

September 7, 2020

To: Palm Beach Town Council & Staff
Re: Z-20-00281 – The Colony Hotel

On Friday September 4th, we were present for a controlled sound check conducted by The Colony Hotel for the amplification system installed in their newly constructed East Garden. Light jazz was amplified within the ranges permissible under Town regulations. Test conditions were not consistent with the use cases outlined in The Colony Hotel's application. While we were able to experience what music would sound like as controlled by the new sound system, we did not get any sense for the following:

- The space was empty other than the 5 people present for the sound check. The capacity of the Colony Hotel's ballroom is well in excess of 100 people, all of which could spill out onto the East Garden for unspecified periods of time, limited only by the 10:00 PM restriction in the application.
- Amplified speaking for wedding ceremonies, toasts or other speeches of unspecified duration are requested in the application limited only by the 10:00 PM restriction noted above.
- Live music of any type with no limitations on type of instrument is requested in the application. Those instruments may be amplified by the new sound system.

Since we have owned on Hammon Avenue, the East Garden space has not been used for outdoor events. Mr. Castro has confirmed in emails to our condo association that the East Garden is permitted only as a passive space. To our knowledge and experience, outdoor events have always been held on the west side of the ballroom, along the hotel's pool, restaurants and many of the east facing guest rooms. Ms. Wetenhall has referenced The East Garden as a historically active space where for many years employees have used it to enter the ballroom or parts of the hotel, and where delivery and event set-up trucks have parked. She is correct in her statements for uses to date, but those uses can hardly compare to a true event venue with live music, amplified sound and the potential for over 100 people present up to 10:00 at night. "Active space" would take on a whole new meaning if the town grants use of the East Garden for outdoor gatherings.

Ms. Wetenhall has also noted that the owners of the Ocean Colony Condominium Association that have raised concerns to the town about the proposed use of this space are either new to the neighborhood, not full time residents, landlords, and not present frequently enough to fully comprehend the history of the Colony Hotel, and how it uses it's property. We do not see any of these comments as particularly relevant as they seem to imply that the town has different classes of residential property owners with different rights. While we maintain another residence, Palm Beach is our primary residence. Like the Wetenhalls who left Palm Beach for the summer in late June, and like many other residents of the town, we may come and go, but that in no way diminishes our right to or desire for a peaceful environment when we are present here on Hammon Avenue for significant periods of time.

This past year has been a strange and challenging one for many people, interrupting the normal patterns of their activity. We all hope that 2021 will be a better year, where we can all return to normal, including the time we spend in Palm Beach. As such, the presence (or in some cases lack thereof) of Ocean Colony Condominium owners in general for the last

several months should not be viewed as a permanent state. If the town grants The Colony Hotel use of the East Garden as described in its application, that will be permanent, and we will have to live with the implications of that for many years to come. That is core to our concern. The application as it stands now does not provide sufficient certainty to what we will experience going forward. Therefore, we do not support the Town granting The Colony Hotel use of the East Garden for any gatherings, and respectfully request that they continue to use the west side of the ballroom for events. If the Town finds the substantial change of use for the East Garden appropriate, we would hope the Town considers the following use conditions and limitations:

- Limit to a maximum of 25 guests
- Limit of one event per day on Saturday and Sunday
- No use after 8:00 PM, which would mean events ending at 7:00 PM, and clean up completed by 8:00 PM
- No amplified sound, music or spoken
- No illumination other than the up lighting currently installed as directed into the East Garden and not directly towards the Ocean Colony property
- Live music with no more than 4 musicians, limited to string instruments
- Construction of the new fence and hedge as described by Ms. Wetenhall to the Ocean Colony Condominium Association, both fully to the west of the row of Palm trees lining our common property line

Thank you for your consideration.

Regards,

Cathy and Dave Brooker
129 Hammon Ave., #4