



MEMORANDUM DATE: May 5, 2021

AGENDA DATE: May 12, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **1 5th Avenue South**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 21-00500001:** Consideration of a Conditional Use Permit for the operation of a Bed and Breakfast Inn, Castle La Florentia, for the property located at **1 5th Avenue South**, also known as "The Birthday Cake Castle"; PCN #38-43-44-27-01-005-0090. The subject property is a contributing resource to the South Palm Park Local Historic District and is located in the Single-Family Residential (SF-R) Zoning District.

OWNER: Gustavo and Mayra Ramirez of GMR Empire, LLC.
1 5th Avenue South
Lake Worth Beach, FL. 33460

AGENT: Thomas M. Prestia, Esq.
Prestia Law Firm, P.A.
4343 10th Avenue N
Lake Worth Beach, FL 33461

PROPERTY DEVELOPMENT HISTORY:

The structure located at 1 5th Avenue South, known as the Birthday Cake Castle, was designed by notable local architect G. Sherman Childs. Built circa 1925, the sprawling two-story building was commissioned by Mr. Earl Reed, a wealthy banker in Lake Worth. The building is designed in an eclectic Mediterranean Revival style with Moorish Revival architectural elements. Character-defining features included hipped natural clay roofs, carved brackets, and an offset entrance with spiral columns and an octagonal stair tower. The tower has a hip roof with paired arched windows on each elevation and the exterior wall material is rough stucco. Fenestration generally consisted of decorative divided light double-hung sash windows and casement windows, which are typical for the style and period. The first-level window openings feature cast concrete hoods with Moorish arches. The property has undergone many additions and renovations over time including a major restoration effort in 1997 when the Hammads, the property owners at the time, commissioned architect Mario Mangone to rehabilitate the property.

Although original architectural drawings are not available, the Florida Master Site (FMSL) and local designation report completed in 1998, included as **Attachment A**, capture important information about

the structure's distinctive design. Current Photos of the property are included in this report as **Attachment B**.

PROJECT DESCRIPTION:

The property owners, Gustavo and Mayra Ramirez of GMR Empire, LLC, represented by Thomas Prestia, Esq., are requesting a Conditional Use Permit to operate a bed and breakfast inn at 1 5th Avenue South. The subject property is located on the southeast corner of the South Lakeside Drive and 5th Avenue South intersection, directly south of South Bryant Park in Lake Worth Beach. The parcel is located within the Single-Family Residential (SF-R) Zoning District and has a Future Land Use (FLU) designation of Single-Family Residential (SF-R). If approved, the subject application would allow the operation of a bed and breakfast inn for the single-family residential property. The property owner's application is included as **Attachment C**.

The application will require the following approval:

1. **Conditional Use Permit (CUP) for the operation of a Bed and Breakfast Inn**

BACKGROUND:

Per the Palm Beach County Property Appraiser's records, the current property owners purchased the property in March of 2020. Based on City records, the property does not have an active business license associated with the site. On April 2, 2020, a Lake Worth Beach building inspector responded to a citizen complaint at the property regarding unpermitted work, including the construction of a rear chickee hut. The inspector issued a code violation (#20-1421) for the unpermitted work and ordered the property owners to apply for building permits to resolve the violations. Per department records, building permit application #20-1118 for the construction of the chickee hut was submitted on April 9, 2020. The permit application has gone through several revisions and reviews since the initial submittal. On March 29, 2021, an updated property survey was submitted as part of a resubmittal for the chickee hut permit which illustrated additional unpermitted work at the property, including new rear walkways and a large platform deck that was installed on top of the seawall and that extends outside the bounds of the property line. This building permit application has not been approved. A new seawall was approved on March 16, 2021, per building permit application #21-161. This application has been conditioned that prior to the issuance of a business license, all currently unpermitted work shall be permitted.

City staff has received several complaints regarding noise and spillover parking that takes place during private events at the property since December 2020. Noise and parking violations are the responsibility of the Palm Beach County Sheriff's Office and the City's Leisure Services Parking Enforcement, and as such, the complaints were referred to PBSO. For the subject conditional use application, the applicant submitted a justification statement, included as **Attachment D**, that discusses how parking will be managed during events. The property is currently being advertised as a private events venue through the Castle La Florentia website: <https://www.castlelaflorentia.com/>. A PDF of the Castle La Florentia website and a venue rental price list submitted as part of a noise complaint are included as **Attachment E**.

STAFF RECOMMENDATION:

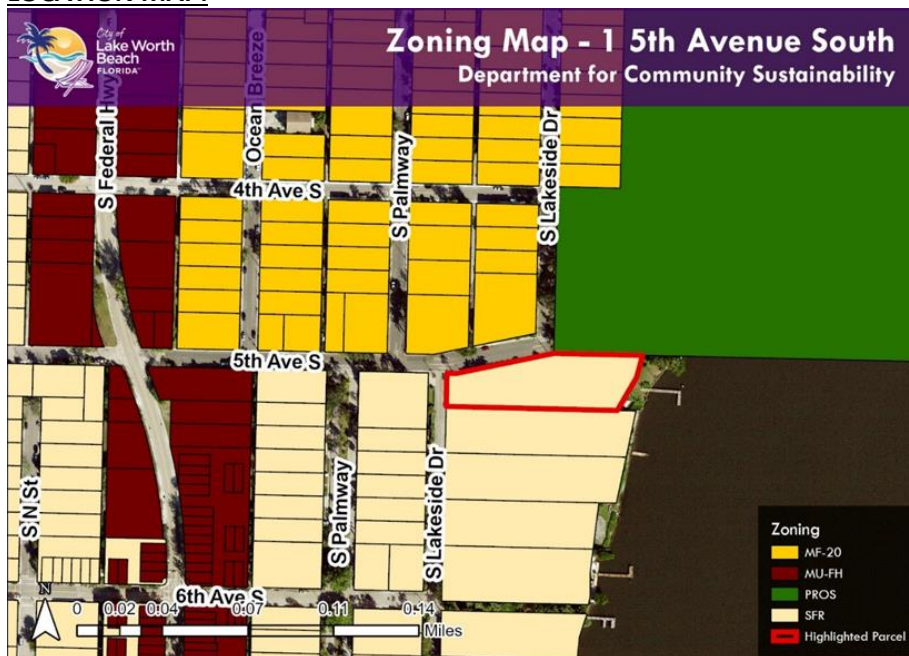
Staff has concerns that the special events that may be hosted under a bed and breakfast use permit may produce traffic levels, noise, and general disruptions that are not consistent with the character of the

surrounding neighborhood. Therefore, staff is recommending denial of the proposed conditional use as for the subject application. Should the HRPB make positive findings for the specific standards for conditional uses, findings for non-residential uses in residential districts, and the standards for bed and breakfast inns, staff has provided conditions of approval on page 12.

PROPERTY DESCRIPTION:

Owner	Gustavo Ramirez and Mayra Ramirez
General Location	Southeast corner of South Lakeside Drive and 5 th Avenue South
PCN	38-43-44-27-01-005-0090
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential (SF-R)

LOCATION MAP:



ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The proposed project, as conditioned, is consistent with Policy 1.1.1.2 of the Comprehensive Plan, which provides for compatible nonresidential uses within single-family residential areas through the conditional use process. A bed and breakfast inn that is operated in compliance with the standards for the use is a compatible nonresidential use for an area zoned Single-Family Residential (SF-R). Appropriately located bed and breakfast inn uses are also generally consistent with Pillar Three of the Strategic Plan, which encourages tourism by increasing options for visitors to stay and experience the City. However, a special

events venue as a principal use is not permitted or consistent with the City's Comprehensive Plan or Strategic Plan in this zoning district.

Consistency with Land Development Regulations

Per Section 23.2-29, conditional uses are uses that are generally compatible with the other uses permitted in a district, but that require individual review of their location, design, structure, configuration, density and intensity of use, and may require the imposition of conditions pertinent thereto in order to ensure the appropriateness and compatibility of the use at a particular location and to prevent or minimize potential adverse impacts to the surrounding area. The proposed conditional use request is to establish a bed and breakfast inn at the subject property.

The Department of Community Sustainability is tasked in the Code to review conditional use applications for consistency with the City's LDRs as analyzed below, to review said applications for compliance with the findings for granting conditional uses (analyzed in the following sections) and to provide a recommendation for whether the application should be approved, approved with conditions, or denied.

Section 23.2-29(d): General findings relating to harmony with LDRs and protection of public interest

The LDRs require all conditional use applications to be analyzed for consistency with Section 23.2-29(d). The applicants have submitted a justification statement and responses to the Conditional Use criteria, provided in this report as **Attachment D**. Staff has provided an analysis of the general findings relating to harmony with the LDRs and protection of public interest, as follows:

1. The conditional use exactly as proposed at the location where proposed will be in harmony with the uses which, under these LDRs and the future land use element, are most likely to occur in the immediate area where located.

Staff Analysis: The site contains a zoning designation of SF-R, which is intended primarily to permit the development of one single-family structure per lot. Additional permitted primary uses, which require either an administrative use or conditional use, include places of worship, schools, and bed and breakfast inns. These nonresidential uses, including a bed and breakfast inn, are compatible by reason of their nature if allowed with limited frequency to preserve an overall single-family residential character. Therefore, the proposed conditional use of a bed and breakfast inn is generally compatible and harmonious within the SF-R District if conditioned to address specific site-specific concerns.

Special events associated with a bed and breakfast inn may also be compatible within a SF-R district, if provisions are made to address impacts such as noise, parking, and the size and frequency of special events. Based on the nature of the applicant's webpage and the volume of noise and parking complaints received by staff beginning in December of 2020, it appears that the special events component of the applicant's business model that has been operating without a use approval and business license as a principal use has not been operating in a harmonious manner with the surrounding SF-R zoning district. Staff is recommending that if the proposed bed and breakfast use is approved, special events should be limited with the recommended conditions of approval to ensure compatibility of the bed and breakfast inn use with the surrounding neighborhood. **Meets Criterion as conditioned.**

2. The conditional use exactly as proposed at the location where proposed will be in harmony with existing uses in the immediate area where located.

Staff Analysis: The existing uses in the surrounding area are as follows:

Direction	Future Land Use	Zoning District	Current Use
North (adjacent)	Public Recreation and Open Space	PROS	South Bryant Park
North (across 5 th Ave S.)	Medium Density Residential	MF-20	Multi-Family Residence <i>421 S Lakeside Drive</i> Single Family Residence <i>116 5th Avenue South</i>
East (across South Lakeside Drive)	Single Family Residential	SF-R	Single Family Residence <i>502 S Palwmay</i>
South (adjacent)	Single Family Residential	SF-R	Vacant Parcel <i>512 S Lakeside Drive</i>

Immediately to the north of the parcel is South Bryant Park. A multi-family condominium building and a single-family residence are located north of the parcel, across 5th Avenue North. The property west of the parcel, across South Lakeside Drive, is a single-family residence. The parcel immediately south of the subject property is a vacant unimproved lot. The property is bordered to the east by Lake Worth Lagoon. Staff finds that the proposed use is in harmony with the existing uses in the immediate area if the standards for use and the conditions of approval are upheld, including conditions of approval related to the limits on special event operations at the property. **Meets Criterion as conditioned.**

3. The conditional use exactly as proposed will not result in substantially less public benefit or greater harm than would result from use of the Property for some use permitted by right or some other conditional use permitted on the Property.

Staff Analysis: The conditional use request for a bed and breakfast inn will likely have a similar impact to other single-family residences permitted by right within the SF-R zoning district. Bed and breakfast inns are allowed as a conditional use within the SF-R district due to their similar intensities with related single-family uses. Staff has included conditions of approval to ensure the special events do not result in less public benefit or greater harm. **Meets Criterion as conditioned.**

4. The conditional use exactly as proposed will not result in more intensive development in advance of when such development is approved by the future land use element of the comprehensive plan.

Staff Analysis: The proposed conditional use does not propose any new physical development on the parcel. The property currently maintains a single-family residential structure. The Future Land Use Designation for the parcel is single-family residential (SF-R). **Meets Criterion.**

Section 23.2-29(e): Specific standards for all conditional uses

Prior to approving any conditional use, the decision-making authority (HRPB) shall find that;

1. The proposed conditional use will not generate traffic volumes or movements, which will result in a significant adverse impact or reduce the level of service provided on any street to a level lower than would result from a development permitted by right.

Staff Analysis: Single-family residences located on the equivalent of four (4) lots equaling approximately 1 acre of land generates a total of 38 daily trips. An individual single-family home would generate 10 daily trips. A hotel with four rooms, as proposed, generates a total of 33 daily trips. Therefore, the proposed bed and breakfast use would not generate a significant adverse impact in traffic volumes over uses permitted by right, including a large lot single-family home or a typical block of single-family residential homes in the area by acre. Nonetheless, frequent and large special events at the property could generate a much higher traffic volume from guests and commercial trucks used to supply the event. **Meets Criterion as conditioned.**

2. The proposed conditional use will not result in a significantly greater amount of through traffic on local streets than would result from a development permitted by right and is appropriately located with respect to collector and arterial streets.

Staff Analysis: As previously discussed, the lodging aspect of the bed and breakfast inn use will have a similar traffic volume to a single-family use. A greater amount of traffic can be anticipated for special events and should be mitigated as conditioned. **Meets Criterion as conditioned.**

3. The proposed conditional use will not produce significant air pollution emissions, to a level compatible with that which would result from a development permitted by right.

Staff Analysis: Because the nature of the business does not involve hazardous chemicals, manufacturing, or production, the proposed use is not anticipated to produce air pollution emissions greater than that of a use permitted by right. **Meets Criterion.**

4. The proposed conditional use will be so located in relation to the thoroughfare system that neither extension nor enlargement nor any other alteration of that system in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The requested bed and breakfast inn is an anticipated use in the SF-R zoning district, requiring a Conditional Use Permit. Therefore, the establishment of the use at the subject site is not anticipated to cause a higher net public cost or earlier incursion of public cost than what would result from a development permitted by right. **Meets Criterion.**

5. The proposed conditional use will be so located in relation to water lines, sanitary sewers, storm sewers, surface drainage systems and other utility systems that neither extension nor enlargement nor any other

alteration of such systems in a manner resulting in higher net public cost or earlier incursion of public cost than would result from development permitted by right.

Staff Analysis: The applicant is utilizing the existing infrastructure from the existing single-family residence. No adverse impact to infrastructure or public utilities is anticipated to occur as a result of this request. **Meets Criterion.**

6. The proposed conditional use will not place a demand on municipal police or fire protection service beyond the capacity of those services.

Staff Analysis: As mentioned, the requested use is an anticipated use in the SF-R zoning district. Therefore, the use is not anticipated to place a demand on municipal police or fire protection services beyond capacity if the special events adhere to the conditions of approval. **Meets Criterion as conditioned.**

7. The proposed conditional use will not generate significant noise, or will appropriately mitigate anticipated noise to a level compatible with that which would result from a development permitted by right. Any proposed use must meet all the requirements and stipulations set forth in section 15.24, Noise control.

Staff Analysis: Unreasonable noise, which is defined in Section 15.24-1, is prohibited in the City when:

- Equal to or greater than 65 dba between 11:00 p.m. and 8:00 a.m., Sunday through Thursday
- Greater than 85 dba between 8:00 a.m. and 11:00 p.m., Sunday through Thursday
- Equal to or greater than 65 dba between 12:00 a.m. and 8:00 a.m., Friday through Saturday
- Equal to or greater than 85 dba between 8:00 a.m. and 12:00 a.m., Friday through Saturday

During typical day to day operations, staff anticipates that the requested use will generate noise levels that are compliant with Section 15.24 as related to the bed and breakfast inn use. Staff has remaining concerns regarding the hosting of large private events and parties at the site, specifically outdoor events in the evenings and on weekends. Staff has included a condition of approval that all special events shall take place between the check-in/check-out hours of 8:00 am to 10:00 pm. **Meets Criterion as conditioned.**

8. The proposed conditional use will not generate light or glare which encroaches onto any adjacent property in excess of that allowed in Section 23.4-3, Exterior lighting.

Staff Analysis: The applicant has not proposed permanent additional lighting on the site as part of this application and states that the conditional use will not result in excess light or glare onto residential properties. The applicant states in their justification statement that any additional lighting required will be infrequent and will be sufficiently set back from neighboring residential properties. **Meets Criterion.**

Section 23.2-29(f): Findings for nonresidential conditional uses in residential districts

Prior to approving any nonresidential conditional use in any residential district and prior to approving any more intensive residential conditional use in a less intensive residential district, the decision-making authority (HRPB) shall find based on competent substantial evidence that:

1. The location of the conditional use will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long-range development of the district for the residential purposes intended.

Staff Analysis: The proposal does not physically alter the existing single-family residence and the day to day operations as a bed and breakfast inn should not be hazardous nor inconvenient to the residential character of the area or the long-range development of the district. Staff does have remaining concerns regarding the additional noise, traffic, and potential disturbances that may be caused by large events which could alter the character of the neighborhood, where residential purposes are intended. **Meets Criterion as conditioned.**

2. The size of the conditional use and the nature and intensity of the operations involved will not be hazardous nor inconvenient to the predominantly residential character of the area in which it is to be located, nor to the long-range development of the district for the residential purposes intended.

Staff Analysis: The conditional use application proposes a bed and breakfast inn with four (4) rentable suites. The day to day operation of a small-scale bed and breakfast will likely not result in hazardous or inconvenient disturbances to the single-family residential neighborhood. The nature and intensity of special events may impact the surrounding residential neighborhood if adequate parking is not provided and noise levels exceed the allowable limit established in the LDRs. Staff has included conditions of approval to address the management of spillover/excess parking. **Meets Criterion as conditioned.**

3. The location of the conditional use will not result in a small existing or planned residential area being isolated from other residential development by being completely or largely surrounded by arterial streets and nonresidential land uses.

Staff Analysis: The conditional use should not cause any residential area, existing or planned, to be isolated from other residential development. The subject parcel is located at the northeast corner of the single-family residential zoning district. The parcels to the north are also residential, but of a higher intensity than the single-family district, with the exception of South Bryant Park, which is zoned as Public Recreation Open Space (PROS). **Meets Criterion.**

4. The design of buildings for commercial and office conditional uses in residential districts shall be in a manner similar to residential structures in the same general area or neighborhood. Such a finding shall be based on a consideration of the building mass, height, materials, window arrangement, yards and any other pertinent considerations.

Staff Analysis: The applicant has not proposed any alterations to the existing historic structure. Any future exterior alterations to the building will require compliance with the Historic Preservation Ordinance and Historic Preservation Design Guidelines. **Meets Criterion.**

Section 23.2-29(g): Additional requirements

Prior to approving any conditional use permit, the decision-making authority (HRPB) shall ensure that the following requirements have been met:

1. Any and all outstanding code enforcement fees and fines related to the project site have been paid to the city.

Staff Analysis: As indicated in the background section of this report on page 2, the property has an active code violation (#20-1421). Staff has included a condition of approval that the code violation be resolved prior to the issuance of Lake Worth Beach Business License and that no additional violations related to unpermitted work are identified. **Meets Criterion as conditioned.**

2. Any previously imposed conditions of approval for the use at the site have been met, if applicable, unless the request for amendment of conditions is part of the current conditional use permit application.

Staff Analysis: Not applicable, the property is currently a single-family residence.

Section 23.4-13(c)(2)(B): Regulations and Standards for Bed and Breakfast Inns

Section 23.4-13(c)(2)(B) of the City's Land Development Regulations states that bed and breakfast inns shall follow the specific regulations and standards for bed and breakfast inns. The applicants have submitted a justification statement answering the criteria, provided in this report as **Attachment F**. A property survey, floorplans, and supporting documentation are included as **Attachment G**. Staff has reviewed the specific standards for bed and breakfast inns, as follows:

1. Bed and breakfast inns shall have a minimum of four (4) and a maximum of nine (9) private bedrooms. Each bedroom must have its own full private bath containing a tub or shower, sink and water closet. The private bedroom and bath shall be a minimum of one hundred seventy-five (175) square feet in area. Dormitory type bedrooms are expressly prohibited.

Staff Analysis: As mentioned in the applicant's justification statement and as illustrated in the floorplans, the historic structure currently has four (4) private bedrooms with full private bathrooms containing a tub or shower, sink, and water closet. The property owners are proposing to relocate their private living quarters to a room off of the rear loggia and to utilize the private bath facilities in the garage, which is connected to the structure by an open sided breezeway. Staff has included a condition of approval that the proposed owner's quarters not be utilized as an additional bedroom for the bed and breakfast, as it does not provide the minimum facilities required by criterion 1 as the bedroom does not have an en suite bathroom. **Meets Criterion as conditioned.**

2. The structure shall be a converted or new residential building, maintained as a single-family appearing structure. Multi-family apartment buildings, motels or hotels shall not be converted to bed and breakfast inns.

Staff Analysis: The structure was designed as a single-family residence and is a historically designated structure within the South Palm Park Local Historic District. The applicants are not proposing any exterior alterations which would result in the property losing its single-family residential appearance. **Meets Criterion.**

3. Bed and breakfast inns shall serve only breakfast meals to residents; which service shall be included in the daily or weekly rate. Cooking in bedrooms is prohibited.

Staff Analysis: The applicants state in their justification statement that Castle La Florentia will only serve breakfast meals to guests and that breakfast will be included in the daily or weekly rate. **Meets Criterion.**

4. Sleeping accommodations and the dining room shall appear to be a single residential structure and shall be for the exclusive use of the facility guests.

Staff Analysis: As evident in the floorplan of the structure, the dining room and guest bedrooms are located within the single-family residence. The applicants state in their justification statement that the facilities will be for the exclusive use of guests. **Meets Criterion.**

5. Guest stays shall be limited to fourteen (14) days in any single one-month period.

Staff Analysis: The applicants state in their justification statement that guest stays will be limited to fourteen (14) days in any single one-month period. **Meets Criterion.**

6. Signage for all bed and breakfast inns is limited to six (6) square feet regardless of the district provisions in which it is located.

Staff Analysis: Per the justification statement, the applicants do not intend to install any new signage on the property. Should signage be installed, it would not exceed six (6) square feet. **Meets Criterion.**

7. Commercial social events may be allowed and may require a special event permit from the City. For bed and breakfast inns in a Single-Family Residential (SF-R) district, commercial social events are limited to twenty-four (24) occasions within a single calendar year.

Staff Analysis: As special events are customarily associated but incidental to a bed and breakfast inn's use, the City's LDR provide for a maximum number of events. In the applicant's justification statement, they state that they will comply with any and all necessary permits for commercial social events to be held on the property. Based on the complaints regarding ongoing events being held at the property, staff has included conditions of approval to ensure that special events do not become the principal use on the property, which would likely result in negative impacts on the surrounding neighborhood. **Meets Criterion as conditioned.**

8. For a bed and breakfast inn to be established in a Single-Family (SF-R) District, it must be a contributing historic structure located in a designated local or national district.

Staff Analysis: The existing structure is located within a Single-Family (SF-R) District and maintains a contributing designation status within the South Palm Park Local Historic District. **Meets Criterion.**

9. The parking exemption as stipulated in Section 23.4-10 shall not be afforded to any bed and breakfast inn established in a contributing historic structure within a local historic district and zoned as Single-Family Residential (SF-R) District.

Staff Analysis: Pursuant to LDR Section 23.4-10(f)(1)(B), lodging requires 0.75 spaces per unit. The use of the property as a bed and breakfast inn with four (4) private bedrooms will require three (3) off-street parking spaces. The property maintains off street parking by means of a driveway and three (3) bay garage. The applicant's parking complies with current regulations for a bed and breakfast inn and they are not seeking a parking exemption. Staff has provided conditions of approval related to special event parking.
Meets Criterion.

10. For all bed and breakfast inns established pursuant to these LDRs a full-time responsible manager shall be available twenty-four (24) hours a day, seven (7) days a week.

Staff Analysis: The applicants state in their justification statement that they will have a responsible manager available twenty-four (24) hours a day, seven (7) days a week. **Meets Criterion.**

11. For all bed and breakfast inns established in a Single-Family Residential (SF-R) District, the property owner of record shall reside in the premises.

Staff Analysis: The property owners have submitted copies of their Florida drivers' licenses, as well as Lake Worth Beach utility bills, and information regarding their Homestead Exemption to the Department for Community Sustainability to establish proof of residency. They are the owners of record and state in their justification statement that they will reside on premises. Staff confirmed with the applicants their intention to occupy the bedroom identified as the owner's quarters on the floor plan. The owner's quarters have double set of French doors off the loggia/porch area with a bathroom that is located in the garage and is accessed through an open breezeway. **Meets Criterion as conditioned.**

12. All parking shall be buffered compliant with these LDRs from adjacent properties with a dense hedge or wall as stipulated in Section 23.6-1. Both a dense hedge and a wall are required when adjacent to properties within a Single-Family Residential (SF-R) district.

Staff Analysis: As the property is located in a Single-Family Residential (SF-R) district, a dense hedge and wall to buffer parking from surrounding properties is required. The parking area and driveway are buffered by a masonry site wall located on the property line and adequate hedging behind the site wall.
Meets Criterion.

13. Check-in and check-out times for bed and breakfasts located within a Single-Family Residential (SF-R) district shall be between the hours of 8:00am and 10:00pm.

Staff Analysis: The applicants maintain in their justification statement that Castle La Florentia will have a check-in and check-out times between the hours of 8:00am and 10:00 pm. Based on the promotional literature that staff received as part of a noise violation complaint, the current events venue may operate until 11:00pm with extended hours lasting until 1:00am. Staff has included a condition of approval that

all special events take place between the check-in and check-out hours that are harmonious with the SF-R neighborhood. **Meets Criterion as conditioned.**

PUBLIC COMMENT:

Staff has received public comment for this item, included as **Attachment H**. Additional public comment received after the publication of this agenda will be presented to the HRPB during at the May 12, 2021 regular meeting.

CONCLUSION:

The LDRs and Comprehensive Plan allow compatible nonresidential uses such as bed and breakfast inns in the SF-R Zoning District to be reviewed and approved through a Condition Use Permit process. Staff has concerns that the special events hosted under a bed and breakfast use may function as a principal use and produce traffic levels, noise, and general disruptions that are not consistent with the character of the neighborhood. Staff is recommending denial of the proposed conditional use as the documented special events that have occurred without City approvals have resulted in negative impacts that are not harmonious with the SF-R zoning district. Should the HRPB make positive findings for the specific standards for conditional uses, findings for non-residential uses in residential districts, and the standards for bed and breakfast inns, staff has provided the following conditions of approval for consideration.

Conditions of Approval

1. Commercial vehicles shall not be loaded, unloaded, or parked on city rights-of-way or adjacent residential properties.
2. Guests of the bed and breakfast inn, special events attendees, facility employees and related contractors shall park on the premises, or at a location designated in a shared parking agreement. A shared parking agreement for excess/overflow parking shall be submitted and reviewed prior to the issuance of a Lake Worth Beach business license. Valet parking shall be provided for all special events. A parking plan shall be submitted illustrating how valet services will function for special events.
3. All special events shall require a Leisure Services events license.
4. All code violations, including unpermitted work violations shall be resolved prior to the issuance of a business license.
5. Special event permits shall be limited to twenty-four (24) events in a single calendar year. Twelve (12) events per year shall be allowed to have a maximum of 100 guests on premises. The remaining events shall be under fifty (50) guests. All events shall be associated with a registered guest of the bed and breakfast inn.
6. All special events shall take place between the check-in/check-out hours of 8:00 am to 10:00 pm.
7. The proposed owners' quarters shall not be rented as an additional bedroom for the bed and breakfast use, as it does not provide the minimum facilities required per Section 23.4-13(c)(2)(B)(1), including that the living space/bedroom's bathroom can only be accessed through an open sided breezeway in the garage.
8. The property owner and/or business owner shall submit an annual audit that identifies the total business receipts by use. The purpose of the report is to ensure that the accessory special event use shall not generate more than thirty percent (30%) of the total gross income for the bed and breakfast use. Additional data shall be required by staff, if necessary, to confirm compliance with the 30% maximum. The audit shall also include the business's tourist development tax return(s).

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 21-00500001, with staff recommended conditions, for a CUP for a Bed and Breakfast, Castle La Florentia, for the property located at **1 5th Avenue South**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations.

I MOVE TO **DENY** HRPB Project Number 21-00500001 for a CUP for a Bed and Breakfast, Castle La Florentia, for the property located at **1 5th Avenue South**, because the applicant has not established by competent substantial evidence that the application is compliant with the City of Lake Worth Beach Land Development Regulation.

ATTACHMENTS:

- A. Historic Designation | Florida Master Site File
- B. Current Photos
- C. Universal Development Application
- D. Applicant Justification Statement LDR Sec. 23.2-29(d)
- E. Castle La Florentia Promotional Material
- F. Applicant Justification Statement LDR Sec. 23.4-13(c)(2)(B)
- G. Supporting Documents
- H. Public Comments