,454 SQUARE FEET), (iii) ALLOW 5,977 SQUARE FEET OF RETAIL (HIGH) FOR RESTAURANT USE ON THE GROUND FLOOR OF THE BUILDING (iv) INCREASE THE SIZE OF THE INTERNAL STRUCTURED PARKING FROM 131,089 SQUARE FEET TO 138,312 SQUARE FEET (AN INCREASE OF 7,223 SQUARE FEET), (v)

INCREASE THE MAXIMUM HEIGHT FROM 133 FEET, FOUR (4) INCHES, TO 139 FEET, 9 INCHES (AN INCREASE OF SIX (6) FEET, FIVE (5) INCHES), ALONG WITH AN INCREASE OF HEIGHT OF THE ARCHITECTURAL FEATURES, FROM 148 FEET, FOUR (4) INCHES TO A MAXIMUM TOTAL HEIGHT NOT EXCEED 152 FEET, THREE (3) INCHES (AN INCREASE OF THREE (3) FEET, ELEVEN INCHES) (vi) MODIFY CERTAIN ELEVATIONS, (vii) REDUCE OPEN SPACE FROM 38,219 SQUARE FEET TO 36,921 SQUARE FEET (A REDUCTION OF 1,298 SQUARE FEET), AND (viii) RELOCATE EIGHT (8) SURFACE PARKING SPACES FROM SOUTHEAST 4TH STREET TO FOUR (4) GROUND FLOOR STRUCTURED PARKING SPACES AND FOUR (4) PARKING SPACES IN THE SOUTHEAST 3RD STREET RIGHT-OF-WAY, ALL TOGETHER WITH RELATED ON-SITE AND OFF-SITE IMPROVEMENTS; RESULTING IN APPROXIMATELY 284,586 SQUARE FEET OF OFFICE EQUIVALENT DEVELOPMENT REMAINING IN DOWNTOWN SUBAREA D; PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE

WHEREAS, KW SE 4th Street Boca LLC ("Applicant") is the owner of approximately 1.64 acres of real property in Downtown Boca Raton generally located at 14 Southeast 4th Street, 33 Southeast 4th Street, 36 Southeast 3rd Street, and 41 Southeast 4th Street (collectively, the "KW Parcels," described in Exhibit "A-1"); and

WHEREAS, on April 24, 2023, the Boca Raton Community Redevelopment Agency (CRA) approved, pursuant to Ordinance No. 4035, as amended (the Downtown Development of Regional Impact Development Order or "DDRI Development Order"), Individual Development Approval (IDA) No. CRP-22-01 to: (i) authorize the development of a 12-story, 190 unit residential building totaling approximately 338,131 square feet, and internal structured parking totaling approximately 131,089 square feet, with a maximum height not to exceed 133 feet, four (4) inches, with architectural features with a maximum total height not to exceed 148 feet, four (4) inches, (ii) relocate eight (8) existing surface parking spaces on Southeast 4th Street, and (iii) approve the abandonment of City rights-of-way generally located between South Dixie Highway and South Federal Highway and between Southeast 3rd Street and Southeast 5th Street, including: (a) a 20-foot wide portion of an east-west alley generally located approximately midway between Southeast 3rd Street and Southeast 4th Street, (b) a 60-foot wide portion of Southeast 4th Street, and (c) a 10-foot wide portion of an east-west alley generally located approximately midway between Southeast 4th Street and Southeast 5th Street (collectively, the "Abandonments"), which rights-of-way total approximately 0.45 acres and are legally described in Exhibit "A-2" (the "Right-

of-Way Abandonment Area”) which IDA No. CRP-22-01 pertains to the KW Parcels and the Right-of-Way Abandonment Area (together, the “Property,” described in Exhibit “A”); and

WHEREAS, the improvements authorized under IDA No. CRP-22-01 have not been constructed but, due to statutory tolling extensions, have an expiration date of February 17, 2031; and

WHEREAS, pursuant to the provisions of the DDRI Development Order and the Rules of the CRA (“Rules”), the Applicant has filed an application to amend IDA No. CRP-22-01 to: (i) reduce the number of residential units from 190 to 133 (a reduction of 57 residential units), (ii) increase the building square footage from 338,131 square feet to 357,585 square feet (an increase of 19,454 square feet), (iii) authorize 5,977 square feet Retail (High) for restaurant use (the “Restaurant”) located on the ground floor fronting Southeast 3rd Street, (iv) increase the size of the internal structured parking from 131,089 square feet to 138,312 square feet (an increase of 7,223 square feet), (v) increase the building height (as “height” is defined in the DDRI Development Order) from 133 feet, four (4) inches, to 139 feet, nine (9) inches (an increase of six (6) feet, five (5) inches), along with an increase in the total height (including architectural features) from 148 feet, four (4) inches to 152 feet, three (3) inches (an increase of three (3) feet, eleven (11) inches), (vi) modify certain architectural elevations, (vii) reduce open space from 38,219 square feet to 36,921 square feet, (viii) relocate eight (8) surface parking spaces from Southeast 4th Street to four (4) parking spaces on the ground floor of the internal structured parking and four (4) spaces in the Southeast 3rd Street right-of-way, all together with related on-site and off-site improvements; resulting in approximately 284,586 square feet of office equivalent development remaining in Downtown Subarea D (“Application”); and

WHEREAS, the term Applicant shall include the Property owner, applicant, petitioner, lessee, tenant, heirs, successors in title, or any other relevant party having a lawful interest in the Property for which this IDA is granted. The term “Applicant” does not include the City as the owner of the Right-of-Way Abandonment Area, prior to the perfection of the Abandonment; and

WHEREAS, a public hearing thereon has been duly noticed and held in accordance with the requirements of the DDRI Development Order and Rules; and

WHEREAS, the CRA has considered the Application, and the recommendations of the professional staff, the Community Appearance Board and the Planning and Zoning Board, and the testimony, reports, exhibits and other documentary evidence submitted at the public hearing; and

WHEREAS, the CRA, having considered all of the foregoing and being fully advised and informed in the premises, has determined that it is in the best interests of the citizens of the City of Boca Raton to **[approve/not approve]** the Application subject to specified conditions and limitations.

FINDINGS OF FACT

The CRA hereby **[finds/does not find]** that:

1. Applicant has filed the Application with the CRA; the Project will result in approximately 284,586 square feet of office equivalent development remaining in Downtown Subarea D.

2. The Application was determined to be complete by the Executive Director of the CRA on October 16, 2026.
3. On October 16, 2026 the Executive Director of the CRA submitted his report in regard to the Application, recommending approval of the Application.
4. Adequate infrastructure facilities exist or will be provided in a timely manner, consistent with the DDRI Development Order and Rules, to serve the development of Downtown Boca Raton in a safe and efficient manner.
5. The Application consists of 73,206 square feet total office equivalent development and 37,192 square feet of net office equivalent development, as compared to what was approved in IDA No. CRP-22-01, leaving a total of approximately 284,586 square feet of office equivalent development remaining in Downtown Subarea D. A conversion of uses within Downtown Subarea D from 6,220 square feet of Retail (High), 936 square feet of Retail (Medium High), and 105 Hotel Rooms to Residential was approved in IDA No. CRP-22-01; however, because this Application (IDA No. CRP-22-01R1) expends fewer OEs than IDA No. CRP-22-01, a conversion of uses is no longer required.
6. Because the Application proposes to decrease the number of residential units from 190 to 133 compared to IDA No. 22-01, a conversion of uses within Downtown Subarea D is no longer required, and it does not affect the development rights remaining in any other subarea under the DDRI Development Order, and is consistent with the requirements of the DDRI Development Order.
7. The CRA has given public notice and held a public hearing to consider the Application.
8. The anticipated net annual tax increment revenue generated by this proposed development is estimated to be \$725,000.00.

CONCLUSIONS OF LAW

After having considered the Application for an IDA, the report and recommendations of the Executive Director of the CRA, the Planning and Zoning Board, the Community Appearance Board and the opinion, advice and counsel of the public, the CRA hereby finds that:

1. The Project proposed in the Application **[meets/does not meet]** all the requirements of the DDRI Development Order and the Rules.
2. This IDA No. CRP-22-01R1 amends IDA No. CRP-22-01, which IDA No. CRP-22-01 remains in full force and effect except as amended by this IDA No. CRP-22-01R1. Otherwise, this IDA No. CRP-22-01R1 supersedes and replaces any and all other development approvals issued regarding the Property by the City or any other authority except for the DDRI Development Order and the Rules.
3. The CRA is duly authorized and empowered to grant this IDA.

NOW, THEREFORE, IN ACCORDANCE WITH THE REQUIREMENTS OF THE DDRI DEVELOPMENT ORDER, AND THE RULES, THE BOCA RATON COMMUNITY REDEVELOPMENT AGENCY HEREBY [GRANTS/DENIES] THIS IDA NO. CRP-22-01R1, AMENDING IDA NO. CRP-22-01 FOR THE PROPERTY DESCRIBED IN EXHIBIT "A," SUBJECT TO THE FOLLOWING CONDITIONS, RESTRICTIONS AND LIMITATIONS:

GENERAL

1. The Applicant is hereby authorized to apply for and receive building permits for development, based on the plans prepared by Arquitectonica, Inc., and received by the Development Services Department on September 2, 2026 ~~April 18, 2023~~, attached hereto and incorporated herein as Exhibit "B," subject to the conditions, restrictions and limitations set out in this IDA.

* * *

3. The following uses and intensity of development pursuant to the provisions of DDRI Development Order Section 2(3), shall be permitted to be developed on the Property as depicted in the plans attached as Exhibit "B", subject to each and every condition, requirement and limitation of this IDA, and the DDRI Development Order and the Rules:

Residential Units	<u>133</u>	190 units
Retail (High)	<u>5,977</u>	square feet

This Project consists of 73,206 ~~79,167~~ square feet total office equivalent development and 37,192 ~~43,152~~ square feet of net office equivalent development after adjustment of existing development and demolitions leaving a total of approximately 284,586 ~~398,607~~ square feet of office equivalent development remaining in Downtown Subarea D.

* * *

5. Prior to the issuance of any building permit for the Project, the Applicant shall comply with the following:
 - a) Obtain approval of design plans and necessary permits from City Staff Responsible for Public Works Review ("PWR"), and other required governmental agencies as applicable, for:
 - i. Wheel stops on all parking spaces that are adjacent to pedestrian areas for pedestrian safety;
 - ii. Demonstrate that all on-site elements, including parking stall size, wheel stops, bike racks, dumpster enclosures, etc., as shown on the approved site plan, are consistent with the City's Engineering Design Standards Manual ("EDSM");
 - iii. Water, sewer, paving and drainage plans for on-site and off-site improvements;
 - iv. A minimum of five (5) foot wide sidewalk free of encroachment along the Property frontage on Southeast 3rd Street;
 - v. Paving and other required improvements to the north-south alleys that adjoin the east and west sides of the Property, between Southeast 3rd and

Southeast 5th Streets, as determined necessary by the City Engineer, but expressly including stormwater infrastructure and paving/improving the portion of the north-south alley adjoining the Property to the west that is located north of Southeast 4th Street and is currently unpaved.

- vi. Engineering plans for the parking structure, which shall conform to the following standards: (i) the minimum unobstructed vertical clearance shall be 84 inches, (ii) the minimum unobstructed vertical clearance shall be 98 inches for any van accessible parking spaces and along at least one (1) vehicle access route to such spaces from site entrance and exit, (iii) columns (if included) shall not encroach into any parking space, (iv) ramp grade shall not exceed a 5 percent slope with parking or exceed 10 percent slope without parking, (v) grades for handicap parking spaces and access routes shall not exceed 2 percent, (vi) pull alarms, panic buttons and CCTV cameras shall be provided, (vii) handicapped parking spaces shall be provided and required to meet ADA standards, (viii) all parking stalls shall be double striped, (ix) conspicuous signs shall be provided to indicate compact, public, and reserved parking spaces, and (x) minimum 2-foot buffer distance between any parking stall and adjacent walls and columns. In the event that the parking structure needs to be redesigned to meet the above requirements, and falls below the required parking space requirements, a new development approval shall be required. In the event the parking structure needs to be redesigned to meet the above requirements, and falls below the required parking space requirements, a new development approval shall be required.
- vii. A construction sequencing plan detailing the sequencing and timing of all infrastructure, building(s), and other site improvements that includes phasing, staging areas, a maintenance of traffic (MOT) plan, and any temporary use of right-of-way;
- viii. Conspicuous signs to indicate each of the eight (8) public parking spaces (four (4) spaces depicted along the Southeast 3rd Street right-of-way) and four (4) spaces depicted on the ground floor of the internal structured parking directly north of the main entry, on Sheet AF-1.01 SP-0.01 of Exhibit "B," that are subject to the public parking easement required by condition no. 5.f.vii; and
- ix. Conspicuous signs to be placed on the exterior of the building/parking structure to indicate the availability and public nature of the four (4) public parking spaces located in the ground floor of the parking structure, and that are subject to the easement required by condition no. 5.e.vii (which public parking spaces shall be the most easily accessible spaces on the ground floor of the parking structure, and which shall be open, available and accessible to the general public at all times, except when specifically temporarily limited in writing by the City Manager or designee); and,
- xix. All work within the public rights-of-way to be conditionally vacated pursuant to the "Abandonments of Easements and Rights-of-Way" section of this IDA, and/or any other public right-of-way.

- b) Submit certification by a design professional that the engineering plans for all paved surfaces on the Property, for the parking structure, and all off-site improvements, are consistent with the EDSM, the DDRI Development Order, and the Americans with Disabilities Act (ADA);

- c) Provide a letter of credit or cash bond, in the forms attached to the agenda materials in connection with this matter, in an amount equal to 110 percent of the cost of construction, to ensure the timely and complete construction of:
 - i. All off-site improvements;
 - ii. All activity in the public right-of-way (including the public rights-of-way to be conditionally vacated pursuant to the "Abandonments of Rights-of-Way" section of this IDA); and
 - iii. All on-site improvements to be dedicated to the City and/or for public use;
- d) Submit evidence demonstrating that the Project complies with the Palm Beach County Unified Land Development Code, Article 13: "Impact Fee" Ordinance by presenting a receipt and building plans with the Palm Beach County Impact Fee Stamp affixed evidencing payment of impact fees, if applicable, of an amount to be determined; ~~The Applicant shall remit to the City the voluntary contribution of \$36,288.00 suggested by the School District of Palm Beach County ("District") in the District's school capacity availability determination ("SCAD") letter dated December 14, 2022 (and voluntarily proffered by the Applicant). The City shall hold such voluntarily contributed funds, together with any other SCAD contributions received by the City, and the City shall determine, in its sole discretion, how and when to expend such funds in a manner that serves, benefits, improves and invests in public schools located within the City;~~
- ef) Execute and deliver to the City for recordation, in the Public Records of Palm Beach County, together with applicable fees and in the forms attached to the agenda materials in connection with this IDA, the following:
 - i. A Declaration of Covenants and Restrictions, which shall provide:

Solid Waste Service:

 - (a) The Applicant shall contract with a private solid waste collection and disposal service as franchised by the City in accordance with the provisions of Section 14-22, Code of Ordinances, to provide solid waste pick-up service for all uses on the Property;
 - (b) The City will not be responsible for pickup of solid waste generated by any uses on the Property;
 - (c) The solid waste service will be contracted by the Applicant, and the costs of the solid waste services, including any solid waste service and all franchise and applicable solid waste disposal fees, shall be the sole responsibility of the Applicant, its successors and assigns, without recourse to the City; and
 - (d) The Applicant may change the solid waste service with which the Applicant contracts at any time without the written consent of the City, provided that any and all solid waste services with which the Applicant contracts is franchised by the City and provides a written acknowledgement that there shall be no recourse against the City;

- ii. A revocable license and perpetual maintenance agreement for street trees and landscaping improvements in the Southeast 3rd Street right-of-way, as depicted in Sheet AF-1.01 SP-0.09 of Exhibit "B."
 - iii. Three (3) sidewalk easements (referred to as Sidewalk Easements #1, #2 and #3), for the purpose of providing pedestrian access to the Property, in the locations depicted in Sheet SP-0.1009 of Exhibit "B."
 - iv. A 150 square foot utility easement for access to the water meter connection, located adjacent to the loading area at the southwest corner of the Property, as depicted in Sheet SP-0.1009 of Exhibit "B."
 - v. A five (5)-foot wide, 1,200 square foot utility easement for access to a sanitary pipe and facilities located along the southern perimeter of the Property, as depicted in SP-0.1009 of Exhibit "B."
 - vi. A declaration of unity of control in lieu of unity of title ("Unity of Control") for all portions of the Property (including the KW Parcels and the Right-of-Way Abandonment Area. In the event that, prior to the recordation of the Unity of Control, any portion of the Property is conveyed, the new owner of the conveyed portion of the Property shall join into the Unity of Control.
 - vii. An easement for eight (8) public surface parking spaces (four (4) on the east ground floor of the internal structured parking, directly north of the main entry at the terminus of ~~along~~ Southeast 4th Avenue, and four (4) public spaces along Southeast 3rd Street) as depicted on Sheet SP-0.01 of Exhibit "B." The easement shall provide: in addition to the signage for each space required by condition no. 5.a.viii to be installed by the Applicant, the City may install replacement or additional signage and/or meters at such public parking spaces at the City's sole discretion; such public parking spaces shall not be subject to any fees or charges except those determined by the City; any revenues from parking meters or any other fees/charges shall be the property of the City; the City shall have the right to enforce parking restrictions (including the issuance of parking tickets, towing, vehicles, and similar enforcement actions) and shall have the rights for its personnel to enter upon the Property, as appropriate, to accomplish such enforcement actions.
- fg) Remit to the City an annual contribution of \$10,432.00, which has been voluntarily proffered, to be applied towards the City's Downtown transit programs (transit shuttle, circulator or similar first mile/last mile micro-mobility service) to be paid the first year prior to the issuance of any main use building permit, and as an annual payment thereafter.

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- ~~h) Submit an executed and recorded easement, in the form voluntarily proffered by the Applicant and attached to the agenda materials in connection with this matter which instrument runs in favor of the adjacent property owner and not to the City or the public, granting vehicular and pedestrian access to the property owner(s)~~

~~located immediately to the west of the Property (i.e. the Arbor office condominium), including its guests and invitees, through the Property and connecting to Southeast 4th Street to enable access to South Federal Highway.~~

6. ~~The Restaurant square footage (5,977 square feet of Retail (High)) shall only be occupied by restaurant uses of no more than 2,950 square feet of customer service area (CSA), 14.3 linear feet of bar, and 1,183 square feet of outdoor CSA. Prior to the issuance of a certificate of occupancy, and thereafter, prior to the issuance of any permit for tenant improvements within the building, the Executive Director or his designee shall confirm that any restaurant use does not occupy more than 2,950 square feet of interior customer service area (CSA), 1,183 square feet outdoor CSA, and 14.3 linear feet of bar. No valet parking operations shall be allowed on this site as the site has not been designed to accommodate a valet service.~~

* * *

8. During any demolition and construction activity on the Property, the Applicant shall:

* * *

ef.) Preserve, replace and/or relocate all existing streetscape beautification elements (decorative pavers, landscaping, irrigation, decorative streetlights) in the public right-of-way as necessary subject to CAB review and approval by PWR, including restoration of the curb, crosswalks and affected medians. However, in the event that any new decorative streetlights are installed, any existing decorative streetlights shall also be replaced with the same new decorative streetlights in accordance with the Downtown Street Design Standards to ensure uniformity and consistency along any street where the new lamps are installed.

fg. The public sidewalk along Southeast 3rd Street adjacent to the Property shall remain open to pedestrians at all times during any construction and/or demolition activity. The Applicant shall at all times provide pedestrian protection measures approved by the Building Official. The sidewalk may be temporarily closed during construction of the protective measures.

9. Prior to the issuance of a Certificate of Occupancy, the Applicant shall:

- a) Complete and obtain approval for all improvements shown on the approved PWR plans, which shall include on-site improvements and required off-site improvements (including, but not necessarily limited to, those required pursuant to condition no. 5.a;
- b) Install streetlights along the Property frontage following the specifications approved by the Downtown CRA;
- c) Replace decorative streetlights with new streetlights following the specifications approved by the Downtown CRA;

- d) Preserve and/or relocate, as necessary, all existing streetscape beautification elements (decorative pavers, landscaping, irrigation, decorative streetlights) in the public right-of-way;
 - e) Have all conditions completed and accepted by the City or appropriate jurisdictions consistent with the approved Site Plan;
 - f) Construct and complete the installation underground of all electricity, telephone, CATV, and all other utility distribution lines on the Property or in any abutting public or private right of way, street, alley, easement, driveway, or other access roadway. The Applicant shall be responsible for all costs associated with underground wiring.
 - g) Install wayfinding signage and GPS pin placement for the restaurant valet drop-off via the west alley.
10. The Applicant shall provide to the City an annual report no later than January 15th of each year describing in detail the TDM program.
 11. In the event there is any conflict between the terms of this IDA and any other rule, regulation or ordinance of the City of Boca Raton, the terms of this IDA, the DDRI Development Order and the Rules shall control.
 12. The valet parking areas shall be limited to the double-stacked parking in the west parking structure reserved for restaurant guests and for the lateral parking system in the parking structure for residents and restaurant employees.
 13. The Applicant shall conduct a parking and queuing operational study demonstrating that the mechanical parking systems operate safely and effectively and do not cause circulation or queuing issues. The study shall be submitted to the Downtown Manager upon the earlier of: (i) 120 days from the date the building is 85 % occupied or (ii) one (1) year from the date of issuance of a certificate of occupancy. This condition shall not be construed to limit the City's ability to enforce any provision of the City Code, the DDRI Development Order or any City ordinance or other regulation with respect to parking and circulation on the Property (including but not limited to, code enforcement action).
 14. Loading and trash hauling activities serving the Property that utilize the alley that adjoins the west side of the Property shall be prohibited Monday through Friday between the hours of 7:00 a.m. through 9:00 a.m., and 4:00 p.m. through 8:00 p.m. A trained person shall be onsite to direct the loading trucks to ensure safety and traffic circulation. In no event, shall this alley be used as any temporary vehicle staging.

ABANDONMENTS OF RIGHTS-OF-WAY:

The "Abandonments of Rights-of-Way" section of IDA No. CRP-22-01 is hereby amended as follows:

The Project is dependent upon each and every one of the below abandonments being approved, and if one or more such abandonments is not approved by the CRA, then all such abandonments shall be deemed null and void and of no effect (and no building permit for the Project shall be issued).

1. The CRA hereby finds that the criteria for abandonment of a right-of-way, set forth in Chapter 25, Article II, Code of Ordinances, have been satisfied, and the CRA therefore declares that it is in the best interests of the City and the public to vacate and abandon the 20-foot wide portion of an east-west alley generally located approximately midway between Southeast 3rd Street and Southeast 4th Street, as more particularly described in Exhibit "A-2", attached hereto and incorporated herein, subject to the conditions set forth in Section 5 of this IDA and issuance of a certificate of occupancy for the Project.
2. The CRA hereby finds that the criteria for abandonment of a right-of-way, set forth in Chapter 25, Article II, Code of Ordinances, have been satisfied, and the CRA therefore declares that it is in the best interests of the City and the public to vacate and abandon the 60-foot wide portion of Southeast 4th Street right-of-way, as more particularly described in Exhibit "A-2", attached hereto and incorporated herein, subject to the conditions set forth in Section 5 of this IDA and issuance of a certificate of occupancy for the Project.
3. The CRA hereby finds that the criteria for abandonment of a right-of-way, set forth in Chapter 25, Article II, Code of Ordinances, have been satisfied, and the CRA therefore declares that it is in the best interests of the City and the public to vacate and abandon the 10-foot wide portion of an east-west alley generally located on the south of the Property right-of-way, as more particularly described in Exhibit "A-2", attached hereto and incorporated herein, subject to the conditions set forth in Section 5 of this IDA and issuance of a certificate of occupancy for the Project.

Perfection of the public rights-of-way abandonment(s) shall be documented by the City's recording of a notice of such abandonment(s) in the Public Records of Palm Beach County (the "Notice of Abandonment"). Provided, however, that no such Notice of Abandonment shall be issued (and the abandonment shall not be perfected) unless and until each of the following have been satisfied: (i) PWR approval has been obtained pursuant to condition no. 5.a, (ii) Sidewalk Easement #3 (condition no. 5.e.iii), the utility easement located along the southern perimeter (condition no. 5.e.v.), and the public parking easement (condition no. 5.e.vii) have been executed and provided to the City for recordation, and (iii) Any utilities located in the Abandonment Area have been relocated, pursuant to any and all required permits or other approvals by the City and other utility providers (as applicable). The Notice of Abandonment shall provide that in the event that either (i) a main use building permit has not been timely issued for the Project, or (ii) a main use building permit has been timely issued for the Project, but the construction of the Project has not timely commenced pursuant to Section 4(a) of this IDA, then, upon demand made by the City, all right, title, and interest in the Abandonment Area shall revert to the City and the Applicant shall re-convey the Abandonment Area to the City.

Sidewalk Easement #3 (condition no. 5.f.iii), the utility easement located along the southern perimeter (condition no. 5.f.v.), and the public parking easement (condition no. 5.f.vii) shall be recorded contemporaneously with the Notice of Abandonment.

In the event that a main use building permit has not been timely issued for the Project, then the abandonments approved herein shall be deemed null and void and of no further effect.

The Applicant expressly acknowledges that the Project is dependent upon the conditional abandonments approved herein, and that the Applicant is proceeding with the Project at its own risk prior to the perfection of such abandonments (since the abandonments approved herein may

be deemed null and void and of no effect in the event all conditions of this IDA are not timely satisfied).

Additional Provisions to the IDA:

- A. The Applicant of the Property for this IDA represents to the CRA that it is the express intent of the Applicant to be governed by the conditions contained herein, which conditions shall govern development of the Property, and that said conditions shall bind the Applicant and all successors in title. These conditions are adopted pursuant to the CRA's authority and all applicable provisions of law. Adherence by the Applicant and successors in title to these conditions is deemed by the CRA to be an integral part of its determination that adoption of this resolution is an appropriate exercise of its power to approve the IDA with respect to the Property. If any condition set forth herein is declared invalid or unenforceable for any reason, the CRA expresses its intent that it would not have enacted this resolution without each of said conditions. In addition to any and all available remedies, failure to abide by these conditions may result in the revocation of this development approval and the rendering of the development (and the use of the Property as contemplated in this IDA approval) unlawful pursuant to the City's Code of Ordinances and the DDRI Development Order.
- B. The IDA shall take effect immediately upon adoption.

PASSED AND DULY APPROVED with a quorum present and voting, by the Boca Raton Community Redevelopment Agency this ____ day of _____, 2026.

BOCA RATON COMMUNITY REDEVELOPMENT AGENCY

By: _____
Andy Thomson, Chair

ATTEST:

Mary Siddons, City Clerk

CRA COMMISSIONERS	YES	NO	ABSTAINED
CHAIR ANDY THOMSON			
VICE CHAIR YVETTE DRUCKER			
COMMISSIONER MICHELLE GRAU			
COMMISSIONER JON PEARLMAN			
COMMISSIONER STACY L. SIPPLE			

EXHIBIT A

THE "PROPERTY"

The combined legal descriptions set forth in Exhibits A-1 (KW SE 4TH STREET BOCA LLC) and A-2 (the Right-of-Way Abandonment Area), containing 91,950 square feet or 2.1 acres, more or less.

EXHIBIT A-1

"KW SE 4TH STREET BOCA PROPERTY"

THE EAST ONE-HALF OF LOT 22, LOT 23, LOT 24, LESS THE NORTH 10 FEET AND LOT 25, LESS THE EAST 10 FEET, BLOCK 11, SOUTHEAST COAST LAND CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 60, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT B, BLOCK 14, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT A, LESS THE EAST 70 FEET THEREOF, BLOCK 11, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

THE EAST 70 FEET OF LOT A, BLOCK 11, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 71,850 SQUARE FEET OR 1.64 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA.

EXHIBIT A-2

"RIGHT-OF-WAY-ABANDONMENT AREA"

(1) /NORTHERN EAST/WEST ALLEY RIGHT-OF-WAY

A PORTION OF THAT 20-FOOT ALLEY LYING IN BLOCK 11 AS SHOWN ON SOUTH EAST COAST LAND CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 60, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS REPLATED AND SHOWN ON SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT A, BLOCK 11 OF SAID SPANISH RIVER LAND COMPANY, PLAT "A"; THENCE S88°53'17"W, ALONG THE SOUTH LINE OF SAID 20-FOOT ALLEY AND THE NORTH LINE OF SAID LOT A, BLOCK 11, A DISTANCE OF 165.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF LOT 22, BLOCK 11, OF SAID SOUTH EAST COAST LAND CO. PLAT NO. 1; THENCE N01°19'44"W, ALONG SAID SOUTHERLY EXTENSION LINE, 20.00 FEET TO THE NORTH LINE OF SAID 20-FOOT ALLEY; THENCE N88°53'17"E, ALONG THE NORTH LINE OF SAID 20-FOOT ALLEY, 165.00 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT A, BLOCK 11, SPANISH RIVER LAND COMPANY, PLAT "A"; THENCE S01°19'44"E, ALONG SAID NORTHERLY EXTENSION LINE, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,300 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH: (2) SOUTHEAST 4TH STREET RIGHT-OF-WAY

THAT PORTION OF THE 60-FOOT RIGHT-OF-WAY OF S.E. 4TH STREET LYING BETWEEN LOT A, BLOCK 11 AND LOT B, BLOCK 14, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT B, BLOCK 14; THENCE S88°53'17"W, ALONG THE SOUTH LINE OF SAID 60-FOOT RIGHT-OF-WAY AND THE NORTH LINE OF LOT B, BLOCK 14, A DISTANCE OF 240.00 FEET TO THE NORTHWEST CORNER OF SAID LOT B, BLOCK 14; THENCE N01°19'44"W, 60.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT A, BLOCK 11; THENCE N88°53'17"E, ALONG THE NORTH LINE OF SAID 60-FOOT RIGHT-OF-WAY AND THE SOUTH LINE OF LOT A, BLOCK 11, A DISTANCE OF 240.00 FEET TO THE SOUTHEAST CORNER OF LOT A, BLOCK 11; THENCE S01°19'44"E, 60.00 FEET TO THE POINT OF BEGINNING

CONTAINING 14,400 SQUARE FEET OR 0.33 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH: (3) SOUTHERN EAST/WEST ALLEY RIGHT-OF-WAY

THE NORTH ONE-HALF OF THAT 20-FOOT ALLEY LYING SOUTH OF AND CONTIGUOUS TO THE SOUTH LINE OF LOT B, BLOCK 14, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT B, BLOCK 14; THENCE S01°19'44"E, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT B, BLOCK 14, A DISTANCE OF 10.00 FEET; THENCE S88°53'17"W, ALONG A LINE 10 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT B, BLOCK 14, A DISTANCE OF 240.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT B, BLOCK 14; THENCE N01°19'44"W, ALONG SAID SOUTHERLY EXTENSION LINE, 10.00 FEET TO THE SOUTHWEST CORNER OF LOT B, BLOCK 14; THENCE N88°53'17"E, ALONG THE SOUTH LINE OF LOT B, BLOCK 14 AND ALONG THE NORTH LINE OF SAID 20-FOOT ALLEY, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,400 SQUARE FEET OR 0.05 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

THE (1) NORTHERN EAST/WEST ALLEY RIGHT-OF-WAY, (2) SOUTHEAST 4TH STREET RIGHT-OF-WAY AND (3) SOUTHERN EAST/WEST ALLEY RIGHT-OF-WAY, TOGETHER, CONTAINING 0.45 ACRES, MORE OR LESS.



**MEMORANDUM
PLANNING AND ZONING APPLICATION**

DATE: October 6, 2026
 FROM: Mark Sohaney *[Signature]*
 Executive Director
 SUBJECT: **The Residences of Boca**
 CRP-22-01R1/PZCRP-2026-00001

LOCATION: West of South Federal Highway and east of South Dixie Highway, between Southeast 3rd and 5th Streets (14 SE 4th Street, 33 SE 4th Street, 36 SE 3rd Street, & 41 SE 4th Street)

SITE AREA: 2.1 Acres (including abandoned rights-of-way)

APPLICANT/ AGENT: KW SE 4TH Street BOCA, LLC/Miskel Backman LLP

OWNER: KW SE 4TH Street BOCA, LLC

EXISTING LAND USE: Retail and Office Uses

PROPOSED LAND USE: Residential and Retail (High)/Restaurant

FUTURE LAND USE CATEGORY: Central Business District (CBD)

ZONING DISTRICT: [Downtown Development of Regional Impact \(DDRI\) Ordinance 4035, as amended](#)

<u>APPLICATION REQUEST(S)</u>	<u>SUBJECT PROPERTY LOCATION MAP</u>
<p>1. Amend IDA CRP-22-01 to:</p> <ul style="list-style-type: none"> a. Reduce the number of residential units from 190 to 133 units (a reduction of 57); b. Increase the size of the residential building from 338,131 to 357,585 square feet (an increase of 19,454 square feet) and of the internal structured parking from 131,089 to 138,312 square feet (an increase of 7,223 square feet); c. Add 5,977 square feet of Retail (High) for restaurant use; d. Increase the height from 133'4" to 139'9" (an increase of 6'5") and from 148'4" to 152'3" (an increase of 3'11") including architectural features; e. Modify certain elevations; f. Reduce open space from 38,219 to 36,921 square feet (a reduction of 1,298 square feet); and g. Relocate 8 existing surface parking spaces from Southeast 4th Street, including 4 as on-street parallel spaces on Southeast 3rd Street and 4 within the proposed parking structure. 	

Staff Recommendation:

☒	Approval with conditions
☐	Denial

SUMMARY AND PROJECT DESCRIPTION

KW SE 4TH Street Boca, LLC (the "Applicant"), owner of the approximately 1.64 acres of real property generally located at 14 Southeast 4th Street, 33 Southeast 4th Street, 36 Southeast 3rd Street, and 41 Southeast 4th Street (collectively, the "KW Parcels"), has submitted an application, pursuant to Ordinance No. 4035, as amended (a/k/a the Downtown Development of Regional Impact (DDRI) Development Order or "DDRI Development Order") to amend Individual Development Approval (IDA) No. CRP-22-01, which was adopted by the Boca Raton Community Redevelopment Agency (CRA) on April 24, 2023 (the "2023 Approval"). The proposed amendment (hereinafter, the "Application") would authorize the construction of a 12-story, approximately 357,585 square foot building with 133 residential units with amenities, an approximately 5,977 square foot ground-floor restaurant and internal structured parking (the "Project"). The 2023 Approval also approved the abandonment of three (3) portions of City right-of-way (ROW) totaling 0.45 acres that include an east-west alley on the south side of the KW Parcels, an east-west alley traversing the Parcel approximately mid-way between Southeast 3rd and 4th Streets, and the portion of Southeast 4th Street that traverses the Parcel (the "Right-of-Way Abandonment Area"). Those approved ROW abandonments, which would become effective upon the completion of construction, would carry forward to the Application, with the KW Parcels and the Right-of-Way Abandonment Area together constituting the "Property," totaling approximately 2.1 acres, located in Downtown Subarea D. The four (4) existing one (1)-story structures will be demolished as part of the proposed project.

The improvements included in the 2023 Approval have not been constructed. Due to statutory tolling extensions, the 2023 Approval remains active, with an expiration date of February 17, 2031.

The Application proposes to amend the 2023 Approval as follows:

- Reduce the number of residential units from 190 to 133 (a reduction of 57 residential units). Unit sizes range from 1,674 square feet to 2,319 square feet;
- Increase the gross building area from 338,131 square feet to 357,585 square feet (an increase of 19,454 square feet);
- Add 5,977 square feet of Retail (High) for restaurant use (the "Restaurant") fronting on Southeast 3rd Street, in place of two (2) ground-floor residential units with patios, and including 2,950 square feet of customer service area (CSA), 14.3 linear feet of bar and 1,183 square feet of outdoor seating;
- Modify certain architectural elevations to reflect the addition of the Restaurant;
- Reduce open space from 38,219 square feet to 36,921 square feet (a reduction of 1,298 square feet) to accommodate changes on the ground floor;
- Relocate eight (8) existing public surface parking spaces from Southeast 4th Street. Currently, eight (8) parallel spaces are located on the north and south of Southeast 4th Street. The Project proposes (4) spaces to be located in the Southeast 3rd Street ROW directly north of the Restaurant, and four (4) spaces are proposed on the ground level of the structured parking, just north of the main circular entry;
- Modifications to the interior floor plan of the parking structure, which will include valet parking for restaurant patrons on the ground floor at the entrance adjacent to the west alley. Additionally, valet parking for restaurant employees, and residents are provided throughout the three (3) levels of structured parking.

The building is designed with a maximum height (as "height" is defined in the DDRI Development Order) not to exceed 139 feet, nine (9) inches, with a maximum total height, including architectural features, not to exceed 152 feet, three (3) inches.

Development in the Downtown is governed by the DDRI Development Order, and the Application was submitted pursuant to the portion of the DDRI Development Order known as the Interim Design Guidelines (IDG). The IDG provides for revised setbacks, building height, building massing and articulation, including the ability to exceed the 100-foot height limitation that is otherwise applicable to non-IDG buildings. The Project conforms to the Compliance Checklist of the IDG. Moreover, pursuant to DDRI Development Order Section 2(5)(d)(1), bulk regulations allow non-habitable space of IDG buildings, such as architectural elements (including tower elements or mechanical enclosures) to extend a maximum of twenty (20) feet above the height of the tallest Primary Building Mass which, as mentioned above, is 139 feet, 9 inches.

Conversion of Uses

The Property is located in Downtown Subarea D. The 2023 Approval required a conversion of 6,220 square feet of Retail (High), as no residential units were available in the subarea. However, as the current Application requests a reduction of 57 residential units and the addition of 5,977 square feet of Retail (High), the previously approved conversion of the 6,220 SF of Retail (High) to residential units is no longer required.

Tax Increment Financing (TIF) Impact

The anticipated net annual tax increment revenue generated by this proposed development is estimated to be \$725,000.00.

Staff recommends approval of the Application because it meets all applicable development standards set forth in the DDRI Development Order, including the supplemental regulations applicable to applications submitted pursuant to the IDG, such as the Quantitative and Qualitative Checklists.

On-Site Improvements

Residential amenities which provide active uses for the Project include a pickle ball court and dog park. A 1,653 square foot pickleball court proposed on the western portion of the Property, along the west alley. Seating is provided on either side of the court, and a fence, varying in height between four (4) and eight (8) feet with transparent panels, surrounds the court. Additionally, a 523-square-foot dog park is located along a portion of the southern Property line.

Off-Site Improvements

The Applicant proposes to relocate four (4) City public parking spaces from Southeast 4th Street to the Southeast 3rd Street right-of-way. New five (5) wide sidewalks are proposed at the entrance of the restaurant, additional landscaping, including street trees, are also proposed.



II. BOARD RECOMMENDATIONS

A. RECOMMENDATION FROM COMMUNITY APPEARANCE BOARD

The Project was heard at the September 15, 2026, Community Appearance Board ("CAB") meeting for formal recommendation of landscaping to the CRA. The CAB heard the applicant's presentation regarding the proposed landscape plan and voted 5-0 to recommend approval of the proposed landscaping proposed with this Application.

B. RECOMMENDATION FROM PLANNING AND ZONING BOARD

At the time of this report, the Project is scheduled to be heard at the October 15, 2026, Planning and Zoning Board (the "Board") meeting. This section of the report will be updated after the Board meeting.

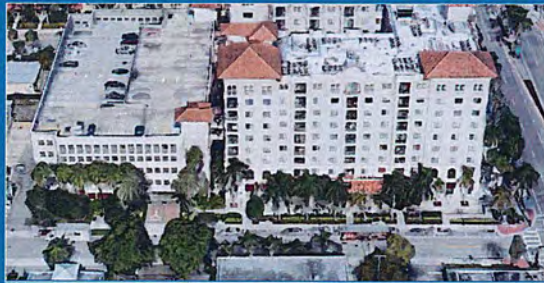
III. BACKGROUND

A. PROPERTY CONTEXT

Mixed Use Building to the North

Across SE 3rd St. is Boca Grand, a residential building with retail and office on the first floor

Zoning= DDRI
FLU= CBD



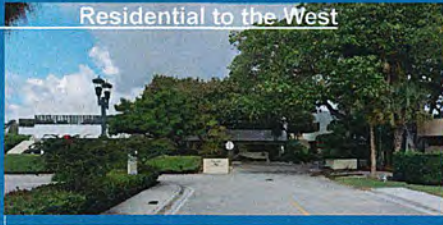
Retail Buildings to the Northeast



Adjacent to the Property is a kitchen renovation retailer and a retail corner building

Zoning= DDRI
FLU= CBD

Residential to the West



Adjacent to the Property is the Proposed Modera residential building

Zoning= DDRI FLU= CBD



Retail Building to the Southeast



Adjacent to the Property are various retail stores

Zoning= DDRI
FLU= CBD

Offices to the South

Adjacent to the Property are various townhome-like offices

Zoning= DDRI
FLU= CBD



DISCLAIMER: Photos are intended to provide context and show the physical improvements on the subject property and environs. They are not intended to demonstrate parking demand, traffic intensity or other time sensitive impacts. SOURCE: City staff, September 14, 2026 / Boca GIS Pictometry dated October 13, 2022 / Google Maps & Maxar Technologies, dated 2025

B. HISTORY

Currently, the following structures are located on the Property:

- The original one (1)-story retail building at the Property on 14 SE 4th Street was built in 1963.
- The original one (1)-story office building at the Property on 33 SE 4th Street was built in 1969.
- The original one (1)-story office building at the Property on 41 SE 4th Street was built in 1962.
- The original one (1)-story office building at the Property on 36 SE 3rd Street was built in 1963.
- On April 24, 2023, the CRA approved IDA CRP-22-01, which authorized construction of the 12-story, 190 unit residential building totaling 338,131 square feet and internal structured parking totaling 131,089 square feet with a maximum height not to exceed 133 feet, four (4) inches, with architectural features at a maximum total height not to exceed 148 feet, four (4) inches and to relocate eight (8) existing surface parking spaces on Southeast 4th Street. The approval also incorporated the abandonment of City ROWs for portions of the east-west alley between Southeast 3rd and 4th Streets, the southern side of the Property, and Southeast 4th Street ROW, totaling approximately 0.45 acres.

As the original structures were constructed in the 1960's, prior to the adoption of DDRI Development Order, there are no previous IDAs applicable to the Property, aside from the 2023 Approval.

C. COMMUNITY OUTREACH AND PUBLIC INPUT

At the time of this report, no meetings with the public have been scheduled.

D. PUBLIC NOTICE

Pursuant to [Section 28-8](#), Code of Ordinances, the following notices were provided:

- 10-day mailer notice to owners of properties within 500 feet radius of the Property.
- Posting of Property 10 days prior to public hearing date.



IV. ZONING/DIMENSIONAL REQUIREMENTS

A. SETBACKS, ENCROACHMENTS & SIDEWALKS

Building Setbacks and Encroachments

As the Property is located in the Downtown, the City's Urban Design Consultant, Complete Cities Planning Group (the "City's Consultant"), reviewed the Application. The Project is proposed under the IDG and has frontage adjacent to Southeast 3rd Street, Southeast 4th Street, and various alleys proposed to be incorporated into the Property. Southeast 3rd Street is a Type C street under the IDG, and the complete setback tables are provided on sheet SP-0-02. Pursuant to the DDRI Development Order,

because the Restaurant (a Retail use) is now proposed along Southeast 3rd Street, which is a Type C street, a 16-foot setback is required at the round level through the third floor, and the proposed building meets and exceeds these requirements. A 36 foot setback is required for floors 4 and 5, a 51 foot setback is required for floors 6 and 7, and a 101 foot setback is required for floors 8 and above. It should be noted that setbacks are not required from Property lines not fronting a right-of-way, but setbacks ranging from 5 feet, ten (10) inches through 41 feet, one (1) inch are provided by the Applicant.

However, for the upper floors (4-12 stories), the DDRI Ordinance allows for the Project to use the Downtown Quality Development Regulations and the IDG to allow for encroachments into the setbacks for the portions of the building known as the Architectural Opportunity Zone (AOZ), in order to provide for greater building articulation. As such, the AOZ can be applied to allow for setback encroachments at the upper level of these building heights, resulting in an improved public realm at the ground level.

The setback table on sheet SP-0-02 also provides a summary of the AOZ encroachments, and sheet SP-0-03 depicts the volumetric analysis for the 4th through 12th floors. In terms of AOZ allowance, consistent with the IDG requirements, the building's total possible AOZ volume is 1,081,212 cubic feet. The building meets the massing standards of the IDG as 20 percent of the 35 percent of the AOZ volume limitation is used. Therefore, the CRA Board may grant the additional forty (40) feet for a total of 140 feet of potentially allowable height.

The setbacks and permitted encroachments have been reviewed by the City's Urban Design consultant and they comply with the DDRI Development Order.

B. HEIGHT

- Maximum (habitable & non-habitable space): 140'
- Provided (habitable & non-habitable space): 139' 9"
- Maximum building height with architectural features not to exceed: 160'
- Provided building height with architectural features not to exceed: 152' 3"

Pursuant to Section 1(5)(d)(1) of the DDRI Development Order, bulk regulations allow non-habitable space, such as tower elements or mechanical enclosures, to extend a maximum of twenty (20) feet above the maximum height of the tallest Primary Building Mass, which is 140 feet. As previously indicated, the proposed structure has been designed with a height of 139 feet, 9 inches with additional architectural/tower features not to exceed a height 152 feet, 3 inches (including non-habitable space).

C. OPEN SPACE

The minimum required open space is 40 percent, or 36,780 square feet, and 40 percent, or 36,921 square feet, is provided as open space. Up to 35 percent of the total required open space may be covered open space (such as arcades, colonnades, etc.), and the Project provides 35 percent covered open space.

D. ACCESS

The primary vehicular access to the Project is located through a full access driveway connection to the proposed new terminus of Southeast 4th Street, which is the main entrance to the building. A valet drop-

off is provided here for residents and restaurant employees. A secondary driveway is proposed along the west alley to serve the west parking structure, which also provides a valet drop-off for restaurant patrons.

E. PARKING

Use	Required Vehicular Rate*	Quantity of Use on Property (ie: units, SF, LF, etc.)	Required Vehicular Parking	Provided Vehicular Parking	Required Bicycle Parking*	Provided Bicycle Parking
Multi – Dwelling unit	1.75 parking spaces Per Unit	133 units	233	237 Spaces	16 / 5% of the required number of parking spaces or one (1) bicycle parking space	See below
Adm. Office	3 spaces per 1,000 sq. ft.	563 SF	2 spaces	2 spaces		
Restaurant	38.9 SF/ CSA SF	2,950 SF/ CSA	76 spaces	83 spaces		
Bar	1 space/2.2 LF	14.3 LF	7 spaces	7 spaces		
Outdoor Dining	No additional parking is required for outdoor seating, provided the outdoor seating does not exceed 25% of indoor seating	1,183 SF	N/A	N/A		
TOTAL			318 spaces	322 spaces	16	18

*Required vehicular parking is set forth in the [DDRI Development Order](#), and bicycle parking is set forth in the City Code [Section 28-1655](#), Code of Ordinances.

Parking

The project requires 318 parking spaces, and 322 parking spaces are provided within three (3) floors of structured parking totaling 138,312 square feet, which is separated into two separate portions with separate access and no vehicular accessibility between them. Although the 2023 Approval prohibited valet service at the Property, the Application now proposes valet parking for all mechanical spaces in the

structured parking. Valet operations are provided in the western parking structure for restaurant patrons. At the main entrance, valet operations are also provided for residents of the building, and restaurant employees. In addition, as the eight (8) existing City public spaces will be relocated from Southeast 4th Street, four (4) parking spaces will be provided on the ground floor (the other four (4) will be relocated on-street spaces on SE 3rd Street) for members of the public to use, for a total of 326 parking spaces. Staff has conditioned that valet parking areas shall be limited to the double stacked mechanical parking in the west garage reserved for restaurant guests and for the lateral mechanical parking system in the main parking structure for residents and restaurant employees.

Ground Floor Parking

At the ground level, approximately 26,897 square feet of parking is provided in two (2) separate parking structures (east and west), as two (2) portions of the building provide separate entrances and are not accessible to each other.

West Parking

- 100 percent (%) valet for restaurant patrons only.
- Access the parking structure closest to the west alley.
- Parking for restaurant patrons is provided with 42 valet-operated mechanical vertical stackers and one (1) valet space for a total of 43 spaces.
- Restaurant patrons will valet their vehicles and walk approximately 200 feet north to the restaurant entrance.

East Parking

- This location, approximately 15,758 square feet, will be in closer proximity to the restaurant at Southeast 3rd Street.
- Self parking for 22 residential spaces is accessed through the main entrance off Southeast 4th Street, on the north side of the roundabout.
- Four (4) City public parking spaces are also relocated here.

Levels 2 and 3

- South of the roundabout, a ramp provides access to the remaining 111,415 square feet of parking on the second and third levels of the building.
- A valet operated horizontal mechanical system, rather than a vertical lift or stacker system, is provided for the residents of the building and restaurant employees.

As discussed earlier, eight (8) public parking spaces will be relocated to replace the existing eight (8) parallel parking spaces along Southeast 4th Street. Four (4) public spaces are located inside the structured parking, and four (4) of these spaces will now be located in the Northeast 3rd Street Right-of-Way, adjacent to the Restaurant. Previously, the relocated spaces were proposed on the north and south sides of Southeast 4th Avenue, directly east of the building entrance. Lastly, it should be noted that these spaces are not included in the overall parking for the Project, and will be signed and metered as City public parking.

V. MOBILITY

A. WALKABILITY/ PEDESTRIAN INFRASTRUCTURE

The Applicant proposes a six (6) foot sidewalk with pedestrian access from Southeast 3rd Street to the Restaurant entrance on the ground level. Adjacent to Southeast 3rd Street, a five (5) foot sidewalk connection is provided with access to the interior of the Property, including the pickleball court. Additionally, a crosswalk across the east alley to existing sidewalks, and a landscaped path from Southeast 3rd Street to the lobby, are depicted on the site plan. There will be sidewalks of various sizes throughout the Project, approximately five (5) feet in width.

The Property, particularly the Restaurant, is easily accessible by sidewalk from Southeast 3rd Street, and by pedestrians accessing the residential portion of the Property via the main entrance on Southeast 4th Street.

B. TRAFFIC

Compared to the 2023 Approval, the Application is projected to generate 32 fewer daily trips, one (1) fewer AM peak hour trips and two (2) fewer PM peak hour trips. The Project is vested for concurrency as part of the DDRI Development Order.

TRIP GENERATION The Residences of Boca			
Scenario	Trip Generation (trips)		
	Daily	AM Peak Hour	PM Peak Hour
Approved IDA 190 DU	847	72	72
Proposed IDA 133 DU 5,977 SF Restaurant	815	71	70
Net New Driveway Trips	-32	-1	-2



VI. ANALYSIS

A. REVIEW CRITERIA

1. Site Plan- Individual Development Approval (IDA)

Pursuant to Chapter 4, Section 3.3 of the Rules of the Boca Raton CRA ("Rules"), the CRA Board ("Board") shall consider the following factors when reviewing Individual Development Approvals:

3. Review by the Board.

The Board shall consider, but the consideration shall not be limited to, the following factors when reviewing Individual Development Approvals:

- a. The Development Order, Building Code, Land Dedication Requirements, Sign Ordinance, Subdivision Regulations, Vacation and Abandonment of Streets and Easements and sections of the Zoning Code specially referenced in the Development Order;
- b. The information and plans submitted by the Applicant;
- c. Any testimony and public input received at the public meeting;
- d. The data, files, recommendations and comments of the Executive Director of the Agency, City departments, the Planning and Zoning Board and the Community Appearance Board;
- e. Conformance with the Development Order and the Design Guidelines in the Development Order; and
- f. Conformance with the Amended Downtown Plan and planning principles some of which may be articulated in subsequent studies necessary to achieve the Vision, Goals and Policies of the Plan.

(To assist in this review the Design Guidelines in the Development Order and Vision, Goals and Policies of the Amended Downtown Plan, and function, aesthetics and design guidelines adopted by the Board or City Council are provided as Appendices to the Rules)

Staff Analysis: This Application would authorize construction of a mixed-use building with 133 residential units, approximately 5,977 square feet of restaurant use and 322 parking spaces. The Project includes other on-site and off-site improvements that include a new six (6)-foot-wide sidewalk on Southeast 3rd Street along the Property frontage. The improvements along the Property's Southeast 3rd Street frontage also include the relocation of four (4) parallel parking spaces (of eight (8) total being relocated from SE 4th Street) in the ROW and the addition of street trees, including Green Buttonwoods, with 15 feet overall height at time of planting. Staff has analyzed the request and has found that the current Application complies with the required criteria. Therefore, staff supports the Applicant's requested Application with conditions.

B. URBAN DESIGN REVIEW / SITE DESIGN / ARCHITECTURE

As a Downtown Project, a review was required from the City's Consultant to confirm that it complies with the DDRI Development Order. The City's Consultant has completed its urban design review pertaining to the proposed architectural design and elements, since the Application includes significant revisions from the 2023 Approval.

The Application was submitted under the IDG, which includes a quantitative and qualitative checklist, and is subject to the requirements of DDRI Development Order Section 2(4)(i) regarding consistency with the Amended Downtown Plan.

At the ground level, the Property's primary entrance is located off the eastern alley, which connects to SE 3rd Street to the north. Here, a covered roundabout entrance feature is provided, welcoming residents and visitors to the site. A second access drive is provided from the western alley, where valet parking drop-off/pick-up is proposed. A small number of public self-park spaces are provided at

the eastern entrance. However, most of the site's parking spaces are secured behind gate arms or are served by valet. Valet services operate the proposed mechanical lift spaces on site, which include vertical and horizontal stackers. A total of 322 parking spaces is provided where 318 are required. (Four (4) of eight (8) public parking spaces being relocated from SE 4th Street will also be in the structure, with the other four (4) being relocated as parallel spaces on SE 3rd Street.) Vehicular use areas are screened by a combination of landscape buffers and architectural screens to ensure vehicles are screened from adjacent properties.

A six-foot sidewalk is provided along SE 3rd Street, with connections to the ground-floor Restaurant. The Restaurant provides the required active use along this frontage, offering indoor and outdoor dining with views of the activity from the adjacent sidewalk. A five-foot wide, connected pedestrian path is provided around most of the Property, providing access to amenities such as the Restaurant's outdoor dining, and a sport court (pickleball) and a dog park for use by the residents. Forty (40) percent of open space is provided, where a minimum of 40 percent is required.

Design emphasis is provided at the northern building entrances with overhangs and material use. Here, the ground floor uses a combination of building recesses and architectural features to meet the architectural bay requirements. The ground floor façade (stairwell at northeast corner) is setback approximately 39 feet where 16 feet is required, as measured from the curb.

Vertically, the proposed design offers a contemporary interpretation of Mizner design, incorporating traditional materials such as stucco, limestone, coral stone, wood, and metal into a modern composition. Overall, a light and neutral color palette is proposed. This color scheme is combined with large areas of glass façade and deep balconies with glass railings to maintain a light and airy appearance. The deep balconies provide undulation along the façade lengths as well as providing shade and incorporating Mizner design elements. In total, the applicant proposes to utilize 20 percent of the Architectural Opportunity Zone, where a maximum of 35 percent is permitted. In addition, 46 percent of the building footprint is utilized above 100 feet in height, where up to 50 percent is permitted.

As viewed from the north, the roofline varies to further reduce the perceived mass and scale of the building. In addition to the upper rooftop amenity deck, amenities are provided on the fourth floor rooftop, including an additional pool, yoga lawn, and lounge area. Indoor amenities at this level include a gym, party room, spa, and yoga room. Individual rooftop elements are limited to 13 percent of the primary building mass, with a combined total of 26 percent. The applicant proposes 24 percent coverage.

Conclusion:

Complete Cities found the Application complies with the DDRI Development Order.

C. DOWNTOWN PLAN COMPATIBILITY/CONSISTENCY

Based on the overall design of the Project, staff finds that the proposed site design is consistent with the following policies of the Amended Downtown Plan:

- Urban Design Policy 1.1: requires the development of a "continuous and inviting system of pedestrian streets."
- Urban Design Policy 1.6: calls for projects to "emphasize facades as major elements of the overall street-scape."

- A positive pedestrian experience is a fundamental goal of the Plan, and the relationship of projects to adjacent streets and sidewalks is a key element of achieving that goal.
- Urban Design Policy 1.7: encourages the “development of vistas and views as part of major projects.”
- Architectural Design Policy 1.5: Require continuity of pedestrian-oriented frontages between adjacent redeveloped buildings.



VII. FINDINGS

1. The proposed Project complies with the DDRI Development Order, including the IDG and Section 2(4)(i), “Compliance with Amended Development Order and the Amended Downtown Plan”.
2. The Project’s design provides an extensive network of pedestrian-friendly sidewalks and a thoughtful pedestrian-scaled building, and
3. The Application contributes to the overall interconnectivity between and among neighboring sites, expected for a Downtown project.

Document originated by: Susan P. Lesser, Senior Planner



CITY OF Boca Raton

DEVELOPMENT SERVICES DEPARTMENT
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(FOR HEARING IMPAIRED) TDD (561) 367-7043
www.myboca.us

MEMORANDUM

SITE PLAN / IDA APPLICATION (DOWNTOWN)

DATE: September 24, 2026
FROM: Brandon Schaad, AICP, LEED AP
Development Services Director
SUBJECT: **The Residences of Boca**
CRP-22-01R1/PZCRP-2026-00001

LOCATION: West of South Federal Highway and east of South Dixie Highway, between Southeast 3rd and 5th Streets (14 SE 4th Street, 33 SE 4th Street, 36 SE 3rd Street, & 41 SE 4th Street)
SITE AREA: 2.1 Acres (including abandoned rights-of-way)
APPLICANT/ AGENT: KW SE 4TH Street BOCA, LLC/Miskel Backman LLP
OWNER: KW SE 4TH Street BOCA, LLC
EXISTING LAND USE: Retail and Office Uses
PROPOSED LAND USE: Residential and Retail (High)/Restaurant
FUTURE LAND USE CATEGORY: Central Business District (CBD)
ZONING DISTRICT: [Downtown Development of Regional Impact \(DDRI\)](#)
[Ordinance 4035, as amended](#)

APPLICATION REQUEST(S)	SUBJECT PROPERTY LOCATION MAP
<p>1. Amend IDA CRP-22-01 to:</p> <ul style="list-style-type: none"> a. Reduce the number of residential units from 190 to 133 units (a reduction of 57); b. Increase the size of the residential building from 338,131 to 357,585 square feet (an increase of 19,454 square feet) and of the internal structured parking from 131,089 to 138,312 square feet (an increase of 7,223 square feet); c. Add 5,977 square feet of Retail (High) for restaurant use; d. Increase the height from 133'4" to 139'9" (an increase of 6'5") and from 148'4" to 152'3" (an increase of 3'11") including architectural features; e. Modify certain elevations; f. Reduce open space from 38,219 to 36,921 square feet (a reduction of 1,298 square feet); and g. Relocate 8 existing surface parking spaces from Southeast 4th Street, including 4 as on-street parallel spaces on Southeast 3rd Street and 4 within the proposed parking structure. 	

STAFF RECOMMENDATION:

STAY CONNECTED   

- AN EQUAL OPPORTUNITY EMPLOYER -

☒ Approval with conditions

☐ Denial

I. SUMMARY AND PROJECT DESCRIPTION

KW SE 4TH Street Boca, LLC (the "Applicant"), owner of the approximately 1.64 acres of real property generally located at 14 Southeast 4th Street, 33 Southeast 4th Street, 36 Southeast 3rd Street, and 41 Southeast 4th Street (collectively, the "KW Parcels"), has submitted an application, pursuant to Ordinance No. 4035, as amended (a/k/a the Downtown Development of Regional Impact (DDRI) Development Order or "DDRI Development Order") to amend Individual Development Approval (IDA) No. CRP-22-01, which was adopted by the Boca Raton Community Redevelopment Agency (CRA) on April 24, 2023 (the "2023 Approval"). The proposed amendment (hereinafter, the "Application") would authorize the construction of a 12-story, approximately 357,585 square foot building with 133 residential units with amenities, an approximately 5,977 square foot ground-floor restaurant and internal structured parking (the "Project"). The 2023 Approval also approved the abandonment of three (3) portions of City right-of-way (ROW) totaling 0.45 acres that include an east-west alley on the south side of the KW Parcels, an east-west alley traversing the Parcel approximately mid-way between Southeast 3rd and 4th Streets, and the portion of Southeast 4th Street that traverses the Parcel (the "Right-of-Way Abandonment Area"). Those approved ROW abandonments, which would become effective upon the completion of construction, would carry forward to the Application, with the KW Parcels and the Right-of-Way Abandonment Area together constituting the "Property," totaling approximately 2.1 acres, located in Downtown Subarea D. The four (4) existing one (1)-story structures will be demolished as part of the proposed project.

The improvements included in the 2023 Approval have not been constructed. Due to statutory tolling extensions, the 2023 Approval remains active, with an expiration date of February 17, 2031.

The Application proposes to amend the 2023 Approval as follows:

- Reduce the number of residential units from 190 to 133 (a reduction of 57 residential units). Unit sizes range from 1,674 square feet to 2,319 square feet;
- Increase the gross building area from 338,131 square feet to 357,585 square feet (an increase of 19,454 square feet);
- Add 5,977 square feet of Retail (High) for restaurant use (the "Restaurant") fronting on Southeast 3rd Street, in place of two (2) ground-floor residential units with patios, and including 2,950 square feet of customer service area (CSA), 14.3 linear feet of bar and 1,183 square feet of outdoor seating;
- Modify certain architectural elevations to reflect the addition of the Restaurant;
- Reduce open space from 38,219 square feet to 36,921 square feet (a reduction of 1,298 square feet) to accommodate changes on the ground floor;
- Relocate eight (8) existing public surface parking spaces from Southeast 4th Street. Currently, eight (8) parallel spaces are located on the north and south of Southeast 4th Street. The Project proposes (4) spaces to be located in the Southeast 3rd Street ROW directly north of the Restaurant, and four (4) spaces are proposed on the ground level of the structured parking, just north of the main circular entry;
- Modifications to the interior floor plan of the parking structure, which will include valet parking for restaurant patrons on the ground floor at the entrance adjacent to the west alley. Additionally, valet parking for restaurant employees, and residents are provided throughout the three (3) levels of structured parking.

The building is designed with a maximum height (as "height" is defined in the DDRI Development Order) not to exceed 139 feet, nine (9) inches, with a maximum total height, including architectural features, not to exceed 152 feet, three (3) inches.

Development in the Downtown is governed by the DDRI Development Order, and the Application was submitted pursuant to the portion of the DDRI Development Order known as the Interim Design Guidelines (IDG). The IDG provides for revised setbacks, building height, building massing and articulation, including the ability to exceed the 100-foot height limitation that is otherwise applicable to non-IDG buildings. The Project conforms to the Compliance Checklist of the IDG. Moreover, pursuant to DDRI Development Order Section 2(5)(d)(1), bulk regulations allow non-habitable space of IDG buildings, such as architectural elements (including tower elements or mechanical enclosures) to extend a maximum of twenty (20) feet above the height of the tallest Primary Building Mass which, as mentioned above, is 139 feet, 9 inches.

Conversion of Uses

The Property is located in Downtown Subarea D. The 2023 Approval required a conversion of 6,220 square feet of Retail (High), as no residential units were available in the subarea. However, as the current Application requests a reduction of 57 residential units and the addition of 5,977 square feet of Retail (High), the previously approved conversion of the 6,220 SF of Retail (High) to residential units is no longer required.

Tax Increment Financing (TIF) Impact

The anticipated net annual tax increment revenue generated by this proposed development is estimated to be \$725,000.00.

Staff recommends approval of the Application because it meets all applicable development standards set forth in the DDRI Development Order, including the supplemental regulations applicable to applications submitted pursuant to the IDG, such as the Quantitative and Qualitative Checklists.

On-Site Improvements

Residential amenities which provide active uses for the Project include a pickle ball court and dog park. A 1,653 square foot pickleball court proposed on the western portion of the Property, along the west alley. Seating is provided on either side of the court, and a fence, varying in height between four (4) and eight (8) feet with transparent panels, surrounds the court. Additionally, a 523-square-foot dog park is located along a portion of the southern Property line.

Off-Site Improvements

The Applicant proposes to relocate four (4) City public parking spaces from Southeast 4th Street to the Southeast 3rd Street right-of-way. New five (5) wide sidewalks are proposed at the entrance of the restaurant, additional landscaping, including street trees, are also proposed.

II. BACKGROUND

A. PROPERTY CONTEXT

Mixed Use Building to the North

Across SE 3rd St. is Boca Grand, a residential building with retail and office on the first floor

Zoning= DDRI
FLU= CBD



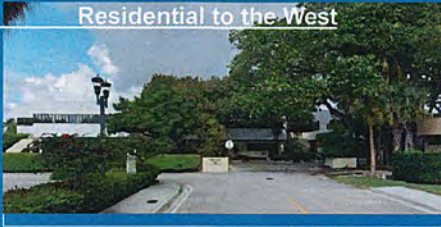
Retail Buildings to the Northeast



Adjacent to the Property is a kitchen renovation retailer and a retail corner building

Zoning= DDRI
FLU= CBD

Residential to the West



Adjacent to the Property is the Proposed Modera residential building

Zoning= DDRI FLU= CBD



Retail Building to the Southeast



Adjacent to the Property are various retail stores

Zoning= DDRI
FLU= CBD

Offices to the South

Adjacent to the Property are various townhome-like offices

Zoning= DDRI
FLU= CBD



B. HISTORY

Currently, the following structures are located on the Property:

- The original one (1)-story retail building at the Property on 14 SE 4th Street was built in 1963.
- The original one (1)-story office building at the Property on 33 SE 4th Street was built in 1969.
- The original one (1)-story office building at the Property on 41 SE 4th Street was built in 1962.
- The original one (1)-story office building at the Property on 36 SE 3rd Street was built in 1963.
- On April 24, 2023, the CRA approved IDA CRP-22-01, which authorized construction of the 12-story, 190 unit residential building totaling 338,131 square feet and internal structured parking totaling 131,089 square feet with a maximum height not to exceed 133 feet, four (4) inches, with architectural features at a maximum total height not to exceed 148 feet, four (4) inches and to relocate eight (8) existing surface parking spaces on Southeast 4th Street. The approval also incorporated the abandonment of City ROWs for portions of the east-west alley between Southeast 3rd and 4th Streets, the southern side of the Property, and Southeast 4th Street ROW, totaling approximately 0.45 acres.

As the original structures were constructed in the 1960's, prior to the adoption of DDRI Development Order, there are no previous IDAs applicable to the Property, aside from the 2023 Approval.

C. COMMUNITY OUTREACH AND PUBLIC INPUT

At the time of this report, no meetings with the public have been scheduled.

D. COMMUNITY APPEARANCE BOARD (CAB) MEETING RECOMMENDATION

At the CAB meeting on September 16, 2026, the CAB heard the applicant's presentation regarding the proposed landscape plan and voted 5-0 to recommend approval of the proposed landscaping proposed with this Application.

III. DDRI ORDINANCE 4035/DIMENSIONAL REQUIREMENTS

A. SETBACKS, ENCROACHMENTS & SIDEWALKS

Building Setbacks and Encroachments

As the Property is located in the Downtown, the City's Urban Design Consultant, Complete Cities Planning Group (the "City's Consultant"), reviewed the Application. The Project is proposed under the IDG and has frontage adjacent to Southeast 3rd Street, Southeast 4th Street, and various alleys proposed to be incorporated into the Property. Southeast 3rd Street is a Type C street under the IDG, and the complete setback tables are provided on sheet SP-0-02. Pursuant to the DDRI Development Order, because the Restaurant (a Retail use) is now proposed along Southeast 3rd Street, which is a Type C street, a 16-foot setback is required at the ground level through the third floor, and the proposed building meets and exceeds these requirements. A 36 foot setback is required for floors 4 and 5, a 51 foot setback is required for floors 6 and 7, and a 101 foot setback is required for floors 8 and above. It should be noted that setbacks are not required from Property lines not fronting a right-of-way, but setbacks ranging from 5 feet, ten (10) inches through

41 feet, one (1) inch are provided by the Applicant.

However, for the upper floors (4-12 stories), the DDRI Ordinance allows for the Project to use the Downtown Quality Development Regulations and the IDG to allow for encroachments into the setbacks for the portions of the building known as the Architectural Opportunity Zone (AOZ), in order to provide for greater building articulation. As such, the AOZ can be applied to allow for setback encroachments at the upper level of these building heights, resulting in an improved public realm at the ground level.

The setback table on sheet SP-0-02 also provides a summary of the AOZ encroachments, and sheet SP-0-03 depicts the volumetric analysis for the 4th through 12th floors. In terms of AOZ allowance, consistent with the IDG requirements, the building's total possible AOZ volume is 1,081,212 cubic feet. The building meets the massing standards of the IDG as 20 percent of the 35 percent of the AOZ volume limitation is used. Therefore, the CRA Board may grant the additional forty (40) feet for a total of 140 feet of potentially allowable height.

The setbacks and permitted encroachments have been reviewed by the City's Urban Design consultant and they comply with the DDRI Development Order.

B. HEIGHT

- Maximum (habitable & non-habitable space): 140'
- Provided (habitable & non-habitable space): 139' 9"
- Maximum building height with architectural features not to exceed: 160'
- Provided building height with architectural features not to exceed: 152' 3"

Pursuant to Section 1(5)(d)(1) of the DDRI Development Order, bulk regulations allow non-habitable space such as tower elements or mechanical enclosures to extend a maximum of twenty (20) feet above the maximum height of the tallest Primary Building Mass, which is 140 feet. As previously indicated, the proposed structure has been designed with a height of 139 feet, 9 inches with additional architectural/tower features not to exceed a height 152 feet, 3 inches (including non-habitable space).

C. OPEN SPACE

The minimum required open space is 40 percent, or 36,780 square feet, and 40 percent, or 36,921 square feet, is provided as open space. Up to 35 percent of the total required open space may be covered open space (such as arcades, colonnades, etc.), and the Project provides 35 percent covered open space.

D. ACCESS

The primary vehicular access to the Project is located through a full access driveway connection to the proposed new terminus of Southeast 4th Street, which is the main entrance to the building. A valet drop-off is provided here for residents and restaurant employees. A secondary driveway is proposed along the west alley to serve the west parking structure, which also provides a valet drop-off for restaurant patrons.

E. PARKING

Use	Required Vehicular Rate*	Quantity of Use on Property (ie: units, SF, LF, etc.)	Required Vehicular Parking	Provided Vehicular Parking	Required Bicycle Parking*	Provided Bicycle Parking
Multi – Dwelling unit	1.75 parking spaces Per Unit	133 units	233	237 Spaces	16 / 5% of the required number of parking spaces or one (1) bicycle parking space	See below
Adm. Office	3 spaces per 1,000 sq. ft.	563 SF	2 spaces	2 spaces		
Restaurant	38.9 SF/ CSA SF	2,950 SF/ CSA	76 spaces	83 spaces		
Bar	1 space/2.2 LF	14.3 LF	7 spaces	7 spaces		
Outdoor Dining	No additional parking is required for outdoor seating, provided the outdoor seating does not exceed 25% of indoor seating	1,183 SF	N/A	N/A		
TOTAL			318 spaces	322 spaces	16	18

*Required vehicular parking is set forth in the [DDRI Development Order](#), and bicycle parking is set forth in the City Code [Section 28-1655](#), Code of Ordinances.

Parking

The project requires 318 parking spaces, and 322 parking spaces are provided within three (3) floors of structured parking totaling 138,312 square feet, which is separated into two separate portions with separate access and no vehicular accessibility between them. Although the 2023 Approval prohibited valet service at the Property, the Application now proposes valet parking for all mechanical spaces in the structured parking. Valet operations are provided in the western parking structure for restaurant patrons. At the main entrance, valet operations are also provided for residents of the building, and restaurant employees. In addition, as the eight (8) existing City public spaces will be relocated from Southeast 4th Street, four (4) parking spaces will be provided on the ground floor (the other four (4) will be relocated on-street spaces on SE 3rd Street) for members of the public to use, for a total of 326 parking spaces Staff has conditioned that valet parking areas shall be limited to the double stacked mechanical parking in the west garage reserved for restaurant guests and for the lateral mechanical parking system in the main parking structure for residents and restaurant employees.

Ground Floor Parking

At the ground level, approximately 26,897 square feet of parking is provided in two (2) separate parking structures (east and west), as two (2) portions of the building provide separate entrances and are not accessible to each other.

West Parking

- 100 percent (%) valet for restaurant patrons only.
- Access the parking structure closest to the west alley.
- Parking for restaurant patrons is provided with 42 valet-operated mechanical vertical stackers and one (1) valet space for a total of 43 spaces.
- Restaurant patrons will valet their vehicles and walk approximately 200 feet north to the restaurant entrance.

East Parking

- This location, approximately 15,758 square feet, will be in closer proximity to the restaurant at Southeast 3rd Street.
- Self parking for 22 residential spaces is accessed through the main entrance off Southeast 4th Street, on the north side of the roundabout.
- Four (4) City public parking spaces are also relocated here.

Levels 2 and 3

- South of the roundabout, a ramp provides access to the remaining 111,415 square feet of parking on the second and third levels of the building.
- A valet operated horizontal mechanical system, rather than a vertical lift or stacker system, is provided for the residents of the building and restaurant employees

As discussed earlier, eight (8) public parking spaces will be relocated to replace the existing eight (8) parallel parking spaces along Southeast 4th Street. Four (4) public spaces are located inside the structured parking, and four (4) of these spaces will now be located in the Northeast 3rd Street Right-of-Way, adjacent to the Restaurant. Previously, the relocated spaces were proposed on the north and south sides of Southeast 4th Avenue, directly east of the building entrance. Lastly, it should be noted that these spaces are not included in the overall parking for the Project, and will be signed and metered as City public parking.

IV. MOBILITY

A. WALKABILITY/ PEDESTRIAN INFRASTRUCTURE

The Applicant proposes a six (6) foot sidewalk with pedestrian access from Southeast 3rd Street to the Restaurant entrance on the ground level. Adjacent to Southeast 3rd Street, a five (5) foot sidewalk connection is provided with access to the interior of the Property, including the pickleball court. Additionally, a crosswalk across the east alley to existing sidewalks, and a landscaped path from Southeast 3rd Street to the lobby, are depicted on the site plan. There will be sidewalks of various sizes throughout the Project, approximately five (5) feet in width.

The Property, particularly the Restaurant, is easily accessible by sidewalk from Southeast 3rd Street, and by pedestrians accessing the residential portion of the Property via the main entrance on Southeast 4th Street.

B. TRAFFIC

Compared to the 2023 Approval, the Application is projected to generate 32 fewer daily trips, one (1) fewer AM peak hour trips and two (2) fewer PM peak hour trips. The Project is vested for concurrency as part of the DDRI Development Order.

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Proposed IDA 133 DU 5,977 SF Restaurant	815	71	70
Net New Driveway Trips	-32	-1	-2

C. PUBLIC NOTICE

Pursuant to [Section 28-8](#), Code of Ordinances, the following notices were provided:

- 10-day mailer notice to owners of properties within 500 feet radius of the Property
- Posting of Property 10 days prior to public hearing date.

V. ANALYSIS

A. REVIEW CRITERIA

1. Site Plan- Individual Development Approval (IDA)

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- Conformance with the Development Order and the Design Guidelines in the Development Order; and

- f. Conformance with the Amended Downtown Plan and planning principles some of which may be articulated in subsequent studies necessary to achieve the Vision, Goals and Policies of the Plan.

(To assist in this review the Design Guidelines in the Development Order and Vision, Goals and Policies of the Amended Downtown Plan, and function, aesthetics and design guidelines adopted by the Board or City Council are provided as Appendices to the Rules)

Staff Analysis: This Application would authorize construction of a mixed-use building with 133 residential units, approximately 5,977 square feet of restaurant use and 322 parking spaces. The Project includes other on-site and off-site improvements that include a new six (6)-foot-wide sidewalk on Southeast 3rd Street along the Property frontage. The improvements along the Property's Southeast 3rd Street frontage also include the relocation of four (4) parallel parking spaces (of eight (8) total being relocated from SE 4th Street) in the ROW and the addition of street trees, including Green Buttonwoods, with 15 feet overall height at time of planting. Staff has analyzed the request and has found that the current Application complies with the required criteria. Therefore, staff supports the Applicant's requested Application with conditions.

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The Application was submitted under the IDG, which includes a quantitative and qualitative checklist, and is subject to the requirements of DDRI Development Order Section 2(4)(i) regarding consistency with the Amended Downtown Plan.

At the ground level, the Property's primary entrance is located off the eastern alley, which connects to SE 3rd Street to the north. Here, a covered roundabout entrance feature is provided, welcoming residents and visitors to the site. A second access drive is provided from the western alley, where valet parking drop-off/pick-up is proposed. A small number of public self-park spaces are provided at the eastern entrance. However, most of the site's parking spaces are secured behind gate arms or are served by valet. Valet services operate the proposed mechanical lift spaces on site, which include vertical and horizontal stackers. A total of 322 parking spaces is provided where 318 are required. (Four (4) of eight (8) public parking spaces being relocated from SE 4th Street will also be in the structure, with the other four (4) being relocated as parallel spaces on SE 3rd Street.) Vehicular use areas are screened by a combination of landscape buffers and architectural screens to ensure vehicles are screened from adjacent properties.

A six-foot sidewalk is provided along SE 3rd Street, with connections to the ground-floor Restaurant. The Restaurant provides the required active use along this frontage, offering indoor and outdoor dining with views of the activity from the adjacent sidewalk. A five-foot wide, connected pedestrian path is provided around most of the Property, providing access to amenities such as the Restaurant's outdoor dining, and a sport court (pickleball) and a dog park for use by the residents. Forty (40) percent of open space is provided, where a minimum of 40 percent is required.

Design emphasis is provided at the northern building entrances with overhangs and material use. Here, the ground floor uses a combination of building recesses and architectural features to meet the architectural bay requirements. The ground floor façade (stairwell at northeast corner) is setback approximately 39 feet where 16 feet is required, as measured from the curb.

Vertically, the proposed design offers a contemporary interpretation of Mizner design, incorporating traditional materials such as stucco, limestone, coral stone, wood, and metal into a modern composition. Overall, a light and neutral color palette is proposed. This color scheme is combined with large areas of glass

façade and deep balconies with glass railings to maintain a light and airy appearance. The deep balconies provide undulation along the façade lengths as well as providing shade and incorporating Mizner design elements. In total, the applicant proposes to utilize 20 percent of the Architectural Opportunity Zone, where a maximum of 35 percent is permitted. In addition, 46 percent of the building footprint is utilized above 100 feet in height, where up to 50 percent is permitted.

As viewed from the north, the roofline varies to further reduce the perceived mass and scale of the building. In addition to the upper rooftop amenity deck, amenities are provided on the fourth floor rooftop, including an additional pool, yoga lawn, and lounge area. Indoor amenities at this level include a gym, party room, spa, and yoga room. Individual rooftop elements are limited to 13 percent of the primary building mass, with a combined total of 26 percent. The applicant proposes 24 percent coverage.

Conclusion:

Complete Cities found the Application complies with the DDRI Development Order.

C. DOWNTOWN PLAN COMPATIBILITY/CONSISTENCY

Based on the overall design of the Project, staff finds that the proposed site design is consistent with the following policies of the Amended Downtown Plan:

- Urban Design Policy 1.1: requires the development of a “continuous and inviting system of pedestrian streets.”
- Urban Design Policy 1.6: calls for projects to “emphasize facades as major elements of the overall street-scape.”
- A positive pedestrian experience is a fundamental goal of the Plan, and the relationship of projects to adjacent streets and sidewalks is a key element of achieving that goal.
- Urban Design Policy 1.7: encourages the “development of vistas and views as part of major projects.”
- Architectural Design Policy 1.5: Require continuity of pedestrian-oriented frontages between adjacent redeveloped buildings.

VI. FINDINGS, RECOMMENDATION, AND CONDITIONS OF APPROVAL

FINDINGS

1. The proposed Project complies with the DDRI Development Order, including the IDG and Section 2(4)(i), “Compliance with Amended Development Order and the Amended Downtown Plan”.
2. The Project’s design provides an extensive network of pedestrian-friendly sidewalks and a thoughtful pedestrian-scaled building, and
3. The Application contributes to the overall interconnectivity between and among neighboring sites, expected for a Downtown project.

STAFF RECOMMENDS

☒ Approval with conditions
☐ Denial

Document originated by: Susan P. Lesser, Senior Planner

ATTACHMENT "A"

CONDITIONS OF APPROVAL



APPLICANT NARRATIVE PACKAGE

The Applicant Narrative Package is a required form for submission. The purpose of this document is to aid the planner in the review process. If not completed, your application will be deemed incomplete. Please fill out the form in its entirety with accurate information about the proposed project.

Project Name:	The Residences of Boca
Address	14, 33, and 41 SE 4th Street and 36 SE 3rd Street
Applicant Name:	KW SE 4th Street Boca, LLC
Date:	9/22/2026
Check off all application types that apply for the project:	☐ Site plan ☐ Conditional Use ☐ Text Amendment ☒ IDA ☐ Rezoning ☐ Abandonment ☐ Technical Deviation ☐ Comprehensive Plan ☐ Platting ☐ Master Plan ☐ Variance ☐ Future Use Map Change

PROJECT NARRATIVE

Please describe the proposed project, including all components. Please be sure to include the project's overall square footage, height, zoning, etc. Please include all of the following information:

Project description:

- Summarize the project, including name, location, acreage of property, purpose, and type (e.g. residential, commercial)
- Scope: Detail the project's intent, including new construction, renovation, or expansion

Project Components:

- Site Layout: Describe the site design, including the building placement, parking, and open spaces.
- Building Details: Include total square footage, height (stories and elevations).
- Zoning: State current zoning and how the project complies or requires changes. Justify any zoning variances or amendments.
- Landscaping and Open Space: Outline landscaping plans and public or communal spaces.
- Parking and transportation: Provide parking details on parking facilities and transportation impacts.
- Change of Use (if applicable)
- Office Equivalency (propose, conversion of uses and/or transfer of uses): If project is located in the DDRI please list proposed OE's

Compliance with Regulations:

- Zoning Compliance: Explain how the project meets zoning laws setbacks and density.
- Building Codes: Confirm compliance with building codes and standards, including sustainability features.

Impacts on surroundings:

- Compatibility: Discuss how the project fits within the existing neighborhood and any potential impacts.

- Environmental Considerations: Address environmental impacts and mitigation measures.
- Economic and Social Impacts:

Project Phasing and Timeline:

- Phases: If applicable, outline the development phases and timeline for each
- Timeline: Provide an estimated timeline from planning to completion

Conclusion:

- Summary: recap key points and align the project with community goals and standards.
- Community Benefits: Highlight the benefits the project will bring to the community

PROJECT NARRATIVE

Using this space, include all the components listed under the Project Narrative instructions:

Disclaimer, if the font size gets below 11 pt., please use the additional sheet on the next page

KW SE 4th Street Boca, LLC ("Petitioner") is the owner of the +/- 2.10-acre parcel located at 14, 33, and 41 SE 4th Street and 36 SE 3rd Street, which is generally located on the southwest corner of SE 3rd Street and S Federal Highway (PCN #s 06434728030140020, 06434728030110011, 06434728030110012, 06434729060110221) ("Property") in the City of Boca Raton ("City"). The Property is currently developed with +/- 27,840 square feet of retail and office uses. The Property has a future land use designation of Central Business District ("CBD") and a zoning designation of DDRI, within Subarea D. Petitioner previously submitted an abandonment application related to right of ways adjacent to the Property, which was approved by the CRA on April 4, 2023. Additionally, on April 24, 2023, the Boca Raton City Commission approved Individual Development Approval ("IDA") No. CRP-22-01 ("2023 Approval"), permitting the construction of a 190-unit, 338,131-square-foot residential building with a maximum height of 133 feet, 4 inches. The Petitioner now seeks to amend the IDA (Application No. PZCRP-2026-00001) to allow for the development of a 133-unit, 357,585 -square-foot mixed-use building that includes a 5,977 square foot ground-floor restaurant ("Project"). The proposed building will reach a maximum height of 139 feet, 9 inches, spanning 12 stories.

The proposed amendment revises the 2023 Approval. A summary of the revisions is provided below:

- Dwelling Units: The 2023 Approval included 190 dwelling units. The proposed Project includes 133 dwelling units, a reduction of 57 dwelling units.
- Overall Building Area: The 2023 Approval included 338,131 square feet of building area (excluding the structured parking). The proposed Project includes 357,585 square feet (excluding the structured parking), an increase of 19,454 square feet.
- Structured Parking: The 2023 Approval included 131,089 square feet of structured parking. The proposed Project includes 138,312 square feet, an increase of 7,223 square feet.
- Parking: The 2023 Approval provided 336 parking spaces. The proposed Project provides 326 parking spaces, a reduction of ten (10) parking spaces. The Project continues to provide parking in excess of the 318 spaces required by Ordinance 4035.
- Building Height: The 2023 Approval was approved at 12 stories with a building height of 133 feet, 4 inches, with the top of the decorative architectural roof elements reaching 148 feet, 4 inches. The proposed Project remains 12 stories and has a building height of 139 feet, 9 inches (top of rooftop pool deck, measured from crown of road), with the top of the decorative architectural roof elements reaching 152 feet, 3 inches.

PROJECT NARRATIVE CONT.

Using this space, include all the components listed under the Project Narrative instructions:

- Ground Floor Uses: The proposed amendment introduces a 5,977-square-foot ground-floor restaurant designed to activate the streetscape and provide an active pedestrian frontage along SE 3rd Street, as well as a 1,653-square-foot pickleball court, and a 523-square-foot dog area
- Open Space: The 2023 Approval included 38,219 square feet of open space, consisting of 25,498 square feet of open-to-sky open space and 12,730 square feet of covered open space. Of that total, 34,121 square feet was predominantly visible from the public realm. The proposed Project includes 36,921 square feet of open space, consisting of 24,081 square feet of open-to-sky open space and 12,840 square feet of covered open space. Of that total, 18,627 square feet is predominantly visible from the public realm.

In addition to the revisions summarized above, the proposed amendment includes several site design modifications. The parking layout has been redesigned from a primarily standard and compact parking arrangement to a more efficient configuration utilizing a combination of standard, mechanical tandem lifts/platforms, parking stackers, compact, and ADA parking spaces, providing a total of 326 parking spaces. Additional refinements include modifications to support areas, bicycle parking accommodations, building setbacks, and Architectural Opportunity Zone (AOZ) criteria to accommodate the revised building design and overall site layout. The amendment also relocates four (4) existing City public parking spaces to SE 3rd Street, while retaining four (4) City public parking spaces beneath the building within the east parking area, which are included in the 326 provided spaces.

The Project complies with the Development Standards within Section 2(4) of Ordinance 4035 and its amendments, as follows:

a) Bulk Regulations:

- i. Height: The Project is proposed to be 12 stories, 139'-9" from crown of road to top of rooftop pool deck. As such, the Project complies with the 12 story, 140' height maximum. The top of the decorative architectural roof elements reaches 152'-3" from crown of road to the highest mechanical parapet, below the 160' maximum permitted height with architectural elements.
- ii. Cubic Volume: The Project proposes 5,508,511 cubic feet of building volume, below the 5,517,000 cubic feet permitted.
- iii. Building Footprint Above 100 Feet: The Project's building footprint above 100 feet is 28,828 square feet, or forty-six percent (46%) of the overall building footprint, below the 31,333 square feet (50%) permitted.
- iv. Architectural Opportunity Zone: The Project utilizes 215,441 cubic feet of the 1,081,212 cubic feet of available AOZ capacity, or twenty percent (20%), below the thirty-five percent (35%) maximum.

v. Setbacks: The Project is designed such that:

1. No part of the building is located in a required easement;
2. Along the Type C street frontage, the Project complies with the applicable setback and building massing standards. The Type C street guidelines contemplate a minimum setback of sixteen feet (16') for retail frontage, which the Project exceeds.

b) Off-Street Parking – 326 total parking spaces provided, including mechanical tandem parking spaces permitted by right pursuant to Section 2(4)(b)(13) of Ordinance 4035. Of the 326 spaces, 169 are valet-operated (124 mechanical lifted tandem platform spaces, 42 stacker spaces, and 3 compact spaces) and 157 are self-park (141 standard, 9 ADA, 3 compact, and 4 City spaces). Further, of the 326 spaces, 83 are allocated to the restaurant use, satisfying the 83 spaces required by Ordinance 4035. Included in this total are 4 City public parking spaces (metered) located within the Project's property line in the east parking area; excluding these City spaces, the Project provides 322 spaces, exceeding the 318 spaces required by Ordinance 4035. A further 4 City public spaces relocated on-street along SE 3rd Street are outside the property line and are not included in the count.

PROJECT NARRATIVE CONT.

Using this space, include all the components listed under the Project Narrative instructions:

- c) Landscaping – The Project is designed to comply with the landscaping requirements in Ordinance 4035. Landscape is designed to complement the building's architecture both in scale and type. A combination of shade trees, palm trees, midstory and groundcover is interwoven to provide visual interest. There will be Alexander Palms, Autograph Trees, Silver Buttonwoods, Boston Ferns, Coontie Cycads, Bahama Coffees, and Silver Saw Palmettos.
- d) Utility Distribution Lines – All electric, telephone, and other utility distribution lines for the Project are proposed to be installed underground to the maximum extent possible.
- e) Lighting – The Project is designed to comply with the lighting standards of Ordinance 4035.
- f) Signs – Signage for the Project will comply with the regulations of Ordinance 4035.
- g) Nonconforming Standards – The existing buildings will be demolished and as such, this section is not applicable.

Architectural Design

The Project's design incorporates variation in balcony layouts, façade articulation, and material transitions to create depth and visual interest along SE 3rd Street. The building mass is articulated both vertically and horizontally through balcony projections, terrace levels, changes in plane, and recessed tower elements that create the appearance of multiple interconnected building volumes rather than a single monolithic structure. These elements create movement across the façade while maintaining a cohesive architectural expression. While expressed through a contemporary architectural language, the Project draws inspiration from Boca Raton's Mizner architectural tradition through pedestrian-scaled massing, articulated building forms, varied roofline elements, and façade detailing that reduce the perception of scale along the public realm.

In recognition of the pedestrian scale and character of the Downtown, the building places an active 5,977-square-foot restaurant directly along the north frontage, including 2,950 square feet of customer service area, of which 1,183 square feet is outdoor customer service area, 2,813 square feet of back of house area, and a 214-square-foot bar, ensuring that the ground level remains transparent and engaging. Large windows provide visibility into the interior, reinforcing the relationship between the building and the public sidewalk. The Project also provides a network of sidewalks and pedestrian connections along SE 3rd Street, SE 4th Street, and the adjacent alleys, providing convenient pedestrian access throughout and around the Property. The primary pedestrian entrance is clearly defined and integrated into the streetscape, encouraging direct access from SE 3rd Street and further reinforcing the Project's pedestrian-oriented design. The restaurant is proposed to operate seven (7) days per week, with lunch service from 12:00 p.m. to 4:00 p.m. and dinner service from 5:30 p.m. to 10:30 p.m. The restaurant currently proposes 128 indoor seats and thirty (30) outdoor seats. The outdoor seating is 23% of the interior seat count, below the twenty-five percent (25%) threshold and is intended to activate the streetscape and encourage pedestrian activity.

PROJECT NARRATIVE CONT.

Using this space, include all the components listed under the Project Narrative instructions: Structured parking is incorporated within the building and screened by architectural elements and liner uses, minimizing its visibility from the street and preserving an active frontage. Vehicular access and valet operations are designed to function efficiently while maintaining a pedestrian-oriented environment. Valet service will be available to both restaurant patrons and residents and will operate twenty-four (24) hours per day, seven (7) days per week, with one exception: the stacker garage located off the west alley (the "Stacker Garage") is dedicated to restaurant guests and is valet-operated during approximate restaurant hours. Restaurant guests are directed to the Stacker Garage by on-site wayfinding signage and by GPS navigation and mapping applications; restaurant employee parking is accommodated within the main garage through valet. All mechanical lifted tandem platform spaces and all stacker spaces are valet-operated; no such space is self-parked. The Project also provides bicycle parking for twenty-two (22) bicycles (exceeding the sixteen (16) spaces required), including eighteen (18) spaces within a secured bicycle storage room and four (4) outdoor spaces, further supporting alternative modes of transportation consistent with Downtown's walkable character.

The ground floor incorporates a mix of active uses, open spaces and resident amenities, including the 5,977-square-foot restaurant, a 1,653-square-foot pickleball court, and a 523-square-foot dog area. These spaces contribute to an active ground-level environment, with open spaces visible from SE 3rd Street, SE 4th Street, and the adjacent alleys. Residential amenities are thoughtfully integrated throughout the Project, including a fitness gym, Pilates studio, spa, children's room, lounge, game room, party room, and pool deck on the fourth floor. These amenities are oriented to create an internal community for residents while remaining integrated into the overall architectural composition of the building. Additional resident amenities are provided on the rooftop, which features landscaped open-air terraces, lounge and seating areas, a pool deck with cabanas, a spa/hot tub area, an outdoor bar, and additional wellness spaces. Together, these amenities provide residents with a variety of indoor and outdoor recreational spaces at both the lower and upper levels of the building. Mechanical and service areas have been carefully incorporated into the rooftop design while preserving the primary roof areas for usable open space, recreation, and an enhanced resident experience.

The façades incorporate a combination of smooth and textured finishes, metal railings, glass balcony elements, and architectural detailing that tie the elevations together horizontally while adding variation and rhythm. Deep balconies, recessed terraces, and trellis elements create shade, shadow, and outdoor living opportunities that respond to the South Florida climate and reinforce a pedestrian-oriented architectural expression. Inspired by Boca Raton's Mizner architectural tradition, the Project incorporates layered façade treatments and varied upper-level forms that contribute to a more refined building profile while maintaining a cohesive contemporary identity. The upper levels step back to reduce the perceived mass and introduce terrace areas that contribute to the building's profile.

Overall, the Project has been thoughtfully designed to incorporate contemporary architecture, Mizner-inspired design elements, and pedestrian-oriented urban design principles, while fully complying with the applicable requirements of the City's Land Development Code and Ordinance No. 4035 without the need for any technical deviations. The resulting design complements the character of Downtown and contributes to a cohesive, pedestrian-friendly environment.

CONSISTENCY WITH COMPREHENSIVE PLAN

Select a Comprehensive Plan Element from the drop-down list, then list policy(s)/goal(s)/objective(s) which are compatible with the proposed project, then describe under the "Applicant Findings" how the proposed project is compatible with the City's Comprehensive Plan.

Element	Policy/Goal/Objective	Applicant Findings
Future Land Use El	1.1.10	The Central Business District (CBD) is intended to encourage mixed use developments. The proposal adds commercial space to the ground floor in addition to the residential.
Future land use elen	4.2.3	The project is consistent with this policy of having "...sidewalks shall be constructed ... along the public and private streets abutting the perimeter of the site." There are sidewalks along SE 3rd Street and the west alley.
Future land use eler	4.2.4	The project is consistent with the policy for "sites shall be developed with sidewalks connecting the public right-of-way, buildings, parking areas, and public open space."
Future land use eler	4.1.5	There is an interconnected transportation network that supports bicycle, pedestrian, transit and vehicle access between important residential, employment, retail and civic destinations should be included in each planning area. This project integrates employment and residential uses, in addition to being in an area which has an interconnected transportation network and several civic uses in the surrounding area.
Future land use elen	3.0.0	Requires a project to have "safe, convenient, efficient, continuous, and aesthetically pleasing transportation environment that is conducive to walking, cycling and transit," and based on the location of this project in the downtown, and near other destinations, this project is in consistent with this policy.
Future land use elen	3.2.1	This project furthers this policy by providing a greater mix of land uses.

CONSISTENCY WITH COMPREHENSIVE PLAN

[illegible]

LAND USE COMPATIBILITY

Explain how the current proposed project will work within the given context. Describe existing land uses, future land uses, types of uses found, and explain with how the proposed project is compatible with listed uses.

The Project is located between SE 3rd Street and SE 4th Street. The immediate surrounding properties include a mix of multifamily residential, office, restaurant, and other non-residential uses. To the north, south, east and west are properties in the DDRI which consist of office, restaurant, and residential uses. Therefore, the proposed mixed-use is compatible with the surrounding area and existing uses.

SITE DESIGN/URBAN DESIGN/ARCHITECTURE

Describe the design of the project, the intended architectural style (included but not limited to materials, style, passive strategies, energy efficiency), and any other details that are important to note.

This project showcases a contemporary interpretation of Mediterranean architectural style, characterized by clean lines, natural materials, and refined detailing. The façade is defined by generous, curved balconies that create depth and rhythm, while warm stone accents, ornamental entry elements, and lush rooftop landscaping contribute to a sophisticated, resort-style aesthetic. The design thoughtfully integrates modern residential living with timeless coastal character, utilizing materials such as limestone finish, painted stucco, wood-painted glass fiber reinforced concrete, horizontal decorative metal louvers, and perforated metal to enhance texture, warmth, and visual interest throughout the building.

WALKABILITY / PEDESTRIAN INFRASTRUCTURE

Pedestrian Infrastructure

	Request	Infrastructure Type	Location	Width(s)	Relation to Street	Street Trees	Specifications
Proposed/existing		Sidewalk	SE 3rd		along	yes	concrete
proposed and existing		Sidewalk	SE 4th		along	no	concrete
existing		Sidewalk	S Federal		along	existing	concrete
proposed		sidewalk	western property line		n/a	n/a	concrete

Discussion

Discuss the presence/lack of sidewalks on adjacent streets, width of sidewalks, whether pedestrian infrastructure is required to be improved as part of the application, discuss in general terms the quality of the pedestrian environment (shade, separation from traffic, presence/not of on-street parking, etc. and discuss how site design handles pedestrians accessing the site from the street and pedestrian circulation within the site.

The project is located in the heart of downtown Boca Raton, just steps from Royal Palm Place and within a short, walkable distance to Mizner Park and The Boca Raton. The site is well-connected with existing on-street parking along SE 3rd Street and continuous sidewalks throughout the area, providing safe and convenient pedestrian access to the development and surrounding destinations. The project includes a circular driveway off SE 4th Street, as well as a driveway connecting the parking area between SE 4th Street and SE 3rd Street. Additionally, a designated drop-off area will be provided along SE 3rd Street to serve the commercial space.

BICYCLE INFRASTRUCTURE

Bicycle Infrastructure Near Project

Street	Location	Infrastructure Type	Width (ft)	Protected?	Designated?
	onsite	Bike Room		Yes	Yes

Discussion

Discuss location of any existing/proposed bicycle parking, presence/lack of bicycle lanes on adjacent streets, and review what the Comprehensive Plan discusses (goals, policies, and objectives and any maps from the Map Series) with regard to these things.

The Project also provides bicycle parking for twenty-two (22) bicycles (exceeding the sixteen (16) spaces required), including eighteen (18) spaces within a secured bicycle storage room and four (4) outdoor spaces

OBJECTIVE TRAN.3.2.0: Design pedestrian and bicycle facilities and the surrounding environment to ensure the safety of nonmotorized travelers and encourage increased use of these systems.

POLICY TRAN.3.2.8: The City shall continue to provide an alternative to automotive transportation that optimizes

the comfort and safety of bicyclists by implementing bicycle transportation to the work place, and requiring new multi-family and non-residential developments and additions to non-residential developments, based on square footage calculation, to include bicycle amenities (e.g., secure bike lockers, well placed bike racks, shower and locker facilities).

TRANSIT ROUTES								
Route Number	Stop Number	Direction	Route Name	Travels Along	Distance From Site	Stop Location	Shelter Present?	Access
1	8512	south	FEDERAL HWY at SE 5TH ST	Route 1	+/- 300 feet	southwest corner of Route 1 and SE 5th Street	Y	sidewalk and crosswalk
1	8516	north	FEDERAL HWY at SE MIZNER BLVD	Route 1	+/- 230 feet	northeast corner of Route 1 and SE Mizner	N	sidewalk and crosswalk
<p>Discuss what Palm Tran route and/or shuttle system serves the site, where is the closest stop and shelter for these services, and how would someone walk/bike to that stop and/or shelter (is there sidewalk/bike lane and what is the quality of the walk/bike trip to the stop), do the nearest stops have shelters or what is the infrastructure at the stop, are there plans for improvements to the routes/stops? Review what the Comprehensive Plan discusses (goals, policies, and objectives and any maps from the Map Series) in terms of transit and shuttles. Is transit infrastructure required to be upgraded as part of this application, etc.</p>								
<p>There are no transit stops immediate adjacent to the Property; however, there are multiple transit stops that are easily accessible from the Project along Route 1. The pedestrian environment contains variations of street trees, buffered and non-buffered sidewalks. There are street trees provided along Route 1 for shading. Moreover, there are a few crosswalks which would allow a pedestrian to cross Route 1 and SE 5th to the bus stops. Additionally, the bus stop at the corner of SE 5th and Route 1 has a bus shelter.</p>								

COMMUNITY OUTREACH
<p>Please indicate any meetings or outreach to surrounding communities. Please provide a description of the events that occurred, when and where the meeting took place, how many people attended.</p> <p>If letters were sent, please indicate how many letters were sent.</p>
<p>N/A</p>

INDIVIDUAL DEVELOPMENT APPROVAL

DDRI IDA NO. CRP-22-01R1

PZCRP-2026-00001

**14 SOUTHEAST 4TH STREET, 33 SOUTHEAST 4TH STREET,
36 SOUTHEAST 3RD STREET, AND 41 SOUTHEAST 4TH STREET**

CONSIDERATION OF AN INDIVIDUAL DEVELOPMENT APPROVAL (IDA) OF THE BOCA RATON COMMUNITY REDEVELOPMENT AGENCY, AMENDING IDA NO. CRP-22-01 FOR "THE RESIDENCES OF BOCA" PROJECT GENERALLY LOCATED ON APPROXIMATELY 1.64 ACRES AT 14 SOUTHEAST 4TH STREET, 33 SOUTHEAST 4TH STREET, 36 SOUTHEAST 3RD STREET, AND 41 SOUTHEAST 4TH STREET, TOGETHER WITH APPROXIMATELY 0.45 ACRES OF CITY RIGHTS-OF-WAY APPROVED TO BE ABANDONED WITH IDA NO. CRP-22-01, FOR AN OVERALL SITE TOTALING APPROXIMATELY 2.1 ACRES, WHICH WAS APPROVED TO AUTHORIZE THE CONSTRUCTION OF A TWELVE (12) STORY, 190 UNIT RESIDENTIAL BUILDING TO: (i) REDUCE THE NUMBER OF RESIDENTIAL UNITS FROM 190 TO 133 (A REDUCTION OF 57 RESIDENTIAL UNITS), (ii) INCREASE THE SQUARE FOOTAGE OF THE BUILDING FROM 338,131 SQUARE FEET TO 357,585 SQUARE FEET (AN INCREASE OF 19,454 SQUARE FEET), (iii) ALLOW 5,977 SQUARE FEET OF RETAIL (HIGH) FOR RESTAURANT USE ON THE GROUND FLOOR OF THE BUILDING (iv) INCREASE THE SIZE OF THE INTERNAL STRUCTURED PARKING FROM 131,089 SQUARE FEET TO 138,312 SQUARE FEET (AN INCREASE OF 7,223 SQUARE FEET), (v) INCREASE THE MAXIMUM HEIGHT FROM 133 FEET, FOUR (4) INCHES, TO 139

FEET, 9 INCHES (AN INCREASE OF SIX (6) FEET, FIVE (5) INCHES), ALONG WITH AN INCREASE OF HEIGHT OF THE ARCHITECTURAL FEATURES, FROM 148 FEET, FOUR (4) INCHES TO A MAXIMUM TOTAL HEIGHT NOT EXCEED 152 FEET, THREE (3) INCHES (AN INCREASE OF THREE (3) FEET, ELEVEN INCHES) (vi) MODIFY CERTAIN ELEVATIONS, (vii) REDUCE OPEN SPACE FROM 38,219 SQUARE FEET TO 36,921 SQUARE FEET (A REDUCTION OF 1,298 SQUARE FEET), AND (viii) RELOCATE EIGHT (8) SURFACE PARKING SPACES FROM SOUTHEAST 4TH STREET TO FOUR (4) GROUND FLOOR STRUCTURED PARKING SPACES AND FOUR (4) PARKING SPACES IN THE SOUTHEAST 3RD STREET RIGHT-OF-WAY, ALL TOGETHER WITH RELATED ON-SITE AND OFF-SITE IMPROVEMENTS; RESULTING IN APPROXIMATELY 284,586 SQUARE FEET OF OFFICE EQUIVALENT DEVELOPMENT REMAINING IN DOWNTOWN SUBAREA D; PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE

WHEREAS, KW SE 4th Street Boca LLC ("Applicant") is the owner of approximately 1.64 acres of real property in Downtown Boca Raton generally located at 14 Southeast 4th Street, 33 Southeast 4th Street, 36 Southeast 3rd Street, and 41 Southeast 4th Street (collectively, the "KW Parcels," described in Exhibit "A-1"); and

WHEREAS, on April 24, 2023, the Boca Raton Community Redevelopment Agency (CRA) approved, pursuant to Ordinance No. 4035, as amended (the Downtown Development of Regional Impact Development Order or "DDRI Development Order"), Individual Development Approval (IDA) No. CRP-22-01 to: (i) authorize the development of a 12-story, 190 unit residential building totaling approximately 338,131 square feet, and internal structured parking totaling approximately 131,089 square feet, with a maximum height not to exceed 133 feet, four (4) inches, with architectural features with a maximum total height not to exceed 148 feet, four (4) inches, (ii) relocate eight (8) existing surface parking spaces on Southeast 4th Street, and (iii) approve the abandonment of City rights-of-way generally located between South Dixie Highway and South Federal Highway and between Southeast 3rd Street and Southeast 5th Street, including: (a) a 20-foot wide portion of an east-west alley generally located approximately midway between Southeast 3rd Street and Southeast 4th Street, (b) a 60-foot wide portion of Southeast 4th Street, and (c) a 10-foot wide portion of an east-west alley generally located approximately midway between Southeast 4th Street and Southeast 5th Street (collectively, the "Abandonments"), which rights-of-way total approximately 0.45 acres and are legally described in Exhibit "A-2" (the "Right-of-Way Abandonment Area") which IDA No. CRP-22-01 pertains to the KW Parcels and the Right-of-Way Abandonment Area (together, the "Property," described in Exhibit "A"); and

WHEREAS, the improvements authorized under IDA No. CRP-22-01 have not been constructed but, due to statutory tolling extensions, have an expiration date of February 17, 2031; and

WHEREAS, pursuant to the provisions of the DDRI Development Order and the Rules of the CRA ("Rules"), the Applicant has filed an application to amend IDA No. CRP-22-01 to: (i) reduce the number of residential units from 190 to 133 (a reduction of 57 residential units), (ii) increase the building square footage from 338,131 square feet to 357,585 square feet (an increase of 19,454 square feet), (iii) authorize 5,977 square feet Retail (High) for restaurant use (the "Restaurant") located on the ground floor fronting Southeast 3rd Street, (iv) increase the size of the internal structured parking from 131,089 square feet to 138,312 square feet (an increase of 7,223 square feet), (v) increase the building height (as "height" is defined in the DDRI Development Order) from 133 feet, four (4) inches, to 139 feet, nine (9) inches (an increase of six (6) feet, five (5) inches), along with an increase in the total height (including architectural features) from 148 feet, four (4) inches to 152 feet, three (3) inches (an increase of three (3) feet, eleven (11) inches), (vi) modify certain architectural elevations, (vii) reduce open space from 38,219 square feet to 36,921 square feet, (viii) relocate eight (8) surface parking spaces from Southeast 4th Street to four (4) parking spaces on the ground floor of the internal structured parking and four (4) spaces in the Southeast 3rd Street right-of-way, all together with related on-site and off-site improvements; resulting in approximately 284,586 square feet of office equivalent development remaining in Downtown Subarea D ("Application"); and

WHEREAS, the term Applicant shall include the Property owner, applicant, petitioner, lessee, tenant, heirs, successors in title, or any other relevant party having a lawful interest in the Property for which this IDA is granted. The term "Applicant" does not include the City as the owner of the Right-of-Way Abandonment Area, prior to the perfection of the Abandonment; and

WHEREAS, a public hearing thereon has been duly noticed and held in accordance with the requirements of the DDRI Development Order and Rules; and

WHEREAS, the CRA has considered the Application, and the recommendations of the professional staff, the Community Appearance Board and the Planning and Zoning Board, and the testimony, reports, exhibits and other documentary evidence submitted at the public hearing; and

WHEREAS, the CRA, having considered all of the foregoing and being fully advised and informed in the premises, has determined that it is in the best interests of the citizens of the City of Boca Raton to **[approve/not approve]** the Application subject to specified conditions and limitations.

FINDINGS OF FACT

The CRA hereby **[finds/does not find]** that:

1. Applicant has filed the Application with the CRA; the Project will result in approximately 284,586 square feet of office equivalent development remaining in Downtown Subarea D.
2. The Application was determined to be complete by the Executive Director of the CRA on _____, 2026.

3. On _____, 2026 the Executive Director of the CRA submitted his report in regard to the Application, recommending approval of the Application.
4. Adequate infrastructure facilities exist or will be provided in a timely manner, consistent with the DDRI Development Order and Rules, to serve the development of Downtown Boca Raton in a safe and efficient manner.
5. The Application consists of 73,206 square feet total office equivalent development and 37,192 square feet of net office equivalent development, as compared to what was approved in IDA No. CRP-22-01, leaving a total of approximately 284,586 square feet of office equivalent development remaining in Downtown Subarea D. A conversion of uses within Downtown Subarea D from 6,220 square feet of Retail (High), 936 square feet of Retail (Medium High), and 105 Hotel Rooms to Residential was approved in IDA No. CRP-22-01; however, because this Application (IDA No. CRP-22-01R1) expends fewer OEs than IDA No. CRP-22-01, a conversion of uses is no longer required.
6. Because the Application proposes to decrease the number of residential units from 190 to 133 compared to IDA No. 22-01, a conversion of uses within Downtown Subarea D is no longer required, and it does not affect the development rights remaining in any other subarea under the DDRI Development Order, and is consistent with the requirements of the DDRI Development Order.
7. The CRA has given public notice and held a public hearing to consider the Application.
8. The anticipated net annual tax increment revenue generated by this proposed development is estimated to be \$725,000.00.

CONCLUSIONS OF LAW

After having considered the Application for an IDA, the report and recommendations of the Executive Director of the CRA, the Planning and Zoning Board, the Community Appearance Board and the opinion, advice and counsel of the public, the CRA hereby finds that:

1. The Project proposed in the Application **[meets/does not meet]** all the requirements of the DDRI Development Order and the Rules.
2. This IDA No. CRP-22-01R1 amends IDA No. CRP-22-01, which IDA No. CRP-22-01 remains in full force and effect except as amended by this IDA No. CRP-22-01R1. Otherwise, this IDA No. CRP-22-01R1 supersedes and replaces any and all other development approvals issued regarding the Property by the City or any other authority except for the DDRI Development Order and the Rules.
3. The CRA is duly authorized and empowered to grant this IDA.

NOW, THEREFORE, IN ACCORDANCE WITH THE REQUIREMENTS OF THE DDRI DEVELOPMENT ORDER, AND THE RULES, THE BOCA RATON COMMUNITY REDEVELOPMENT AGENCY HEREBY [GRANTS/DENIES] THIS IDA NO. CRP-22-01R1,

**AMENDING IDA NO. CRP-22-01 FOR THE PROPERTY DESCRIBED IN EXHIBIT "A,"
SUBJECT TO THE FOLLOWING CONDITIONS, RESTRICTIONS AND LIMITATIONS:**

GENERAL

1. The Applicant is hereby authorized to apply for and receive building permits for development, based on the plans prepared by Arquitectonica, Inc., and received by the Development Services Department on ~~September 2, 2026~~ April 18, 2023, attached hereto and incorporated herein as Exhibit "B," subject to the conditions, restrictions and limitations set out in this IDA.

* * *

3. The following uses and intensity of development pursuant to the provisions of DDRI Development Order Section 2(3), shall be permitted to be developed on the Property as depicted in the plans attached as Exhibit "B", subject to each and every condition, requirement and limitation of this IDA, and the DDRI Development Order and the Rules:

Residential Units	<u>133</u>	190 units
Retail (High)	<u>5,977</u>	square feet

This Project consists of 73,206 ~~79,167~~ square feet total office equivalent development and 37,192 ~~43,452~~ square feet of net office equivalent development after adjustment of existing development and demolitions leaving a total of approximately 284,586 ~~398,607~~ square feet of office equivalent development remaining in Downtown Subarea D.

* * *

5. Prior to the issuance of any building permit for the Project, the Applicant shall comply with the following:
 - a) Obtain approval of design plans and necessary permits from City Staff Responsible for Public Works Review ("PWR"), and other required governmental agencies as applicable, for:
 - i. Wheel stops on all parking spaces that are adjacent to pedestrian areas for pedestrian safety;
 - ii. Demonstrate that all on-site elements, including parking stall size, wheel stops, bike racks, dumpster enclosures, etc., as shown on the approved site plan, are consistent with the City's Engineering Design Standards Manual ("EDSM");
 - iii. Water, sewer, paving and drainage plans for on-site and off-site improvements;
 - iv. A minimum of five (5) foot wide sidewalk free of encroachment along the Property frontage on Southeast 3rd Street;
 - v. Paving and other required improvements to the north-south alleys that adjoin the east and west sides of the Property, between Southeast 3rd and Southeast 5th Streets, as determined necessary by the City Engineer, but expressly including stormwater infrastructure and paving/improving the

portion of the north-south alley adjoining the Property to the west that is located north of Southeast 4th Street and is currently unpaved.

- vi. Engineering plans for the parking structure, which shall conform to the following standards: (i) the minimum unobstructed vertical clearance shall be 84 inches, (ii) the minimum unobstructed vertical clearance shall be 98 inches for any van accessible parking spaces and along at least one (1) vehicle access route to such spaces from site entrance and exit, (iii) columns (if included) shall not encroach into any parking space, (iv) ramp grade shall not exceed a 5 percent slope with parking or exceed 10 percent slope without parking, (v) grades for handicap parking spaces and access routes shall not exceed 2 percent, (vi) pull alarms, panic buttons and CCTV cameras shall be provided, (vii) handicapped parking spaces shall be provided and required to meet ADA standards, (viii) all parking stalls shall be double striped, (ix) conspicuous signs shall be provided to indicate compact, public, and reserved parking spaces, and (x) minimum 2-foot buffer distance between any parking stall and adjacent walls and columns. In the event that the parking structure needs to be redesigned to meet the above requirements, and falls below the required parking space requirements, a new development approval shall be required. In the event the parking structure needs to be redesigned to meet the above requirements, and falls below the required parking space requirements, a new development approval shall be required.
 - vii. A construction sequencing plan detailing the sequencing and timing of all infrastructure, building(s), and other site improvements that includes phasing, staging areas, a maintenance of traffic (MOT) plan, and any temporary use of right-of-way;
 - viii. Conspicuous signs to indicate each of the eight (8) public parking spaces (four (4) spaces depicted along the Southeast 3rd Street right-of-way) and four (4) spaces depicted on the ground floor of the internal structured parking directly north of the main entry, on Sheet AF-1.01 SP-0.01 of Exhibit "B," that are subject to the public parking easement required by condition no. 5.f.e.vii; and
 - ix. Conspicuous signs to be placed on the exterior of the building/parking structure to indicate the availability and public nature of the four (4) public parking spaces located in the ground floor of the parking structure, and that are subject to the easement required by condition no. 5.e.vii (which public parking spaces shall be the most easily accessible spaces on the ground floor of the parking structure, and which shall be open, available and accessible to the general public at all times, except when specifically temporarily limited in writing by the City Manager or designee); and,
 - xix. All work within the public rights-of-way to be conditionally vacated pursuant to the "Abandonments of Easements and Rights-of-Way" section of this IDA, and/or any other public right-of-way.
- b) Submit certification by a design professional that the engineering plans for all paved surfaces on the Property, for the parking structure, and all off-site improvements, are consistent with the EDSM, the DDRI Development Order, and the Americans with Disabilities Act (ADA);

- c) Provide a letter of credit or cash bond, in the forms attached to the agenda materials in connection with this matter, in an amount equal to 110 percent of the cost of construction, to ensure the timely and complete construction of:
 - i. All off-site improvements;
 - ii. All activity in the public right-of-way (including the public rights-of-way to be conditionally vacated pursuant to the "Abandonments of Rights-of-Way" section of this IDA); and
 - iii. All on-site improvements to be dedicated to the City and/or for public use;
- d) Submit evidence demonstrating that the Project complies with the Palm Beach County Unified Land Development Code, Article 13: "Impact Fee" Ordinance by presenting a receipt and building plans with the Palm Beach County Impact Fee Stamp affixed evidencing payment of impact fees, if applicable, of an amount to be determined; ~~The Applicant shall remit to the City the voluntary contribution of \$36,288.00 suggested by the School District of Palm Beach County ("District") in the District's school capacity availability determination ("SCAD") letter dated December 14, 2022 (and voluntarily proffered by the Applicant). The City shall hold such voluntarily contributed funds, together with any other SCAD contributions received by the City, and the City shall determine, in its sole discretion, how and when to expend such funds in a manner that serves, benefits, improves and invests in public schools located within the City;~~
- ef) Execute and deliver to the City for recordation, in the Public Records of Palm Beach County, together with applicable fees and in the forms attached to the agenda materials in connection with this IDA, the following:
 - i. A Declaration of Covenants and Restrictions, which shall provide:
Solid Waste Service:
 - (a) The Applicant shall contract with a private solid waste collection and disposal service as franchised by the City in accordance with the provisions of Section 14-22, Code of Ordinances, to provide solid waste pick-up service for all uses on the Property;
 - (b) The City will not be responsible for pickup of solid waste generated by any uses on the Property;
 - (c) The solid waste service will be contracted by the Applicant, and the costs of the solid waste services, including any solid waste service and all franchise and applicable solid waste disposal fees, shall be the sole responsibility of the Applicant, its successors and assigns, without recourse to the City; and
 - (d) The Applicant may change the solid waste service with which the Applicant contracts at any time without the written consent of the City, provided that any and all solid waste services with which the Applicant contracts is franchised by the City and provides a written acknowledgement that there shall be no recourse against the City;

- ii. A revocable license and perpetual maintenance agreement for street trees and landscaping improvements in the Southeast 3rd Street right-of-way, as depicted in Sheet AF-1.01 SP-0.09 of Exhibit "B."
- iii. Three (3) sidewalk easements (referred to as Sidewalk Easements #1, #2 and #3), for the purpose of providing pedestrian access to the Property, in the locations depicted in Sheet SP-0.1009 of Exhibit "B."
- iv. A 150 square foot utility easement for access to the water meter connection, located adjacent to the loading area at the southwest corner of the Property, as depicted in Sheet SP-0.1009 of Exhibit "B."
- v. A five (5)-foot wide, 1,200 square foot utility easement for access to a sanitary pipe and facilities located along the southern perimeter of the Property, as depicted in SP-0.1009 of Exhibit "B."
- vi. A declaration of unity of control in lieu of unity of title ("Unity of Control") for all portions of the Property (including the KW Parcels and the Right-of-Way Abandonment Area. In the event that, prior to the recordation of the Unity of Control, any portion of the Property is conveyed, the new owner of the conveyed portion of the Property shall join into the Unity of Control.
- vii. An easement for eight (8) public surface parking spaces (four (4) on the east ground floor of the internal structured parking, directly north of the main entry at the terminus of ~~along~~ Southeast 4th Avenue, and four (4) public spaces along Southeast 3rd Street) as depicted on Sheet SP-0.01 of Exhibit "B." The easement shall provide: in addition to the signage for each space required by condition no. 5.a.viii to be installed by the Applicant, the City may install replacement or additional signage and/or meters at such public parking spaces at the City's sole discretion; such public parking spaces shall not be subject to any fees or charges except those determined by the City; any revenues from parking meters or any other fees/charges shall be the property of the City; the City shall have the right to enforce parking restrictions (including the issuance of parking tickets, towing, vehicles, and similar enforcement actions) and shall have the rights for its personnel to enter upon the Property, as appropriate, to accomplish such enforcement actions.

fg) Remit to the City an annual contribution of \$10,432.00, which has been voluntarily proffered, to be applied towards the City's Downtown transit programs (transit shuttle, circulator or similar first mile/last mile micro-mobility service) to be paid the first year prior to the issuance of any main use building permit, and as an annual payment thereafter.

- 6. The Restaurant square footage (5,977 square feet of Retail (High)) shall only be occupied by restaurant uses of no more than 2,950 square feet of customer service area (CSA), 14.3 linear feet of bar, and 1,183 square feet of outdoor CSA. Prior to the issuance of a certificate of occupancy, and thereafter, prior to the issuance of any permit for tenant improvements within the building, the Executive Director or his designee shall confirm that any restaurant use does not occupy more than 2,950 square feet of interior customer

~~service area (CSA), 1,183 square feet outdoor CSA, and 14.3 linear feet of bar. No valet parking operations shall be allowed on this site as the site has not been designed to accommodate a valet service.~~

* * *

8. During any demolition and construction activity on the Property, the Applicant shall:

* * *

ef.) Preserve, replace and/or relocate all existing streetscape beautification elements (decorative pavers, landscaping, irrigation, decorative streetlights) in the public right-of-way as necessary subject to CAB review and approval by PWR, including restoration of the curb, crosswalks and affected medians. However, in the event that any new decorative streetlights are installed, any existing decorative streetlights shall also be replaced with the same new decorative streetlights in accordance with the Downtown Street Design Standards to ensure uniformity and consistency along any street where the new lamps are installed.

fg.) The public sidewalk along Southeast 3rd Street adjacent to the Property shall remain open to pedestrians at all times during any construction and/or demolition activity. The Applicant shall at all times provide pedestrian protection measures approved by the Building Official. The sidewalk may be temporarily closed during construction of the protective measures.

9. Prior to the issuance of a Certificate of Occupancy, the Applicant shall:

- a) Complete and obtain approval for all improvements shown on the approved PWR plans, which shall include on-site improvements and required off-site improvements (including, but not necessarily limited to, those required pursuant to condition no. 5.a;
- b) Install streetlights along the Property frontage following the specifications approved by the Downtown CRA;
- c) Replace decorative streetlights with new streetlights following the specifications approved by the Downtown CRA;
- d) Preserve and/or relocate, as necessary, all existing streetscape beautification elements (decorative pavers, landscaping, irrigation, decorative streetlights) in the public right-of-way;
- e) Have all conditions completed and accepted by the City or appropriate jurisdictions consistent with the approved Site Plan;
- f) Construct and complete the installation underground of all electricity, telephone, CATV, and all other utility distribution lines on the Property or in any abutting public or private right of way, street, alley, easement, driveway, or other access roadway.

The Applicant shall be responsible for all costs associated with underground wiring.

- g) Install wayfinding signage and GPS pin placement for the restaurant valet drop-off via the west alley.
10. The Applicant shall provide to the City an annual report no later than January 15th of each year describing in detail the TDM program.
 11. In the event there is any conflict between the terms of this IDA and any other rule, regulation or ordinance of the City of Boca Raton, the terms of this IDA, the DDRI Development Order and the Rules shall control.
 12. The valet parking areas shall be limited to the double-stacked parking in the west parking structure reserved for restaurant guests and for the lateral parking system in the parking structure for residents and restaurant employees.
 13. The Applicant shall conduct a parking and queuing operational study demonstrating that the mechanical parking systems operate safely and effectively and do not cause circulation or queuing issues. The study shall be submitted to the Downtown Manager upon the earlier of: (i) 120 days from the date the building is 85 % occupied or (ii) one (1) year from the date of issuance of a certificate of occupancy. This condition shall not be construed to limit the City's ability to enforce any provision of the City Code, the DDRI Development Order or any City ordinance or other regulation with respect to parking and circulation on the Property (including but not limited to, code enforcement action).
 14. Loading and trash hauling activities serving the Property that utilize the alley that adjoins the west side of the Property shall be prohibited Monday through Friday between the hours of 7:00 a.m. through 9:00 a.m., and 4:00 p.m. through 8:00 p.m. A trained person shall be onsite to direct the loading trucks to ensure safety and traffic circulation. In no event, shall this alley be used as any temporary vehicle staging.

ABANDONMENTS OF RIGHTS-OF-WAY:

The "Abandonments of Rights-of-Way" section of IDA No. CRP-22-01 is hereby amended as follows:

The Project is dependent upon each and every one of the below abandonments being approved, and if one or more such abandonments is not approved by the CRA, then all such abandonments shall be deemed null and void and of no effect (and no building permit for the Project shall be issued).

1. The CRA hereby finds that the criteria for abandonment of a right-of-way, set forth in Chapter 25, Article II, Code of Ordinances, have been satisfied, and the CRA therefore declares that it is in the best interests of the City and the public to vacate and abandon the 20-foot wide portion of an east-west alley generally located approximately midway between Southeast 3rd Street and Southeast 4th Street, as more particularly described in Exhibit "A-2", attached hereto and incorporated herein, subject to the conditions set forth in Section 5 of this IDA and issuance of a certificate of occupancy for the Project.

2. The CRA hereby finds that the criteria for abandonment of a right-of-way, set forth in Chapter 25, Article II, Code of Ordinances, have been satisfied, and the CRA therefore declares that it is in the best interests of the City and the public to vacate and abandon the 60-foot wide portion of Southeast 4th Street right-of-way, as more particularly described in Exhibit "A-2", attached hereto and incorporated herein, subject to the conditions set forth in Section 5 of this IDA and issuance of a certificate of occupancy for the Project.
3. The CRA hereby finds that the criteria for abandonment of a right-of-way, set forth in Chapter 25, Article II, Code of Ordinances, have been satisfied, and the CRA therefore declares that it is in the best interests of the City and the public to vacate and abandon the 10-foot wide portion of an east-west alley generally located on the south of the Property right-of-way, as more particularly described in Exhibit "A-2", attached hereto and incorporated herein, subject to the conditions set forth in Section 5 of this IDA and issuance of a certificate of occupancy for the Project.

In the event that a main use building permit has been timely issued for the Project, then perfection of the public rights-of-way abandonment(s) shall be documented by the City's recording of a notice of such abandonment(s) in the Public Records of Palm Beach County (the "Notice of Abandonment"). Provided, however, the Notice of Abandonment shall provide that in the event a main use building permit has been timely issued for the Project, but the construction of the Project has not timely commenced pursuant to Section 4(a) of this IDA, then, upon demand made by the City, all right, title, and interest in the Abandonment Area shall revert to the City and the Applicant shall re-convey the Abandonment Area to the City.

Sidewalk Easement #3 (condition no. 5.f.e.iii), the utility easement located along the southern perimeter (condition no. 5.f.e.v.), and the public parking easement (condition no. 5.f.e.vii) shall be recorded contemporaneously with the Notice of Abandonment.

In the event that a main use building permit has not been timely issued for the Project, then the abandonments approved herein shall be deemed null and void and of no further effect.

The Applicant expressly acknowledges that the Project is dependent upon the conditional abandonments approved herein, and that the Applicant is proceeding with the Project at its own risk prior to the perfection of such abandonments (since the abandonments approved herein may be deemed null and void and of no effect in the event all conditions of this IDA are not timely satisfied).

Additional Provisions to the IDA:

- A. The Applicant of the Property for this IDA represents to the CRA that it is the express intent of the Applicant to be governed by the conditions contained herein, which conditions shall govern development of the Property, and that said conditions shall bind the Applicant and all successors in title. These conditions are adopted pursuant to the CRA's authority and all applicable provisions of law. Adherence by the Applicant and successors in title to these conditions is deemed by the CRA to be an integral part of its determination that adoption of this resolution is an appropriate exercise of its power to approve the IDA with respect to the Property. If any condition set forth herein is declared invalid or unenforceable for any reason, the CRA expresses its intent that it would not have enacted this resolution without each of said conditions. In addition to any and all available remedies, failure to abide by these conditions may result in the revocation of this

development approval and the rendering of the development (and the use of the Property as contemplated in this IDA approval) unlawful pursuant to the City's Code of Ordinances and the DDRI Development Order.

B. The IDA shall take effect immediately upon adoption.

PASSED AND DULY APPROVED with a quorum present and voting, by the Boca Raton Community Redevelopment Agency this ____ day of _____, 2026.

**BOCA RATON COMMUNITY REDEVELOPMENT
AGENCY**

By: _____
Andy Thomson, Chair

ATTEST:

Mary Siddons, City Clerk



CRA COMMISSIONERS	YES	NO	ABSTAINED
CHAIR ANDY THOMSON			
VICE CHAIR YVETTE DRUCKER			
COMMISSIONER MICHELLE GRAU			
COMMISSIONER JON PEARLMAN			
COMMISSIONER STACY L. SIPPLE			

EXHIBIT A

THE "PROPERTY"

The combined legal descriptions set forth in Exhibits A-1 (KW SE 4TH STREET BOCA LLC) and A-2 (the Right-of-Way Abandonment Area), containing 91,950 square feet or 2.1 acres, more or less.

EXHIBIT A-1

"KW SE 4TH STREET BOCA PROPERTY"

THE EAST ONE-HALF OF LOT 22, LOT 23, LOT 24, LESS THE NORTH 10 FEET AND LOT 25, LESS THE EAST 10 FEET, BLOCK 11, SOUTHEAST COAST LAND CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 60, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT B, BLOCK 14, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT A, LESS THE EAST 70 FEET THEREOF, BLOCK 11, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
TOGETHER WITH:

THE EAST 70 FEET OF LOT A, BLOCK 11, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 71,850 SQUARE FEET OR 1.64 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA.

EXHIBIT A-2

"RIGHT-OF-WAY-ABANDONMENT AREA"

(1) /NORTHERN EAST/WEST ALLEY RIGHT-OF-WAY

A PORTION OF THAT 20-FOOT ALLEY LYING IN BLOCK 11 AS SHOWN ON SOUTH EAST COAST LAND CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 9, PAGE 60, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS REPLATED AND SHOWN ON SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT A, BLOCK 11 OF SAID SPANISH RIVER LAND COMPANY, PLAT "A"; THENCE S88°53'17"W, ALONG THE SOUTH LINE OF SAID 20-FOOT ALLEY AND THE NORTH LINE OF SAID LOT A, BLOCK 11, A DISTANCE OF 165.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF LOT 22, BLOCK 11, OF SAID SOUTH EAST COAST LAND CO. PLAT NO. 1; THENCE N01°19'44"W, ALONG SAID SOUTHERLY EXTENSION LINE, 20.00 FEET TO THE NORTH LINE OF SAID 20-FOOT ALLEY; THENCE N88°53'17"E, ALONG THE NORTH LINE OF SAID 20-FOOT ALLEY, 165.00 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT A, BLOCK 11, SPANISH RIVER LAND COMPANY, PLAT "A"; THENCE S01°19'44"E, ALONG SAID NORTHERLY EXTENSION LINE, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,300 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH: (2) SOUTHEAST 4TH STREET RIGHT-OF-WAY

THAT PORTION OF THE 60-FOOT RIGHT-OF-WAY OF S.E. 4TH STREET LYING BETWEEN LOT A, BLOCK 11 AND LOT B, BLOCK 14, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID LOT B, BLOCK 14; THENCE S88°53'17"W, ALONG THE SOUTH LINE OF SAID 60-FOOT RIGHT-OF-WAY AND THE NORTH LINE OF LOT B, BLOCK 14, A DISTANCE OF 240.00 FEET TO THE NORTHWEST CORNER OF SAID LOT B, BLOCK 14; THENCE N01°19'44"W, 60.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT A, BLOCK 11; THENCE N88°53'17"E, ALONG THE NORTH LINE OF SAID 60-FOOT RIGHT-OF-WAY AND THE SOUTH LINE OF LOT A, BLOCK 11, A DISTANCE OF 240.00 FEET TO THE SOUTHEAST CORNER OF LOT A, BLOCK 11; THENCE S01°19'44"E, 60.00 FEET TO THE POINT OF BEGINNING

CONTAINING 14,400 SQUARE FEET OR 0.33 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

TOGETHER WITH: (3) SOUTHERN EAST/WEST ALLEY RIGHT-OF-WAY

THE NORTH ONE-HALF OF THAT 20-FOOT ALLEY LYING SOUTH OF AND CONTIGUOUS TO THE SOUTH LINE OF LOT B, BLOCK 14, SPANISH RIVER LAND COMPANY, PLAT "A", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGES 27 THROUGH 30, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT B, BLOCK 14; THENCE S01°19'44"E, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT B, BLOCK 14, A DISTANCE OF 10.00 FEET; THENCE S88°53'17"W, ALONG A LINE 10 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT B, BLOCK 14, A DISTANCE OF 240.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT B, BLOCK 14; THENCE N01°19'44"W, ALONG SAID SOUTHERLY EXTENSION LINE, 10.00 FEET TO THE SOUTHWEST CORNER OF LOT B, BLOCK 14; THENCE N88°53'17"E, ALONG THE SOUTH LINE OF LOT B, BLOCK 14 AND ALONG THE NORTH LINE OF SAID 20-FOOT ALLEY, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,400 SQUARE FEET OR 0.05 ACRES, MORE OR LESS.

SAID LANDS SITUATE IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

THE (1) NORTHERN EAST/WEST ALLEY RIGHT-OF-WAY, (2) SOUTHEAST 4TH STREET RIGHT-OF-WAY AND (3) SOUTHERN EAST/WEST ALLEY RIGHT-OF-WAY, TOGETHER, CONTAINING 0.45 ACRES, MORE OR LESS.