

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 11, 2023

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours at 150 Worth Avenue
– Esplanade Building

Date: December 27, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the continuing waterproofing and concrete repairs at the Esplanade Building, 150 Worth Avenue. If approved, staff recommends that it be conditioned upon the December 8, 2022 letter from Yvonne A. Jones, which indicates that the construction could last through May 1, 2023.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting to continue the repair and maintenance work of the building structure, caused by years of water infiltration. Please see the attached letter and photographs of roof drain and concrete damage. The code requires all Worth Avenue construction work to stop on October 31 of each year. The repair work has been underway for some time, with approvals granted three months ago for concrete repairs to the second floor to continue into this winter season. This new request is to expand that repair work to include the roof drains and garage concrete.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence*

at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) *Exceptions.*

- (5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant was asked to notify surrounding property owners of the request and of the date of this meeting, as required.

Attachments – December 8, 2022 Letter from Yvonne A. Jones, Wilson 150 Worth LLC
Pictures of Damage

Wilson 150 Worth LLC
c/o O'Connor Property Management LLC
240 Royal Palm Way, 2nd Floor
Palm Beach, FL 33480

December 8, 2022

VIA EMAIL (wbergman@TownOfPalmBeach.com)

Mr. Wayne Bergmann. MCP, LEED-AP
Directory of Planning, Zoning & Building
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

RE: Ongoing Waterproofing/Concrete Repair Work
The Esplanade at 150 Worth Avenue, Palm Beach

Dear Wayne,

Thank you again for talking with me on the phone yesterday. Per our discussion, we would like to request that myself, and other owner representatives of The Esplanade located at 150 Worth Avenue, be granted permission to appear in front of Town Council during their regularly scheduled planning and zoning meeting to be held on January 11, 2023. The purpose is for ownership to seek approval to continue waterproofing and concrete repair work in other areas of the Esplanade.

Pursuant to section 42-199 of the Code of Ordinances, an exception to continue work beyond October 31st may be granted at the discretion of Town Council. As our work at the Esplanade has progressed, we have learned of new areas requiring immediate attention to ensure the safety of our tenants, customers, and visitors alike. Namely, there are approximately 360 feet of pipes running from the roof drain through the ceiling of the 2nd level of the Saks store with significant signs of deterioration; these must be repaired to prevent a catastrophic leak from happening. In addition, there are several areas in the garage where concrete is spalling from salt air and water intrusion; all which require repairs to ensure the highest level of safety for all. For these reasons, we are seeking approval to work through the rest of the season so we may complete this important work.

It is not possible for us to include the videos of the pipe inspection, but we have included some screenshots which may help you to understand the current conditions. In addition, there are a few images regarding the required concrete repairs. If it would help for us to meet at the property to walk through these projects, please let me know. In the meantime, I kindly ask if we can be added to the agenda and/or if there is additional information you need before doing so.

Thank you in advance for your assistance.

Sincerely,

Yvonne A. Jones

Yvonne A. Jones, CPM
Property Manager for the Esplanade, 150 Worth Avenue

cc: Glen Graubart

Pipe Images for Repair



RD 4.MP4



RD 5 5in (2).MP4



RD 5 5in (3).MP4



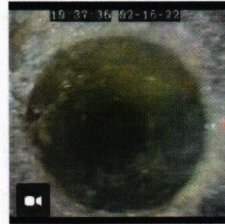
RD 5 5in.MP4



RD 8 (2).MP4



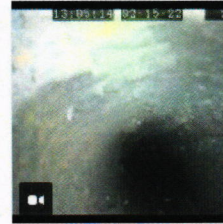
RD 8 (3).MP4



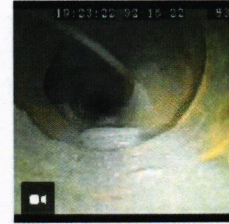
RD 8 (4).MP4



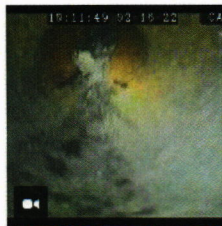
RD 8 (5).MP4



RD 8.MP4



RD 9 (2).MP4



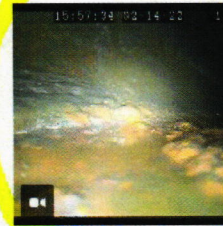
RD 9.MP4



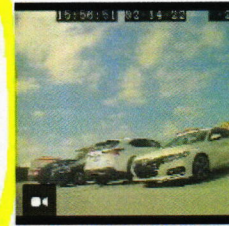
RD 11 (2).MP4



RD 11.MP4



RD 12 (2).MP4



RD 12.MP4



Figure 11 – Concrete spalling at precast beam.
Repair Type A required.



Figure 12 – Concrete spalling at top of supporting column.
Repair Type A required.

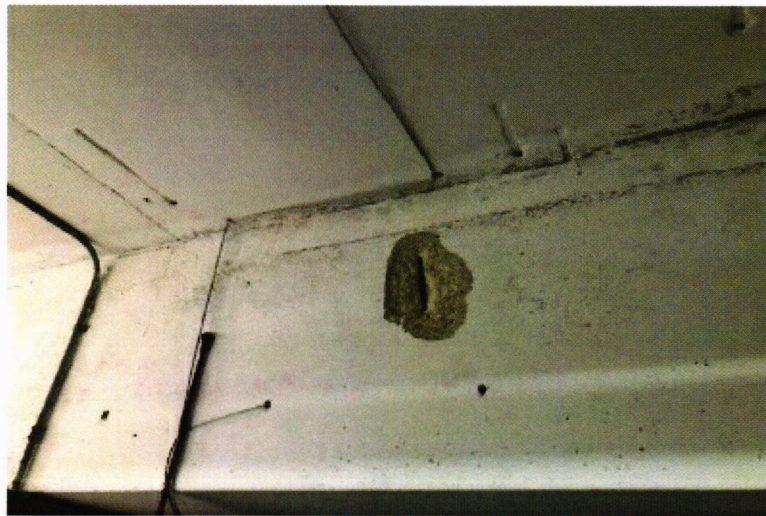


Figure 13 – Exposed reinforcement and concrete spalling on precast beam.
Repair Type A required.



Figure 14 – Delaminating concrete and exposed reinforcement at elevated slab.
Repair Type A required.

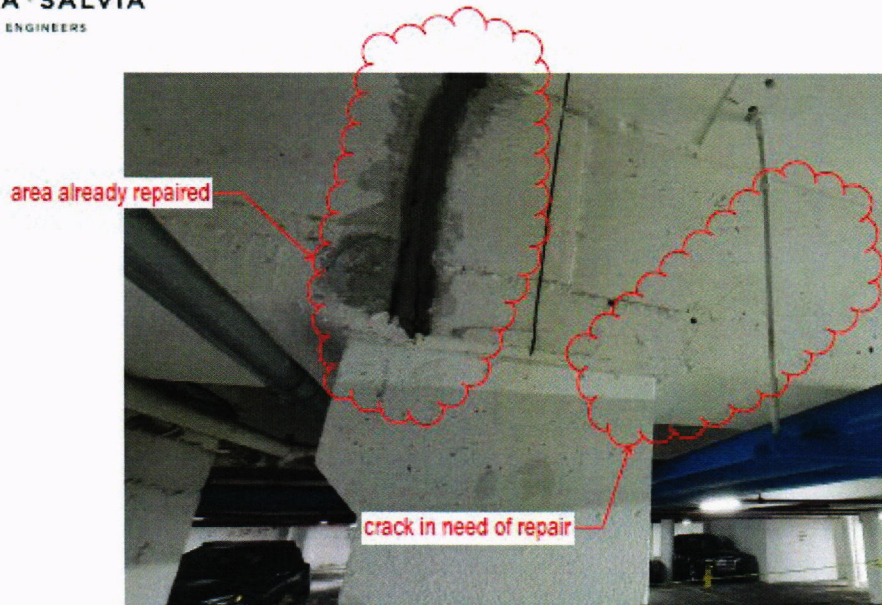


Figure 16 – Concrete shear cracking occurs at soffit concrete beam.
Repair Type B required.



Figure 17 – Exposed rebar and spalling concrete on precast joist. Condition as seen during the 9/24/2021 site visit.
Repair Type A required.