

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 225 Worth Avenue

Date: December 27, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the renovation of 225 Worth Avenue, the new location for Gucci. If approved, staff recommends that it be conditioned upon the letter (attached) from Rose Eustor, dated December 22, 2022, along with the attached revised construction schedule.

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

GENERAL INFORMATION

The applicant is renovating the retail space at 225 Worth Avenue. This store received approval from the Town Council in August to continue interior work through January 15, 2023. This new request asks for an additional two weeks of minor interior and exterior work (exterior metal panel at entrance, awnings, and interior marble floor tile) beyond the January 15 date. They will begin this work on February 1 and work through February 15, 2023. The letter from Gucci explains that their project must be extended due to damaged materials and the time it took to re-fabricate and deliver these materials.

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 notified the surrounding property owners of the request and of the date of this meeting, as required.

Attachments – Letter from Rose Eustor, Gucci America, dated December 22, 2022
Sample letter to abutting neighbors

December 22, 2022

To: Wayne Bergman, MCP, LEED® AP

Director

Town of Palm Beach

Planning, Zoning, Building

360 S. County Road

Palm Beach, FL 33480

Office: 561-227-6426

Re: Request for a Waiver to Section 42-199 (Hours of Construction Work – Commercial Worth Avenue CWA zone) - Gucci 225 Worth Ave Project Permit # B-22-94272

Dear Sir,

We would like to request for a waiver to Section 42-199 of the Town of Palm Beach Code of Ordinances, relating to the construction working hours beyond October 31 – May 1st of every calendar year.

During construction, a few of our finishes have sustained some damage and must be replaced. Specifically, one of the metal panels above our entrance, marble floor slab in the client restroom and the main entrance. We have also held off on installing our awnings as a result. Due to the lead times to re-fabricate these materials, shipment and installation timelines, we are unable to perform this work within allowed exterior work construction waiver set to expire today, December 22, 2022 and the interior waiver set to expire on January 15, 2023.

Therefore, we would like to request for another waiver for both minor interior and exterior work for a 2-week installation window between February 1 through 15, 2023. Although the scope of this work shall not require such duration to install, we have yet to firm up exact dates on when the materials are arriving on site. Our expected installation timeline will be as follows:

Installation of Metal Panel, awnings and signage: 3 days


Installation of Marble Floor and plumbing fixtures: 2 days.

We also intend to conduct our punch list and final inspections during this time and would like to make sure our general contractor and millworker will have enough time to perform corrective work.

The nature of this work should not produce much noise or the use of heavy equipment other than hand tools.

We hope this request can be considered and we wish you and your team a happy holiday.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rose Eustor', written over the word 'Sincerely,'.

Rose Eustor

Vice President

Store Planning and Development

Gucci America

GUCCI

NOTIFICATION LETTER

December 22, 2022

To:

GALLERY BIBA
224 Worth Ave # A
Palm Beach, FL 33480

Sent to 7 Neighbors

Re:

Gucci Renovation
225 Worth Avenue
Request for Waiver to the Town Ordinance Section 42-199 (Construction Work Hours from May 1 – October 31).

To Whom It May Concern,

We are writing to provide official notification of our intention to request for a waiver to the Town of Palm Beach Ordinance Section 42-199 which relates to the construction work hours from May 1 – October 31. Due to damages and replacement of some of our construction materials, we are unable to complete the renovation within the said time period of May 1, 2022, through October 31, 2022.

For this reason, we are requesting that the Town Council grant us a waiver in the up-and-coming meeting on January 10, 2023, to allow us to complete some minor interior and exterior work from February 1, 2023 to February 15, 2023 with the hours of 8AM – 8PM weekdays and Saturdays. The work involved during this time will exclusively be exterior metal panel replacement, awning installation and signage, The interior work will be limited to marble floor finish installation. Such work shall not cause any major disruption to pedestrian traffic in the area nor should require any heavy or noisy equipment other than man lifts and hand tools.

Should you have any concerns or questions, feel free to reach us at the address below.

Sincerely,


Rose Eustor
Vice President, Store Planning & Facilities
Gucci America
195 Broadway
New York NY 10012