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***Via Email***

August 4, 2022

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

Re: Special Exception with Site Plan Review at 2800 South Ocean Boulevard (ZON-22-097)

Dear Members of the Town Council:

We are writing regarding the above referenced application submitted by PB Hotel Property, LLC, DBA Four Seasons Resort Palm Beach (the "Applicant") for a Special Exception with Site Plan Review to allow the use of 2 beach towel huts, 6 trash bins, 2 storage bins, a Kids Play Area, and a Surfboard Stand on the beach at the Four Seasons, 2800 South Ocean Boulevard. Our client, the Ambassador II, is a residential building with 95 units located at 2780 South Ocean Boulevard. Due to its location immediately north and adjacent to The Four Seasons, the Ambassador II is impacted to a greater extent than other members of the public.

The Town Council has the item scheduled for the August 10, 2022 Town Council meeting. In the interest of preserving the small-town character and quality of life in Palm Beach, and for the specific detrimental impacts on the neighborhood which we will detail in this letter, we urge you to deny the application.

I. Requirements of Section 134-229

Section 134-229, Code of Ordinances, Town of Palm Beach, Florida (the "Code") details the requirements for a special exception approval. In its submittal, the Applicant goes through the requirements of Section 134-229 and states that it meets these requirements without giving any detail as to how it does so. We have concerns that the proposed use would not in fact meet several of these requirements, which we detail below.

A. Enlargement of the Permitted Special Exception Use

The use must be a permitted special exception use as set forth in the Code (per Requirement 1 in Section 134-229). The permitted special exceptions in the Beach Area District are listed in Section 134-1473 as follows: (1) One beach house structure; (2) Beach concessions related to an abutting hotel use and only for the use of hotel guests, visitors or those persons associated with the hotel, including the sale of sunblock and lotions; food and drink service; kayak, canoe, paddle board,

surfboard, and similar non-motorized watercraft rentals; (3) Public structures; (4) Essential Services. Here, the request is for 2 beach towel huts, 6 trash bins, 2 storage bins, a Kids Play Area, and a Surfboard Stand. This proposed use lists many more than the “one beach house structure” contemplated by the Code.

Residents of the Ambassador II are concerned about the visual impact of this large number of structures on the beach will detract from the natural beauty of the Palm Beach beachfront. Any approval of a Special Exception use should fit within the hotel and neighborhood and respect the limits contemplated by the Code; this particular proposed use has too great of an impact on the neighborhood.

#### B. Substantial Injury to Property Values

The use must not cause substantial injury to the value of other property in the neighborhood (per requirement 3 in Section 134-229). Here, the expansion of the hotel will decrease the value of the neighboring properties. If you compare property values at the Ambassador II to property values at its sister building, 2774 S. Ocean Boulevard, you can see this impact. An increase in activities that has this visual impact will contribute to this detrimental effect.

#### C. Incompatible with Adjoining Residential Development

The use must be compatible with adjoining development (per requirement 4 in Section 134-229). Here, the adjacent development is residential. The use is not compatible with the residential neighbors.

#### D. Impact on Parking

Adequate parking must be provided (per requirement 8 in Section 134-229). Residents of the Neighborhood are concerned that the expansion of the beach activities will attract additional non-overnight guests to the Four Seasons, overburdening the available parking. On its website, the Four Seasons advertises beach day passes available to guests of the spa who are not staying overnight at the hotel.

There is already an issue with overflow cars from The Four Seasons parking on the grass along South Ocean Boulevard. With additional traffic from day pass beach guests, even more cars will overburden the available parking spaces.

### II. Requirements of Section 134-329

Section 134-329 details the requirements for Site Plan Review Approval. The Town Council must make a finding that the approval of the site plan will not adversely affect the public interest if it is to approve the application. This proposal will have adverse impacts on the adjacent area, neighborhood, and town, as well as to the public interest. Palm Beach is a small town that prides itself on its residential nature. Many residents moved to Palm Beach specifically to enjoy this high quality of life safely and peacefully. Even the Four Seasons, on its own website, touts the “easygoing pace of life by the water” and the “authentic Palm Beach experience.” Adding all of these structures to the beach will take away from this peaceful Palm Beach experience.

### III. Concerns Specific to the Four Seasons

The Four Seasons has been operating with these unapproved beach hut structures, as well as unapproved food and beverage service on the beach. The hotel received a Code Enforcement violation for the unauthorized elements. There have also been numerous incidents over the past year with day-long parties with loud music and special lighting. Residents of the Ambassador II are concerned that the Four Seasons would go beyond the approval and continue to disrupt this tranquil beach area and continue to disturb the small-town character of Palm Beach.

### IV. Conclusion

We respectfully ask for the denial of the application so that you may protect the unique place and lifestyle of Palm Beach. We reserve the right to supplement this letter with additional information, and we look forward to speaking at the hearing.

Very truly yours,

SACHS SAX CAPLAN

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

REBECCA ZISSEL

CC: Mayor Danielle Moore, via email  
Council President Margaret Zeidman, via email  
Council President Pro-Tem Bobbie Lindsay, via email  
Council Member Julie Araskog, via email  
Council Member Lew Crampton, via email  
Council Member Ted Cooney, via email  
Mr. Wayne Bergman, Director of Planning, Zoning & Building, via email