

## David Rivera

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**From:** Wayne Bergman  
**Sent:** Friday, January 07, 2022 12:04 PM  
**To:** Kelly Churney; David Rivera; James Murphy  
**Subject:** FW: Additional Letter from The Ambassador II  
**Attachments:** January Ambassador II Letter re Four Seasons.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

FYI

**Wayne Bergman, MCP, LEED® AP  
Director**

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**From:** Rebecca Zissel <rzissel@ssclawfirm.com>  
**Sent:** Friday, January 07, 2022 11:25 AM  
**To:** Town Council <TCouncil@TownofPalmBeach.com>; Town Council & Mayor  
<Town\_Council\_Mayor@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; James  
Murphy <jmurphy@TownOfPalmBeach.com>  
**Subject:** Additional Letter from The Ambassador II

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Enclosed please find an additional letter on behalf of The Ambassador II in opposition to the Four Seasons and Boucher Brothers Request for a Special Exception to operate a beachfront concessionaire. We ask that it be distributed to the Mayor and Council members in advance of the January 12<sup>th</sup> hearing.

Thank you,  
Rebecca

**Rebecca C. Zissel  
Sachs Sax Caplan, P.L.**

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**SACHS SAX CAPLAN**  
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REBECCA ZISSEL, ESQ.  
rzissel@ssclawfirm.com

January 6, 2022

Town Council  
Town of Palm Beach  
360 South County Road  
P.O. Box 2029  
Palm Beach, FL 33480

Mr. Wayne Bergman  
Director of Planning, Zoning & Building  
360 South County Road  
P.O. Box 2029  
Palm Beach, FL 33480

Re: Special Exception Request for Beachfront Concessionaire at 2800 South Ocean Boulevard  
(ZON-21-025)

Dear Members of the Town Council and Mr. Bergman:

We are writing again on behalf of The Ambassador II, 2780 South Ocean Boulevard, regarding the above referenced application submitted by Boucher Brothers Management, Inc. and PB Hotel Property, LLC (collectively referred to as the "Applicant") for a Special Exception to operate a beachfront concessionaire at the Four Seasons, 2800 South Ocean Boulevard. Although the item was originally scheduled for the December 2021 Town Council meeting, the Applicant requested a deferral, and the item is now on the agenda for your January 12, 2022 meeting.

We refer to our December 14, 2021 letter for a lengthier discussion as to the detrimental impact of this proposed use on the neighborhood and the neighbors' quality of life, and are writing again specifically to discuss the fact that the Applicant has already begun operations prior to obtaining approval,

The Applicant admits in their application itself that they began operations prior to seeking this Special Exception to allow for the use. Enclosed are recent photos showing the daybeds, storage boxes, and two beach hut structures cluttering the beach. Aside from the beach chairs and umbrellas allowed by right under the Code, these operations are all unauthorized and in current operation.

In addition, the Applicant is also offering rentals of kayaks, paddleboards, and boogie boards. The stacks of this equipment can be seen in the enclosed photos adjacent to the beach hut structure. Although a Beach Concessions use can be approved with the inclusion of rentals of non-motorized watercraft pursuant to Section 134-1473(a)(2), the Four Seasons application did not request approval for this use. The Applicant has only asked the Town Council for approval of daybed rentals and food/beverage service.

The last time the Town Council considered an application from a hotel that set up beach concessions and sought approval after the fact (The Omphoy Hotel, 2842 South Ocean Boulevard,

in 2010), you denied the application, and the hotel had to cease the unapproved operations. We believe that would be the correct action here as well.

In addition to the various issues with the proposed use as detailed in the application materials, Applicant should have presented the Town Council and the residents of Palm Beach with the full picture of the proposed use, including details of non-motorized watercraft rentals. Our concerns about Applicant exceeding the limits of any approval in the future are only heightened now that we have seen them exceeding the limits of their proposal before it has even been approved.

Any approval of a beach concessionaire use should fit within the hotel and neighborhood and respect the limits contemplated by the Code. The proposed use at the Four Seasons has too great of an impact on the neighborhood and would diminish the peaceful enjoyment of Palm Beach by its residents. For the many reasons detailed in our earlier letter, and the additional reasons in this letter, we respectfully urge you to deny the application.

Very truly yours,

SACHS SAX CAPLAN

A handwritten signature in cursive script that reads "Rebecca Zissel".

REBECCA ZISSEL

Enclosure

*Beach Huts, Storage Boxes, and Daybeds*







*Kayaks, Paddleboards, and Boogie Boards*

