

From: Susan Woolf <swoolf@cityofpensacola.com>

Sent: Sunday, September 22, 2019 6:02 PM

To: Andy Terhaar <aterhaar@cityofpensacola.com>; P.C. Wu <pcwu@cityofpensacola.com>; Jewel Cannada-Wynn <jcannada-wynn@cityofpensacola.com>; Ann Hill <AHill@cityofpensacola.com>; Jared Moore <JMoore@cityofpensacola.com>; Sherri Myers <smyers@cityofpensacola.com>; John Jerrals <JJerrals@cityofpensacola.com>

Cc: Grover C. Robinson, IV <GRobinson@cityofpensacola.com>; Christopher L. Holley <CHolley@cityofpensacola.com>; Don Kraher <DKraher@cityofpensacola.com>

Subject: FW: Amended and Restated Pitt Slip Lease Agreement

Councilmembers,

Please see the attached correspondence and enclosures (the 1984 SSD plan and the FDEP permit package) regarding the Pitt Slip lease. Additionally, I added my comments to the memorandum Seville Harbour's counsel sent to you on Friday and attached that document.

I reiterate that I am attempting to provide you with information I believe will assist your decision-making. To the extent that anything I say may be construed as advocating a position, please understand that I am representing the City as a whole.

Susan

Susan A. Woolf, City Attorney

City of Pensacola

(850) 435-1615

swoolf@cityofpensacola.com

Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Susan Woolf

Sent: Monday, September 16, 2019 3:51 PM

To: Andy Terhaar <aterhaar@cityofpensacola.com>; P.C. Wu <pcwu@cityofpensacola.com>; Ann Hill <AHill@cityofpensacola.com>; Jared Moore <JMoore@cityofpensacola.com>; Jewel Cannada-Wynn <jcannada-wynn@cityofpensacola.com>; Sherri Myers <smyers@cityofpensacola.com>; jjerrals@cityofpensacola.com

Cc: Grover C. Robinson, IV <GRobinson@cityofpensacola.com>; Christopher L. Holley <CHolley@cityofpensacola.com>; Don Kraher <DKraher@cityofpensacola.com>

Subject: FW: Amended and Restated Pitt Slip Lease Agreement

DO NOT REPLY ALL

Good afternoon, Councilmembers.

I am writing to follow up with you after Thursday night's decision to pull the Pitt Slip lease from the agenda.

On August 13, I had my assistant call all councilmembers to inform each councilmember that this matter would be on the agenda at the first meeting in September and to schedule time with each of you to discuss the lease. As necessary, my assistant followed up with a second phone call, again offering to schedule a time to meet with me to review the proposed lease. On August 22, three weeks before the council meeting, I sent the proposed lease to all councilmembers (see email below) to provide you with time to review the lease in advance of its publication as part of the agenda.

I attempted to answer various questions from the dais during the council meeting. In an effort to provide further information (or, for some of you, repeat information previously provided), I have attached the following documents:

1. The proposed Amended and Restated Pitt Slip Lease (which would completely replace the prior lease agreement and amendment thereto)
2. The original Pitt Slip lease
3. The first amendment to the Pitt Slip lease
4. A map generated by the City's GIS department showing the parcels included in the lease (Parcel I, IA, and III) overlaid by the areas falling within the grants obtained by the City (red outlined areas are in one grant and the black outlined area is in a different grant)
5. The original 1985 SSD plan
6. The 1999 SSD plan (condominiums that were not built)
7. The proposed marina improvements with the floating houses

With respect to the grant restrictions, the manuals are long, dense, or both. I will be glad to review the information with any of you; the material does not lend itself to summary in an email. I also can provide you with links to the manuals if you wish – just let me know.

I reiterate that I am not advocating for or against the proposed lease. My goal is to provide you with information so that you are able to make an informed decision. I once again invite you to call me or meet with me to discuss the lease and any questions you may have.

Susan

Susan A. Woolf, City Attorney
City of Pensacola
(850) 435-1615
swolf@cityofpensacola.com

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From: Susan Woolf

Sent: Thursday, August 22, 2019 4:39 PM

To: Andy Terhaar <aterhaar@cityofpensacola.com>; P.C. Wu <pcwu@cityofpensacola.com>; Ann Hill <AHill@cityofpensacola.com>; Jared Moore <JMoore@cityofpensacola.com>; Jewel Cannada-Wynn <jcannada-wynn@cityofpensacola.com>; Sherri Myers <smyers@cityofpensacola.com>

Cc: Grover C. Robinson, IV <GRobinson@cityofpensacola.com>; Don Kraher

<DKraher@cityofpensacola.com>; Christopher L. Holley <CHolley@cityofpensacola.com>

Subject: Amended and Restated Pitt Slip Lease Agreement

Do Not Reply All

Good afternoon, President Terhaar and Councilmembers.

Please find attached the Amended and Restated Pitt Slip Agreement. At this time, it is anticipated that this agreement will be on the agenda for the next council meeting for your consideration and vote. I am providing the proposed lease to you now so that you have ample time to review the document in advance of the agenda conference and council meetings the week of September 9. If you have any questions, please call me or come by my office.

Have a good evening.

Susan

Susan A. Woolf

City Attorney

Visit us at <http://cityofpensacola.com>

City of Pensacola

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FLORIDA'S FIRST & FUTURE

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OFFICE of the CITY ATTORNEY
Susan A. Woolf, City Attorney

September 22, 2019

Via Email Only

President Andy Terhaar and Councilmembers

Re: Proposed Amended and Restated Pitt Slip

Dear Councilmembers:

Over the past month, I have provided you as a board and individually with documentation and information concerning the Pitt Slip lease matter. I am writing to provide you with a comprehensive response to various questions and issues that have been raised over the past several weeks concerning the proposed Amended and Restated Pitt Slip lease.

Background

The City acquired various tracts of property (including submerged property) at various times during the 1980s. Two grants were received, one from the State and one from the National Park Service, to acquire property and to develop the inlet now known as Pitt Slip. The grants contained several restrictions and requirements, including a commitment to utilize the property “in perpetuity” for the public’s use as “outdoor recreational facilities.” A violation of the grant restrictions could trigger substantial, adverse consequences for the City. The available penalties include an obligation to replace the property for public outdoor recreation use with a comparable property at a different location – likely a costly proposition given the scarcity of comparable property.

In 1985, the City leased the Pitt Slip property to a now-defunct corporation. The property was zoned for Site Specific Development (SSD), which requires that any use be considered by the Planning Board and then approved by the City Council. The initial use approved by the Planning Board and the City Council in September 1984 was as follows: a commercial office and retail sales building, a restaurant building, a 28-unit guest lodge, a harbor master building, a boat service building, and a 94-slip boat marina. In 1985, the City approved an SSD plan showing: two buildings with commercial and office space, public restrooms, on-site parking, dock and marina facilities with approximately 90 slips, a fuel dock and boardwalks. The property remains subject to the SSD approval process for any major changes in use.

Subsequent to those SSD approvals, Seville Harbour, Inc., purchased the lease and, in 2000, sublet a portion of it to Merrill Land, LLC, where the Fish House and Atlas restaurants are located. In years past, Seville Harbour had constructed floating piers and

moorings, and Pitt Slip was an active marina for boats. After many years of operation, the marina was heavily damaged by a storm, and Seville Harbour stated that it would not rebuild a marina unless a breakwater was in place to protect the harbor from winds from the east.

Unless Council elects to extend or amend the lease, the current lease (and the Merrill sublease) will expire in March 2045 (about 25.5 years from now), and the City will take title to all of the improvements at that time.

According to the Tax Collector's website, in 2018, Seville Harbour paid \$970.34 in ad valorem taxes and Merrill Land paid \$43,332.17 in ad valorem taxes. Neither company was assessed non-ad valorem taxes.

Seville Harbour's Proposal

The proposed 99-year, Amended and Restated Lease that is before you was negotiated with the Mayor and Seville Harbour to its current form.

In its application to the State for a permit to construct a breakwater, Seville Harbour provided plans and specifications for the construction of fixed pilings and floating docks to accommodate the placement of 47 "permanent slips" for floating houses like the prototype that is in place moored in the marina. Thirty-four floating houses are to be placed south of the shoreline of Bartram Park, and the remainder will be lined along the north shoreline of the existing parking area adjacent to the Port. They will be connected to shore through access ramps, two sewer lines, and water and electric line hookups. The permit from the FDEP describes the floating houses as "liveaboard facilities" docked at "floating residential liveaboard slips" with "permanent sewage connections to the upland disposal system." The site plan also depicts 24 "temporary slips" that are lined along the interior of the two primary docks running east-west in the marina. The FDEP permit documentation advises Seville Harbour "authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities."

Seville Harbour's counsel has advised that the floating houses should be regarded as "vessels", which are exempt from the Florida Building Code. I was told a few months ago that Seville Harbour was registering as a "vessel" the prototype-floating house that has been built. However, I am not aware of that being done. Counsel indicated that Seville Harbour intends to outfit the floating houses with a motor and a steering mechanism, and it intends to obtain boat registration decals from the State for them. As shown on the plans submitted to FDEP, they will be placed in locations that, for many of them, will require the movement of adjacent floating houses in order to move them in or out of the marina. Seville Harbour has indicated that the floating houses will serve as overnight accommodations, and that the structures will be available for lease to the public with

leases as short as a day and no longer than 7 months in length pursuant to the proposed lease.

Questions and Responses

1. How does the SSD designation affect the Pitt Slip property?

I previously provided you with a site specific development (SSD) plan from 1985. Since then, an earlier SSD plan has been located. (See attached). In the 1984 SSD plan, the drawing shows a restaurant, a retail/office building, and a guest lodge. Under the proposed Amended and Restated Lease, the improvements to the property are still subject to the SSD (Article 2).

Pursuant to the SSD ordinance, §12-2-15, “major” changes to the approved SSD plan must go before the Planning Board and City Council, whereas “minor” changes do not. Specifically, the ordinance states:

(B) Minor changes to an approved SSD final development plan. Minor changes to a final development plan may be approved by the mayor, city engineer, the city planner and building official when in their opinion the changes do not make major changes in the arrangement of buildings or other major features of the final development plan.

(C) Major changes to an approved SSD final development plan. Major changes such as, but not limited to, changes in land use or an increase or decrease in the area covered by the final development plan may be made only by following the procedures outlined in filing a new preliminary development plan as described in [section 12-2-81](#).

The ordinance indicates that the 4-member group – the mayor, city engineer, city planner, and building official - determine whether a change is “major” or “minor.” Regardless, the City Council may want to condition its approval of the proposed Amended and Restated Lease on the SSD process being followed for the marina improvements and any locating of floating houses at the marina, regardless of whether the floating houses are determined by a governmental agency to be “floating structures” or “vessels.”

2. Is there any other language in the proposed lease that gives City Council control over what is built at Pitt Slip?

With regards to the City Council’s control over the construction of improvements, as described above, major revisions to the original SSD plan must go before the Planning Board and then to City Council, thus if any improvements are deemed major changes, those must go before the Council. Additionally, there is language in the proposed Amended and Restated Lease that requires written approval from the City of the location, plans, and specifications of the breakwater (Article 4(a)). Further, in subparagraph (b) of Article 4, Seville Harbour “shall not construct, alter, remove, or demolish” any

improvements to the leased premises, which include the submerged lands, without first obtaining written approval of the City. Seville Harbour is responsible for ensuring that all improvements to the property comply with all laws, codes, and ordinances. "Improvements" are defined in subparagraph (b) to include the breakwater, all buildings, signage, and improvements now existing or hereafter constructed or placed on the property.

3. Do floating houses at the marina violate the grant restrictions?

The City and the Florida Department of Environmental Protection (FDEP) have communicated about the Pitt Slip property and grants over the past year or more. Further, there have been a number of site visits by State representatives since the inception of the project in 1985. The FDEP has not given its opinion or approval about the possibility of floating houses in the marina.

During the negotiations since February 2019, neither the City nor Seville Harbour has contacted FDEP to ask for its assessment of the proposed marina improvements, including the proposed floating houses. In the proposed lease, Seville Harbour has agreed to comply with the grant restrictions and to indemnify the City for any violations. However, indemnification would be by Seville Harbour, a corporation whose assets are unknown and that could declare bankruptcy if the cost was high. Further, if the State penalized the City for conversion of the property, then the City will be required to provide replacement property that meets the State and Federal requirements. With such a specific penalty, the requirement of indemnification in the proposed lease for any grant violation may not provide a high level of comfort and may be ineffective.

In an attempt to address these concerns, there is language in Article 3 of the proposed lease that provides Seville Harbour may not use the property, including the submerged lands, for any use or purpose that violates the grant restrictions. The language also indicates that "a reasonable number" of boat slips will be reserved for day use, and that visitors to Bartram Park will have unrestricted use of the park, including the ability to access the water adjacent to the park for recreational activity. The City Council could go a step further and require that any future use of the leased premises that elicits an objection from a grant-funding agency will be terminated promptly and any such facility removed.

4. Are the proposed floating houses "floating structures" or "vessels"?

Pursuant to the documents submitted by Seville Harbour to the FDEP to obtain permitting for construction of the marina, Seville Harbour plans to construct marina facilities and floating houses as shown (see attached FDEP permit package). While the original SSD plan for Pitt Slip showed a building on the uplands for "guest lodging", the building suggests a traditional motel/hotel type of structure. The concept of floating houses was not included in the original SSD plan. There have been questions raised as to whether

the proposed floating houses are vessels or floating structures. To my knowledge, there has not been a determination made at this time by any governmental entity as to whether the prototype-floating house is a vessel or a floating structure as those terms are defined by Florida law.

Neither Florida Statutes nor the City's land development code define "floating house." The term "floating structure" is defined in §327.02, Fla. Stat., as follows:

(14) "Floating structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in this section. Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure.

A vessel is defined in that same statute as:

(46) "Vessel" is synonymous with boat as referenced in [s. 1\(b\), Art. VII of the State Constitution](#) and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

It is significant whether the floating houses are deemed "floating structures" or "vessels." As described above, a floating structure is subject to the Florida Building Code, including the stringent hurricane-hardening requirements for residential and commercial structures, whereas a vessel is not. The State and local governments tax floating structures and vessels differently. Florida law prohibits a marina owner from requiring vessels to be moved from a marina when a hurricane is imminent. Further, floating structures subject to the Florida Building Code are improvements to the property that require City approval as described above. The mooring of vessels do not require City approval because they are not improvements to the real property; vessels moored at a marina are more akin to cars parked in a parking lot.

Based on my limited understanding of how the floating houses are constructed and the fact that are intended to be used for residential or hotel-type purposes, I believe that a governmental agency would find that the floating houses fall within the definition of "floating structures." The fact that the floating houses may be outfitted with engines, steering wheels, or boat decals is not determinative of how they would be regarded by any governmental agency or the City. Their actual use is determinative. If it is a floating

structure as defined by §327.02, then seemingly floating structures in the marina that are used as residential rental property would be a major change to the original SSD subject to the SSD plan revision process, including Planning Board and City Council review and approval.

5. Does Seville Harbour have the right to use the marina for floating houses instead of boats?

Seville Harbour currently has the right to use Pitt Slip for the purpose of operating a marina, as approved by City Council in the prior SSD process and as previously inspected and approved by the grant funding agencies. Section 327.02, Fla. Stat., defines a “marina” as follows:

“Marina” means a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis. A commercial establishment authorized by a licensed vessel manufacturer as a dealership is considered a marina for nonjudicial sale purposes.

Thus the approved 1984 and 1985 SSD plans allow for a marina to be used to moor vessels. If a floating house is regarded by the City as a “floating structure” – not a “vessel” – then Seville Harbour does not have an absolute right to use the marina for that purpose. If City Council wishes to allow Seville Harbour to use the marina for mooring floating houses, and floating houses are classified as “floating structures,” then that change to the SSD seemingly would be a major change in use that triggers the SSD process.

Conclusion

I have attempted to address the various questions and concerns that have been raised over the past two weeks since the prior City Council meeting when this agenda item was pulled. Please contact me if you have additional questions.

Sincerely,

/s/ Susan A. Woolf

Susan A. Woolf
City Attorney

/saw

Attachments: 1984 Site Specific Development Plan
FDEP permit package for Seville Harbour

11/67

OFFICE OF THE CITY CLERK
REPORT OF CITY COUNCIL ACTION

Agenda Item: # 9-L

Meeting Date: 9/27/84

SUBJECT: Final SSD - Pitt's Slip Project

MOTION:
TO APPROVE

Copies sent to the following as checked:

- CITY MANAGER
- CITY ATTORNEY
- ASSISTANT CITY MANAGER
- DEPUTY CITY MANAGER FOR
GENERAL GOVERNMENT
- PERSONNEL - Director
- FINANCE - Director
 Comptroller/Treasurer
 Property Mgt./Purchasing
 Data Processing
- ENGINEERING - Director
- AND FIELD OPERATIONS Streets & Traffic
 Bldg. Maintenance
- RISK MGT. - Director
- COMMUNITY - Director
- DESIGN & PLANNING CD & Housing
- POLICE - Chief
 Inspection
- FIRE - Chief
- DEPUTY CITY MANAGER FOR
PUBLIC ENTERPRISE
- ENERGY SERVICES - Director
- PUBLIC SERVICES - Director
 Sanitation
 Garage
- LEISURE SERVICES - Director
 Recreation
 Parks
 Saenger/Auditorium
 Library
- AIRPORT - Director
- MARINE OPERATIONS - Director
- CRA - Director
- GCA - Director
- CIVIL SERVICE - Director
- COUNCIL FILE

COMMITTEE					CITY COUNCIL MEMBERS				ACTION		
FINANCE	STEERING	GENERAL	GOVERNMENT	PUBLIC	ENTERPRISE						
		*				Bill Miller					
				*		Hank Anson					
		*				Tom Banjanin					
VC				VC		Norman Fritz			/		
*	VC					Cecil Hunter					
		*				Joyce Reese					
				*		Lester Smith					
*		C				Cecil Jones			/		
*				C		Howard Rein					
C				*		Michael Bass					

C = CHAIRMAN
 VC = VICE CHAIRMAN
 * = MEMBER

Report of the General Government Committee
September 24, 1984
Page 2

L. SUBJECT: FINAL SSD--PITT'S SLIP PROJECT

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

That City Council concur with the Planning Board recommendation and approve the final SSD plan of Pitt's Slip. Prior to recording of the plan, the developer is to submit a detailed landscape plan indicating location and type of vegetation.

The motion passed unanimously.

M. SUBJECT: PROPOSED LEASE OF PARKING AREA--FIREMEN'S HALL

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

That the City Council concur with the Recreation Board recommendation and authorize staff to obtain an appraisal of the Firemen's Hall property.

The motion passed unanimously.

N. SUBJECT: SUBDIVISION ORDINANCE--PROJECT COMPLETION TIME AMENDMENT

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

Held in committee pending further research and discussion.

COMMITTEE MEMORANDUM

COMMITTEE: General Government
DATE: September 21, 1984
SUBJECT: Final SSD--Pitt Slip Project

Issue:

The City Planning Board reviewed the final SSD plan of the proposed Pitt Slip project submitted by Barrett, Daffin & Carlan for the Harbour Corporation. This site was rezoned to SSD in February, 1982, to provide for flexible land use.

The Pitt Slip plan includes a commercial office and retail sales building, a restaurant building, a 28 unit guest lodge, a harbor master building, a boat service building and a 94 slip boat marina.

Overall, the Pitt Slip Plan is consistent with the guidelines set forth in the SSD ordinance. After thoroughly reviewing this plan, the Planning Board unanimously recommended approval of the Pitt Slip project as submitted by the Harbour Corporation.

Alternatives:

1. Approve the final SSD Pitt Slip plan as submitted.
2. Disapprove the submitted plan and recommend changes to the Pitt Slip project.
3. Disapprove this project and call for additional proposals.

Policy Implications:

The design approval and construction of this project conforms to the development goals established by City Council for waterfront property.

Financial Impact:

Significant revenue will be generated for the City when development is complete.



Final SSD--Pitt Slip Project
September 21, 1984
Page 2

Staff Contact:

Deputy City Manager Ed Hinkle, Community Design and Planning Director Pete DeVries.

Recommendation:

That City Council concur with the Planning Board recommendation and approve the final SSD plan of Pitt Slip. Prior to recording of the plan, the developer is to submit a detailed landscape plan indicating location and type of vegetation.

Respectfully submitted,

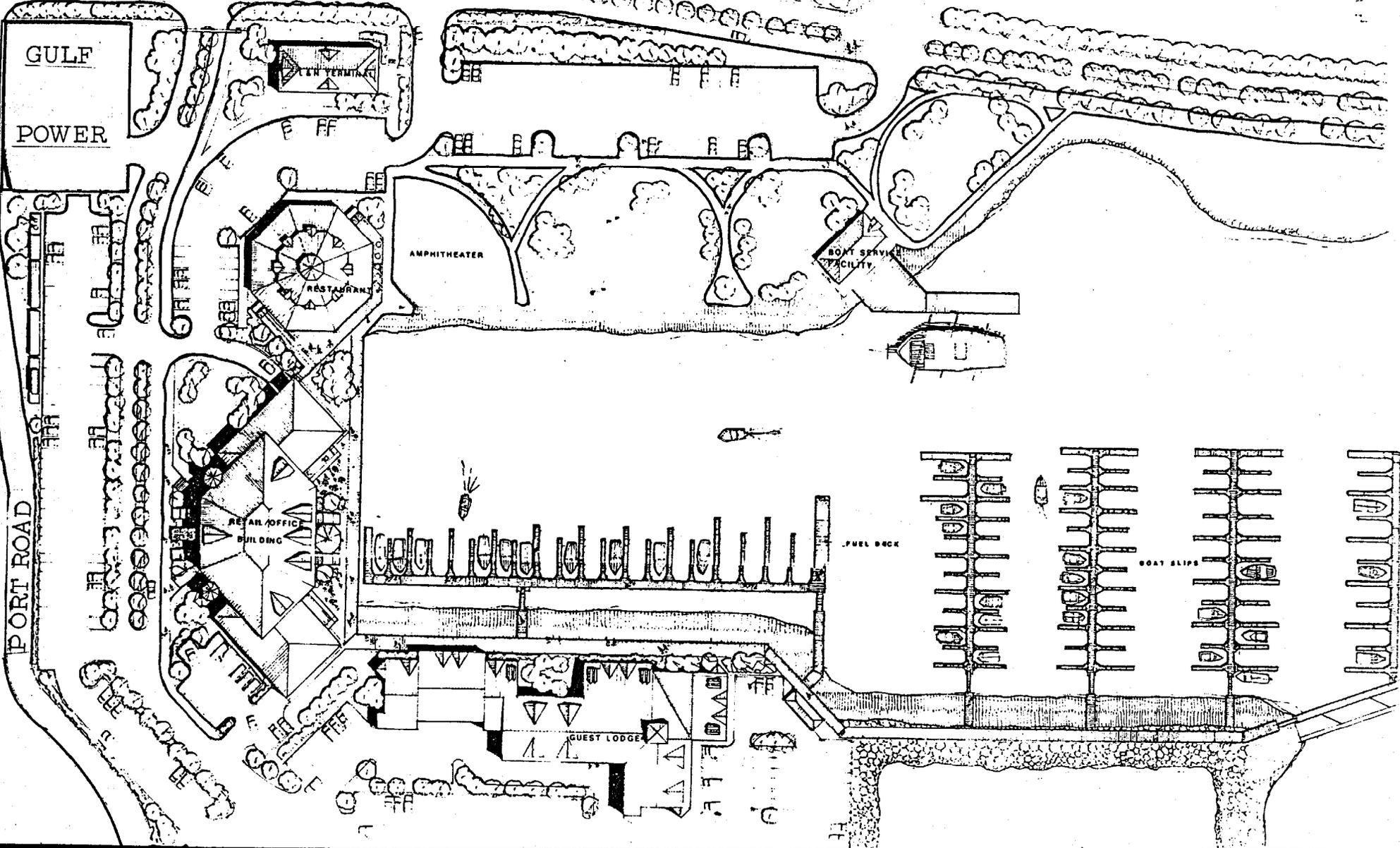


Steve Garman
City Manager

BAYFRONT PARKWAY

GULF
POWER

PORT ROAD



PITT'S SLIP

SEPTEMBER 1984

NOT TO SCALE



OFFICE OF THE CITY CLERK

REPORT OF CITY COUNCIL ACTION

Agenda Item: 9-L

Meeting Date: 9/27/84

SUBJECT: Final SSD Pitt's Slip Project

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t to the following as checked-

CITY MANAGER

CITY ATTORNEY P--@

COMMITTEE CITY COUNCIL MEMBERS ACTION
ASSISTANT CITY MANAGER

DEPUTY CITY MANAGER F

W

GENERAL GOVERNMENT P@

PERSONNEL

Director

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W z 1.4 P4

FINANCE

Director

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Comptroller/Treasurer

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E-4 0
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Property Mgt./Purchasing

P4 Cb 0 @4

>4

Data Processing

Bill Miller

ENGINEERING

Directov4@

AND FIELD

Streets & Traffic

Hank Anson

OPERATIONS

Bldg. Maintenance

Tom@Banjanin

RISK MGT.

Director

COMMUNITY

Direct@@@

VC

VC

Norman Fritz

DESIGN &
PLANNING

CD & Housing

VC

Cecil Hunter

POLICE

Chief

Joyce Reese

FIRE

Inspection
Chief

Lester Smith

DEPUTY CITY MANAGER FOR

C

Cecil Jones

PUBLIC ENTERPRISE

C

Howard Rein

ENERGY
SERVICES
PUBLIC

- Director
- Director

C

Michael Bass

SERVICES

Sanitation

C = CHAIRMAN

Garage

VC = VICE CHAIRMAN

LEISURE

- Director

= MEMBER

SERVICES Recreation
 Parks
 Saenger/Auditorium
 Library
AIRPORT - Director
MARINE - Director
OPERATIONS

CRA - Director
GCA - Director '
CIVIL - Director
SERVICE

COUNCIL F

L. SUBJECT: FINAL SSD--PITTIS SLIP PROJECT

Reference Material:

Committee Memorandum September 21, 1984

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The motion passed unanimously.

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Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

That the City Council concur with the Recreation Board recommendation and authorize staff to obtain an appraisal of the Firemen's Hall property.

The motion passed unanimously.

N. SUBJECT: SUBDIVISION ORDINANCE--PROJECT COMPLETION TIME

@RENDMENT

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

Held in committee pending further research and discussion.

COMMITTEE: General Government
DATE: September 21, 1984
SUBJECT: Final SSD--Pitt Slip Project

Issue:

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Financial Impact:

I

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Staff Contact:

Deputy City Manager Ed Hinkle, Community Design and Planning Director Pete DeVries.

Recommendation:

That City Council concur with the Planning Board recommendation and approve the final SSD plan of Pitt Slip. Prior to recording of the plan, the developer is to submit a detailed landscape plan indicating location and type of vegetation.

R ly submitted,

Steve (arman
City Manager

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PITT'S

SLI P

SEPTEMBER IqBA

NOT TO SCALE



Florida Department of Environmental Protection

160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

Permittee/Authorized Entity:

Marina Management Corp.
c/o Ray Russenberger
850 South Palafox, Suite 102
Pensacola, Florida 32502, Escambia County
ray@marinamgmt.com

Permittee/Authorized Entity:

The City of Pensacola
c/o Eric Olson, City Administrator
222 West Main Street
Pensacola, FL 32502, Escambia County
eolson@cityofpensacola.com

Seville Harbor – Facility Reconfiguration

Authorized Agent:

Michael Dombrowski
543 Harbor Boulevard
Destin, Florida 32541
md@mrd-associates.com

Environmental Resource Permit

State-owned Submerged Lands Authorization – Not Applicable

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Escambia County
Permit No.: 0349018-001-EI/17

Permit Issuance Date: April 12, 2017
Permit Construction Phase Expiration Date: April 12, 2022

Environmental Resource Permit

Permittee: Marina Management Corp. and The City of Pensacola

Permit No: 0349018-001-EI/17

PROJECT LOCATION

The activities authorized by this permit are located at Parcel ID Nos: 000S009100010008 and 000S009100011008, 600 South Barracks Street, Pensacola, Florida 32502, in Section 46, Township 02 South, Range 30 West in Escambia County, at 30.407147 Degrees North Latitude, 87.209146 Degrees West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to remove an existing marina facility and construct two breakwater structures with riprap revetments, 47 unit liveaboard facility consisting of floating docks, mooring pilings and 3 access piers with 24 vessel mooring slips. The floating residential liveaboard slips will have permanent sewage connections to the upland disposal system. In addition, the facility will provide a permanent fixed vessel sewage pumpout station. The project is located within Pensacola Bay, a Class III Florida Waterbody, Prohibited Shellfish Harvesting Area. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Seville Harbor – Facility Reconfiguration

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **Shall be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General

Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit, as described.

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

1. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTU's above background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

2. The following measures shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTU's above background:
 - a. Immediately cease all work contributing to the water quality violation.
 - b. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.
 - c. Notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Northwest District Office, 160 W Government Street, Pensacola, Florida 32502-5794, in writing or by telephone at (850)595-8300 within 24 hours of the time the violation is first detected.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

3. If the approved permit drawings and/or narrative conflict with the specific conditions, then the specific conditions shall prevail.
4. A sewage pump-out facility shall be installed at the location shown on the attached permit drawings prior to or simultaneously with completion of construction activities. The permittee shall ensure marina personnel, who have been trained to operate the sewage pump-out facilities are available to assist boaters in operating the facilities during standard business hours (at a minimum) for the life of the facility. The sewage pump-out facility shall be in working order prior to any slip occupancy and be maintained in accordance with the requirements of this condition for the life of the facility.
5. Permanent sewage connection to the upland disposal system shall be installed and operational prior to the placement or use of floating residential liveaboard units.
6. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
7. There shall be no stock piling of tools, materials, (i.e., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters/waters of the state.
8. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.
9. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.
10. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring and prop dredging.
11. Any damage to wetlands outside of the authorized impact area as a result of construction shall be immediately reported to the Department at (850) 595-8300, and repaired by

Permittee: Marina Management Corp. and The City of Pensacola

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reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30 day period.

12. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings. Examples of additional structures include but are not limited to walkways, awnings, enclosed sides and covers over slip areas, finger piers, step-down stairs, storage closets and decking.

13. The sewage pump-out and the upland sewage collection system shall be connected to a Department permitted wastewater treatment plant. Please note: direct sewage pump-out hook-up to a wastewater treatment plant will require a permit from the Department's Water Facilities Section.

14. "Riprap" shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and toxins or otherwise deleterious substances. Riprap shall have a diameter of at least 12 inches to 3 feet.

15. The riprap material shall be installed within two weeks of completion of construction of the breakwater wall.

16. The slope of the riprap shall be no steeper than 2:1 (Horizontal/Vertical).

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

17. The facility shall comply with the attached "Facility Management Plan" for the life of the project.

18. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the facility.

19. Employees of the docking facility shall be trained in the proper use and maintenance of the sewage pump-out system.

20. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the bottom of the waterbody at mean low water so as to preclude bottom scouring or prop dredging.

SPECIFIC CONDITIONS – ADMINISTRATIVE/EMERGENCIES

21. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.

22. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.

23. The mailing address for submittal of forms for the "Construction Commencement Notice", "As-Built Certification ...", "Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase", or other correspondence is FDEP, SLERP, 160 W. Government Street, Pensacola, Florida, 32502-0574.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
 - b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer

Permittee: Marina Management Corp. and The City of Pensacola

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of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Wade Dandridge at the letterhead address, at 850-595-0655, or at Wade.Dandridge@dep.state.fl.us

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



For Andrew Joslyn
Permitting Program Administrator

AJ:wd

Attachments:

Project Drawings and Design Specs., 18 pages
Facility Management Plan, 7 pages

Copies furnished to:

Clif Payne, U.S. Army Corps of Engineers, lyal.c.payne@usace.army.mil
Escambia County, jtkirsche@co.escambia.fl.us, BDBANE@co.escambia.fl.us,
bdschneider@co.escambia.fl.us

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on April 12, 2017 to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.



April 12, 2017

Clerk

Date

Permit Sketches and General Specifications



Seville Harbour Breakwaters and Docking Facilities

Section 46, Township 2 S, Range 30 W
Escambia County, Florida
30°24'25.88" N, 87°12'32.05" W

APPLICANT NAME AND ADDRESS

Marina Management Corporation
850 South Palafox Street, Suite 102
Pensacola, Florida 32502

INDEX OF SHEETS

<u>SHEET NO.</u>	<u>DESCRIPTION</u>	<u>SHEET NO.</u>	<u>DESCRIPTION</u>
1	Cover And Index Of Sheets	14	Breakwater Cross-section E-E'
2	Project Location	15	Breakwater Cross-section F-F'
3	Existing Conditions	16	Turbidity Details
4	Demolition Plan	17	General Notes
5	Proposed Marina Site Plan	18	Utility Plan (1 of 2)
6	Dock Dimension Plan	19	Utility Plan (2 of 2)
7	Dock Dimension Plan (2 of 2) - Deleted		
8	Floating Dock Plan		
9	Dock Cross-section A-A' (1 of 2)		
10.....	Dock Cross-sections A-A' (2 of 2) and G-G'		
11.....	Dock Cross-section B-B'		
12.....	Typical Floating Dock Section		
13.....	Breakwater Plan and Dimensions		

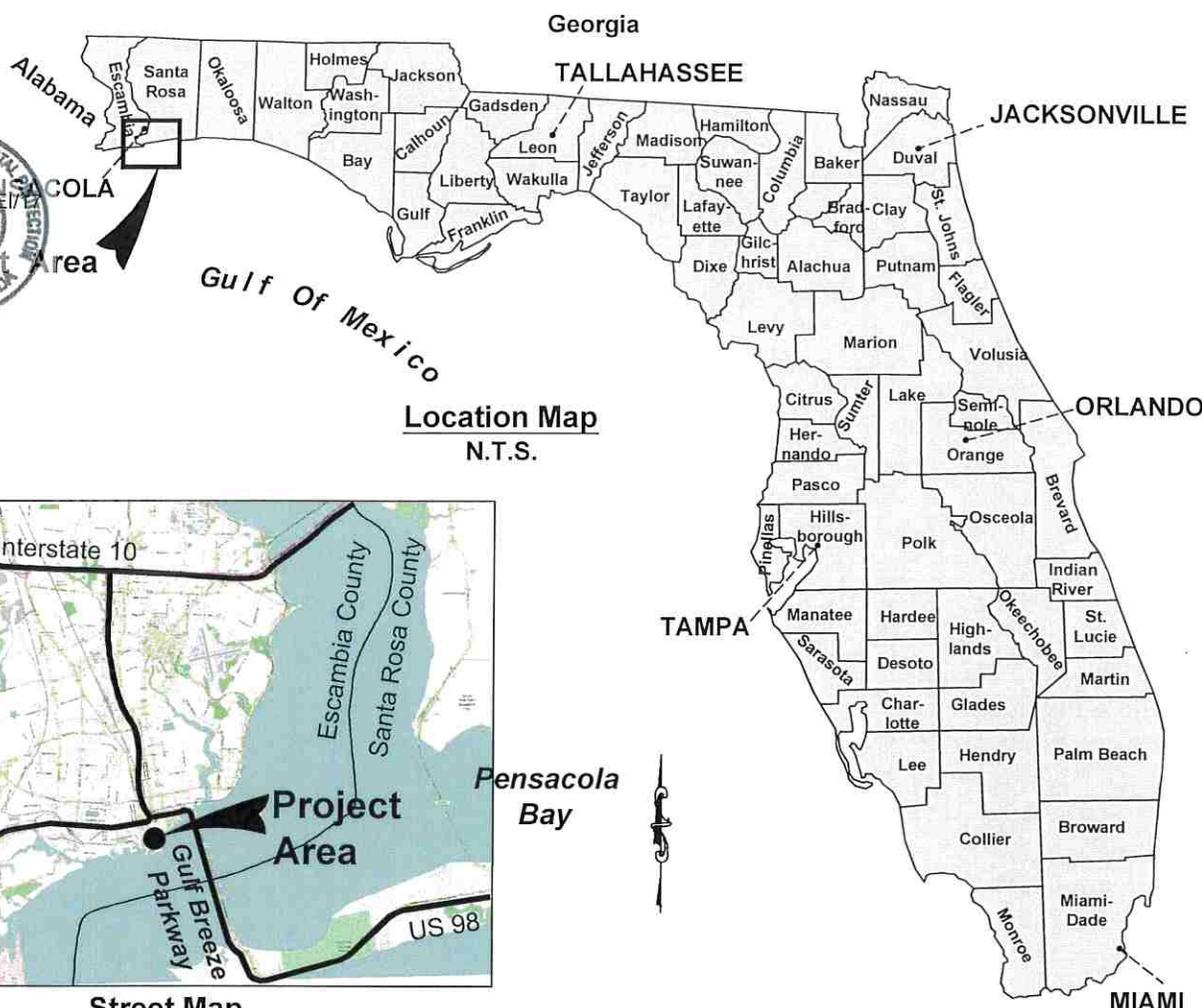


543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

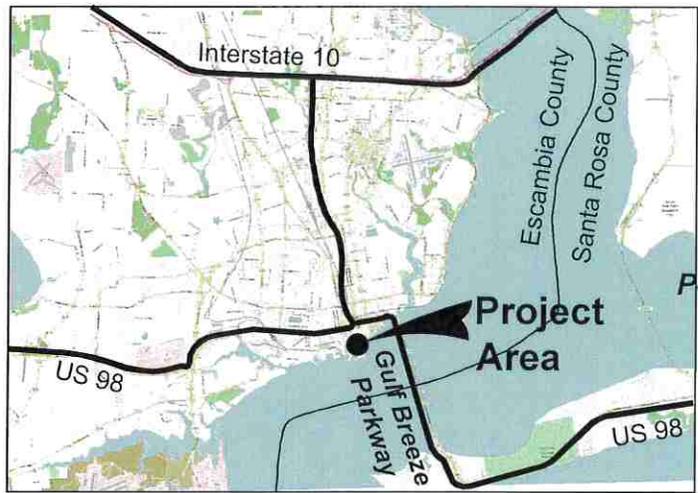
COVER AND INDEX OF SHEETS *Seville Harbour Breakwaters and Docking Facilities*

Marina Management Corporation
850 South Palafox Street, Suite 102, Pensacola, Florida 32502

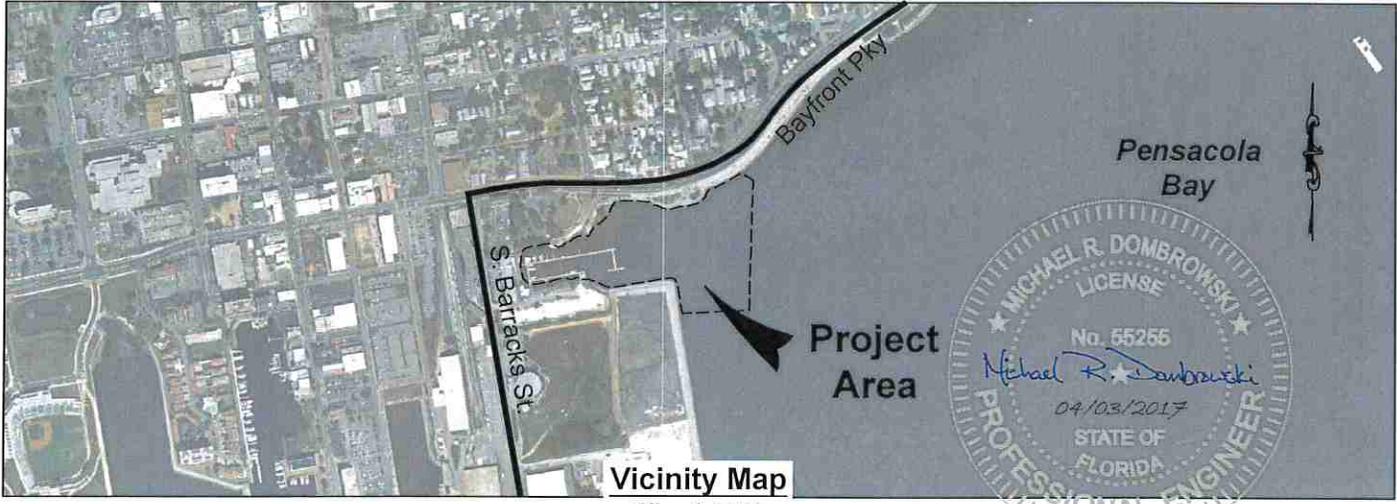
Michael R. Dombrowski, P.E. Florida P.E. Number 55255	
Date: October 04, 2016	
Sheet Rev Date: April 03, 2017	
PROJECT NUMBER 16-346	SHEET NUMBER 1



Location Map
N.T.S.



Street Map
1" = 20,000'



Vicinity Map
1" = 1,000'



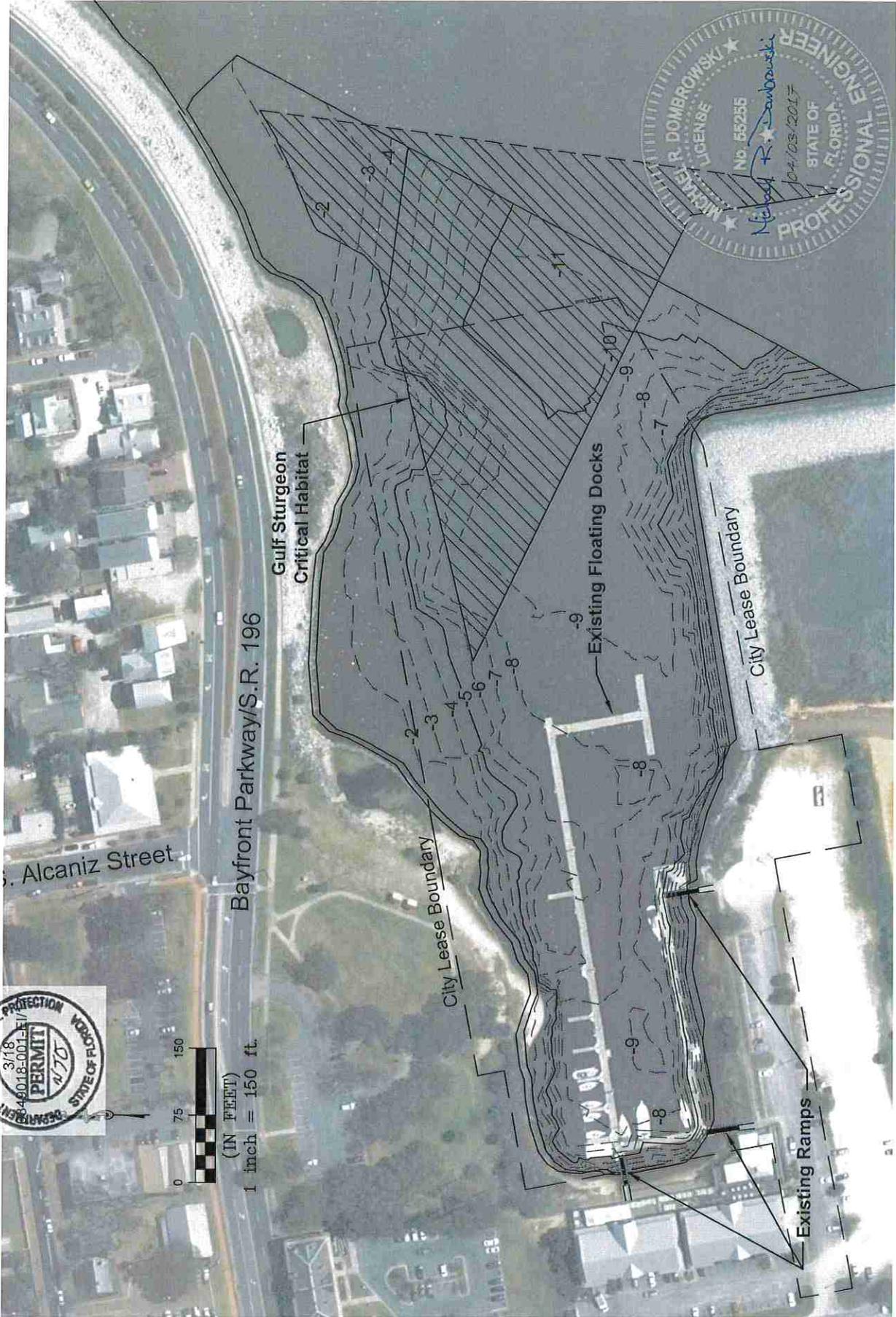
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PROJECT LOCATION
Seville Harbour Breakwaters and Docking Facilities

Marina Management Corporation
850 South Palafox Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E. Florida P.E. Number 55255	
Date: October 04, 2016	
Sheet Rev Date: April 03, 2017	
PROJECT NUMBER 16-346	SHEET NUMBER 2

THESE SKETCHES ARE FOR PERMIT REVIEW ONLY AND NOT FOR CONSTRUCTION.



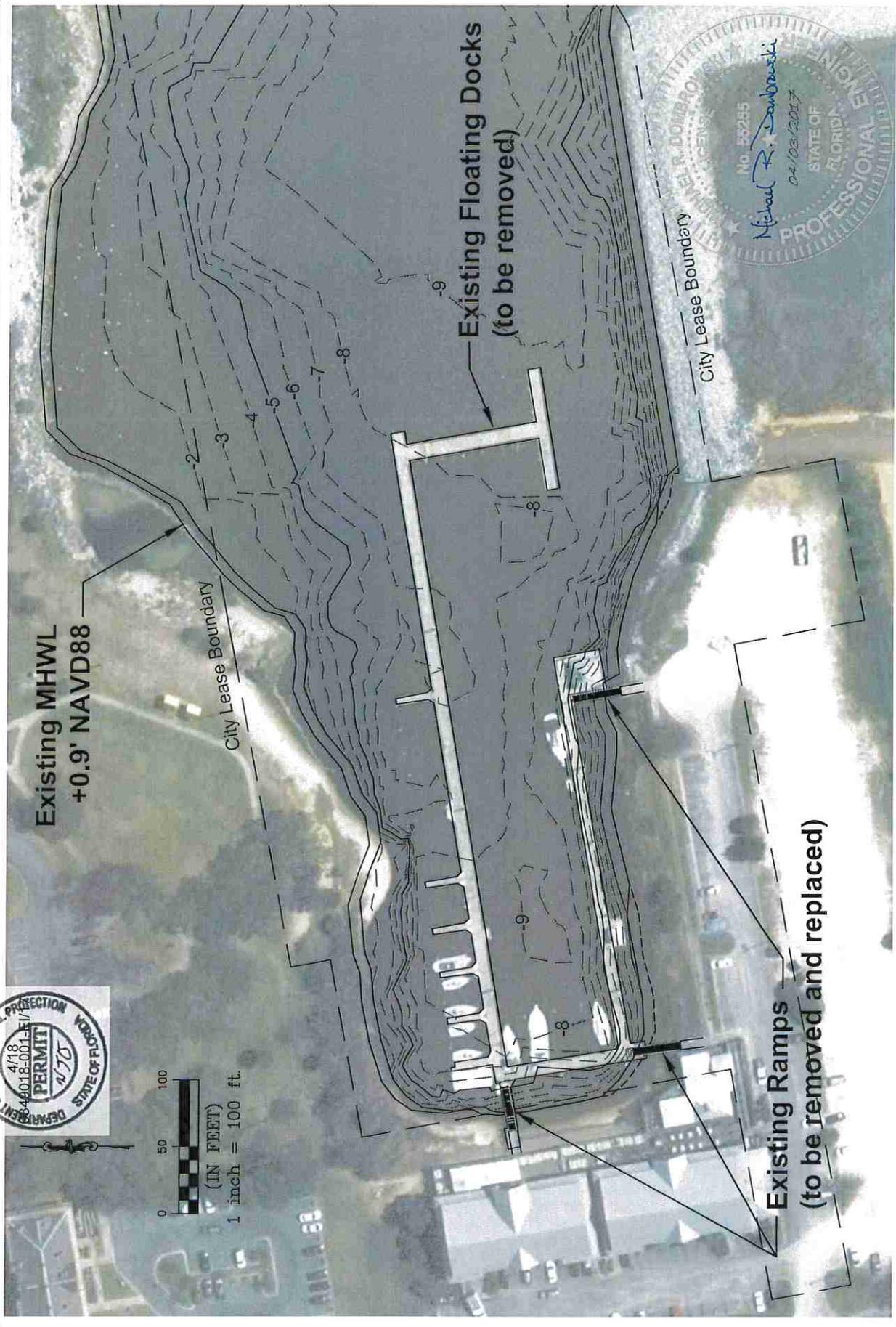
Michael R. Dombrowski, P.E. Florida P.E. Number 55255
Date: October 04, 2016
Sheet/Rev Date: April 03, 2017
PROJECT NUMBER 16-346
SHEET NUMBER 3

EXISTING CONDITIONS
Seville Harbour Breakwaters and Docking Facilities
 Marina Management Corporation
 850 South Palatka Street, Suite 102, Pensacola, Florida 32502

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 Coastal, Marine & Water Resources Engineering

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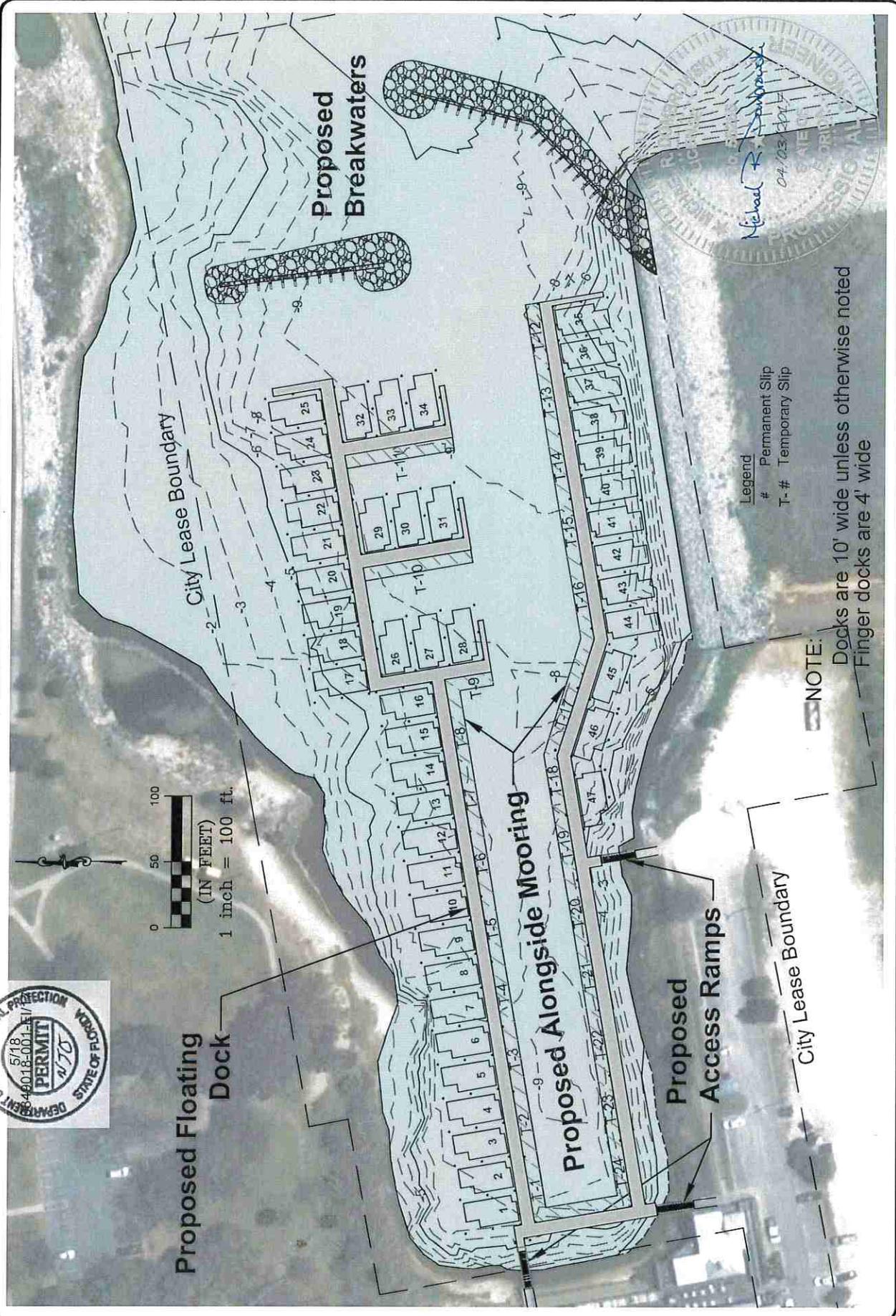


Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255
 Date: October 04, 2016
 Sheet/Rev Date: April 03, 2017
 PROJECT NUMBER
16-346
 SHEET NUMBER
4

DEMOLITION PLAN
Seville Harbour Breakwaters and Docking Facilities
 Marina Management Corporation
 850 South Palatka Street, Suite 102, Pensacola, Florida 32502

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THESE SKETCHES ARE FOR PERMIT REVIEW ONLY AND NOT FOR CONSTRUCTION.



Legend
 # Permanent Slip
 T-# Temporary Slip

NOTE:
 Docks are 10' wide unless otherwise noted
 Finger docks are 4' wide



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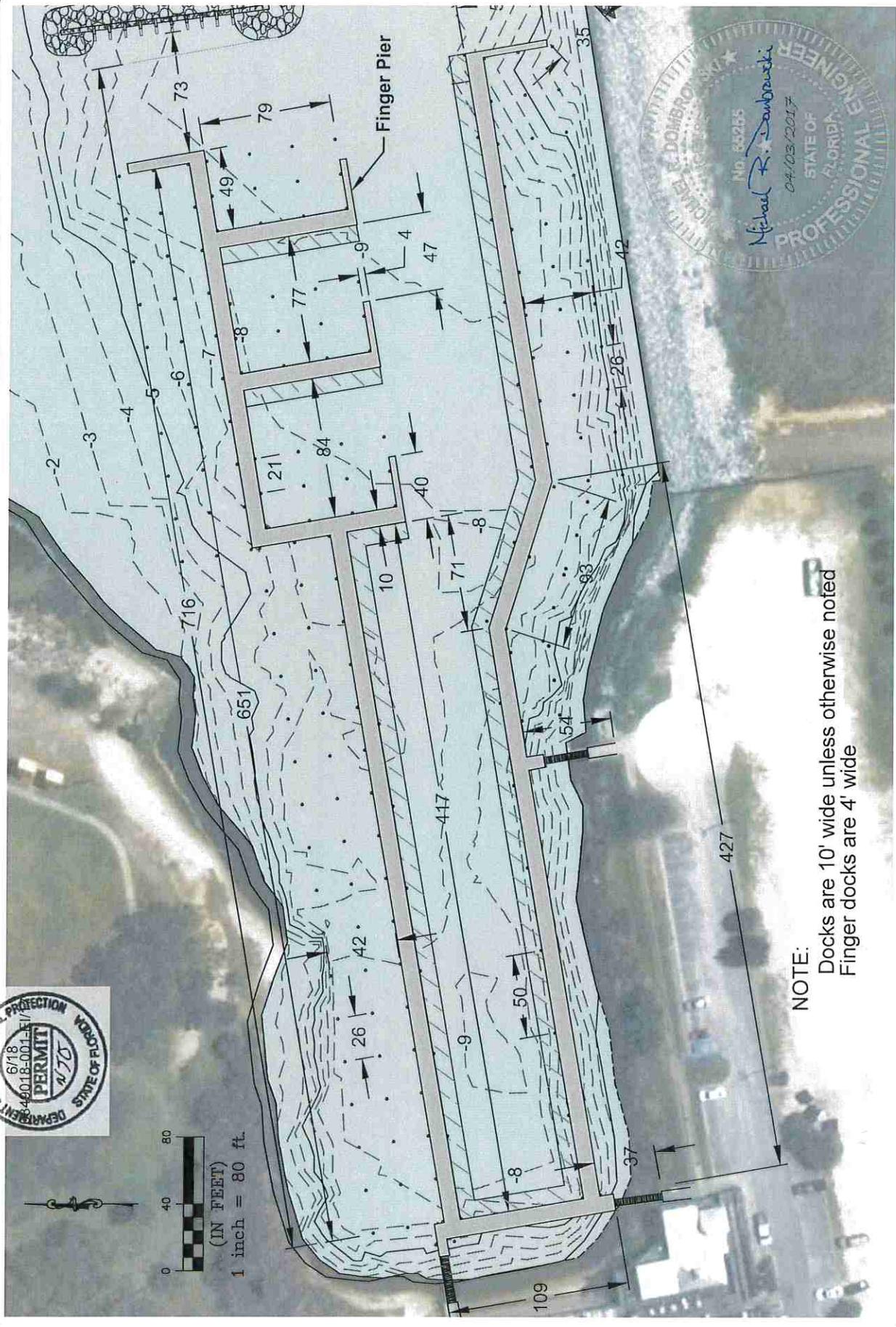
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PROPOSED MARINA SITE PLAN
 Seville Harbour Breakwaters and Docking Facilities

Marina Management Corporation
 850 South Palafox Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255
 Date: October 04, 2016
 Sheet Rev Date: April 03, 2017
 PROJECT NUMBER **16-346**
 SHEET NUMBER **5**

THESE SKETCHES ARE FOR PERMIT REVIEW ONLY AND NOT FOR CONSTRUCTION.



NOTE:
Docks are 10' wide unless otherwise noted
Finger docks are 4' wide

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Coastal, Marine & Water Resources Engineering

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DIMENSION PLAN
Seville Harbour Breakwaters and Docking Facilities

Marina Management Corporation
850 South Palatka Street, Suite 102, Pensacola, Florida 32502

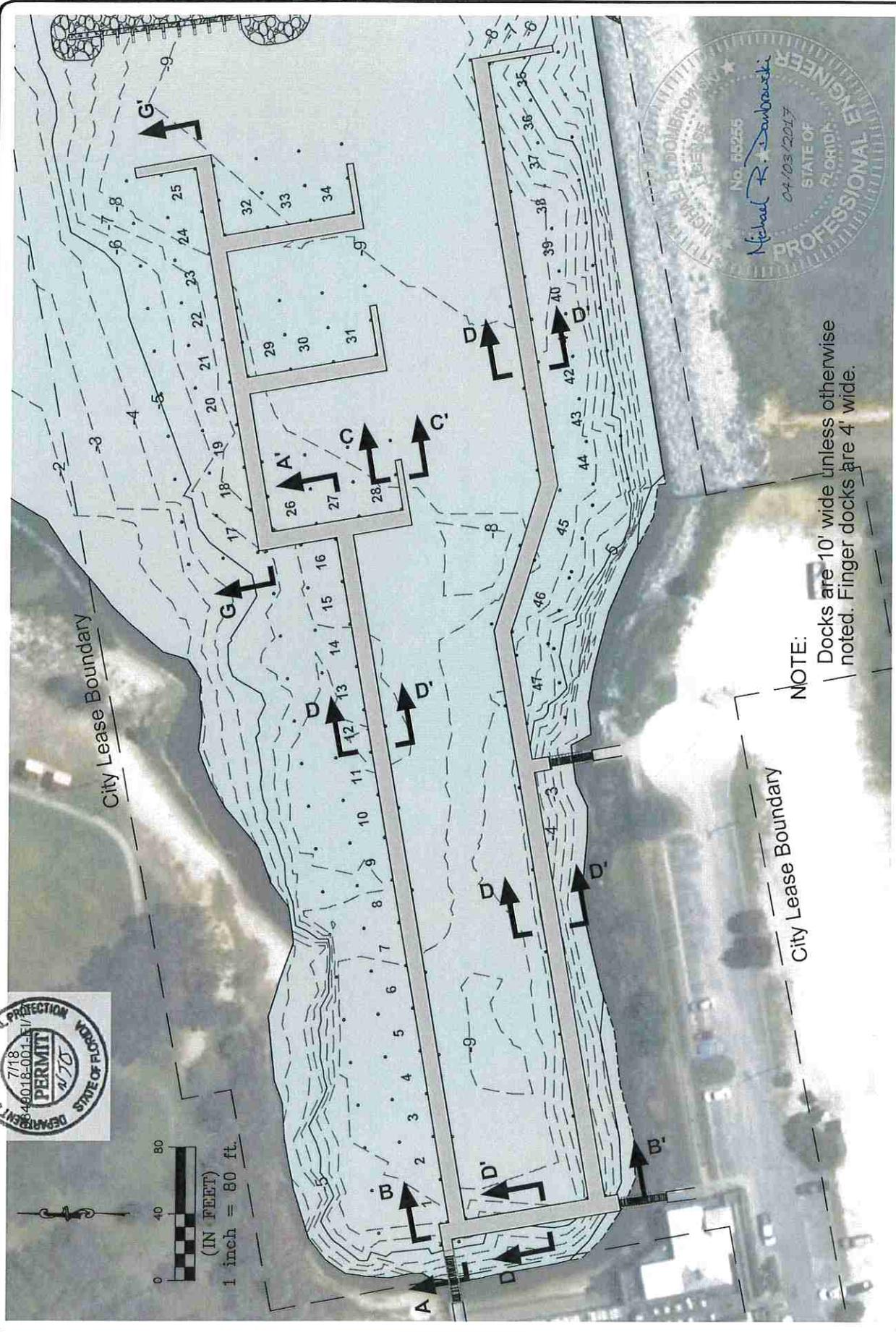
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Florida P.E. Number 55255

Date: October 04, 2016
Sheet Rev Date: April 03, 2017

PROJECT NUMBER
16-346

SHEET NUMBER
6

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NOTE:
Docks are 10' wide unless otherwise noted. Finger docks are 4' wide.



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PROJECT NUMBER 16-346
SHEET NUMBER 8

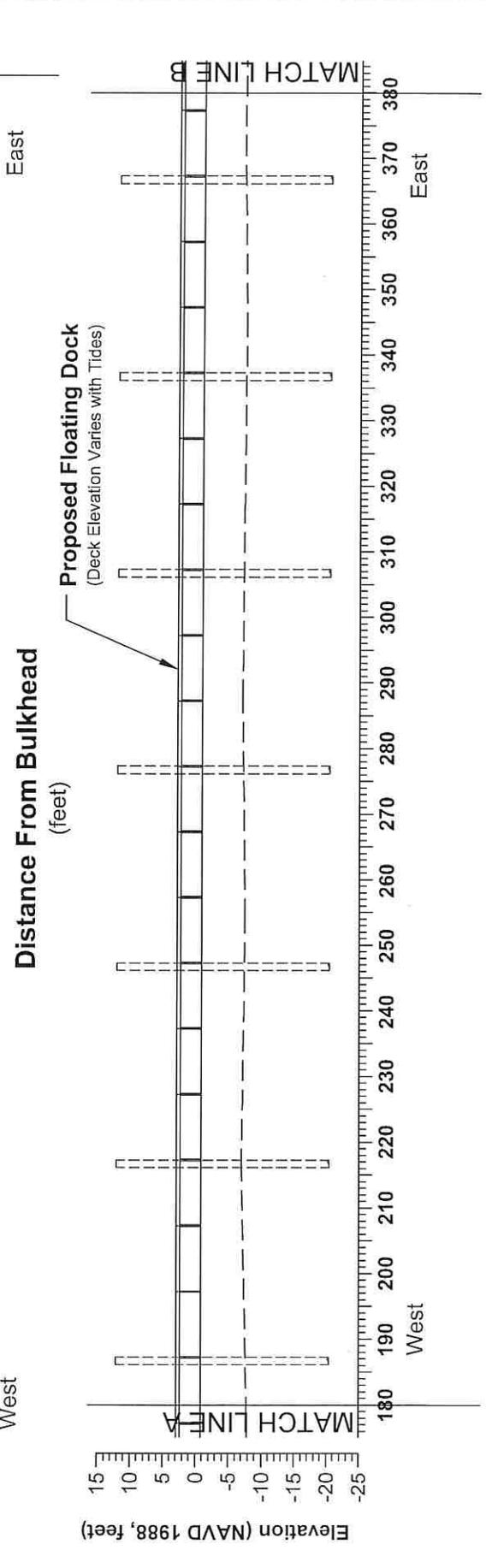
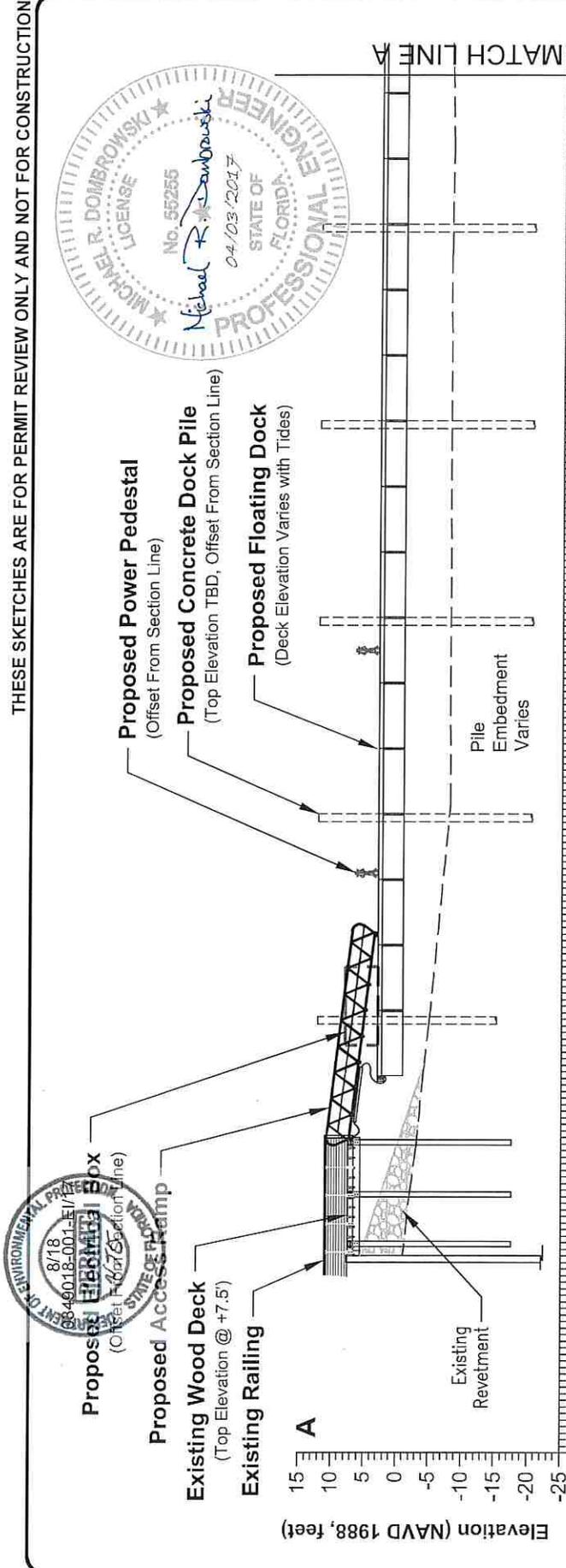
FLOATING DOCK PLAN
Seville Harbour Breakwaters and Docking Facilities

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DOCK SECTION A-A' (1 of 2)
 Seville Harbour Breakwaters and Docking Facilities

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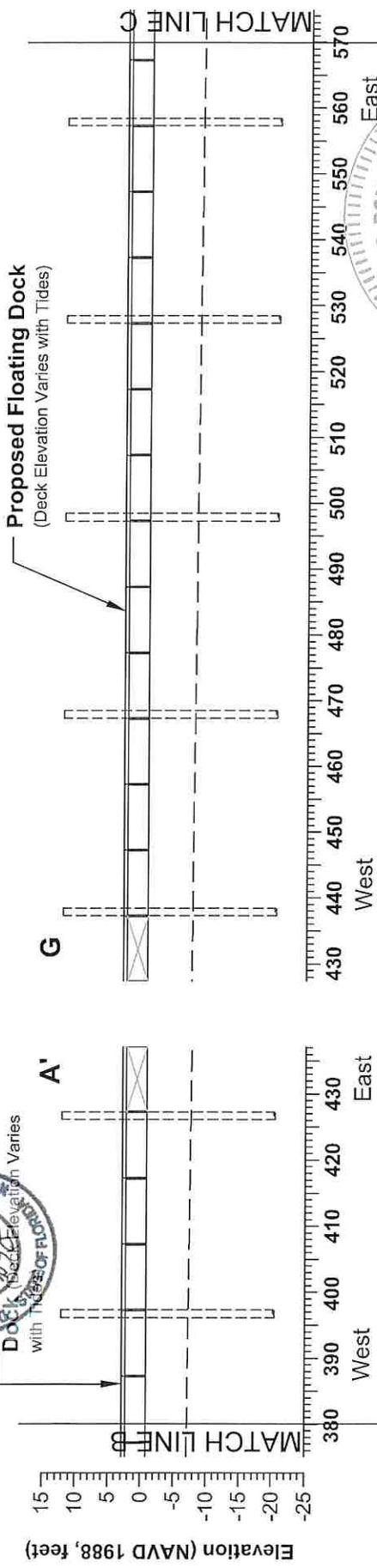
Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255

Date: October 04, 2016
 Sheet Rev Date: April 03, 2017

PROJECT NUMBER
16-346

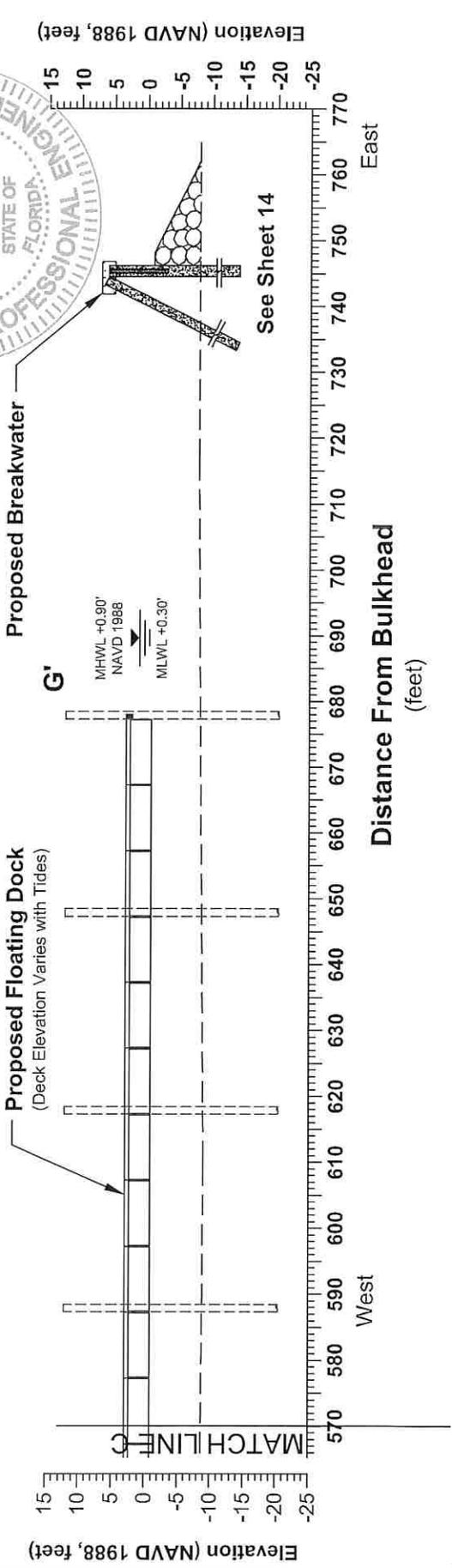
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Distance From Bulkhead (feet)

Distance From Bulkhead (feet)



Distance From Bulkhead (feet)

Distance From Bulkhead (feet)

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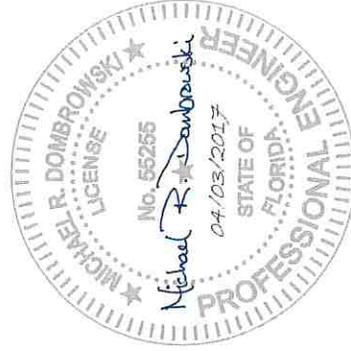
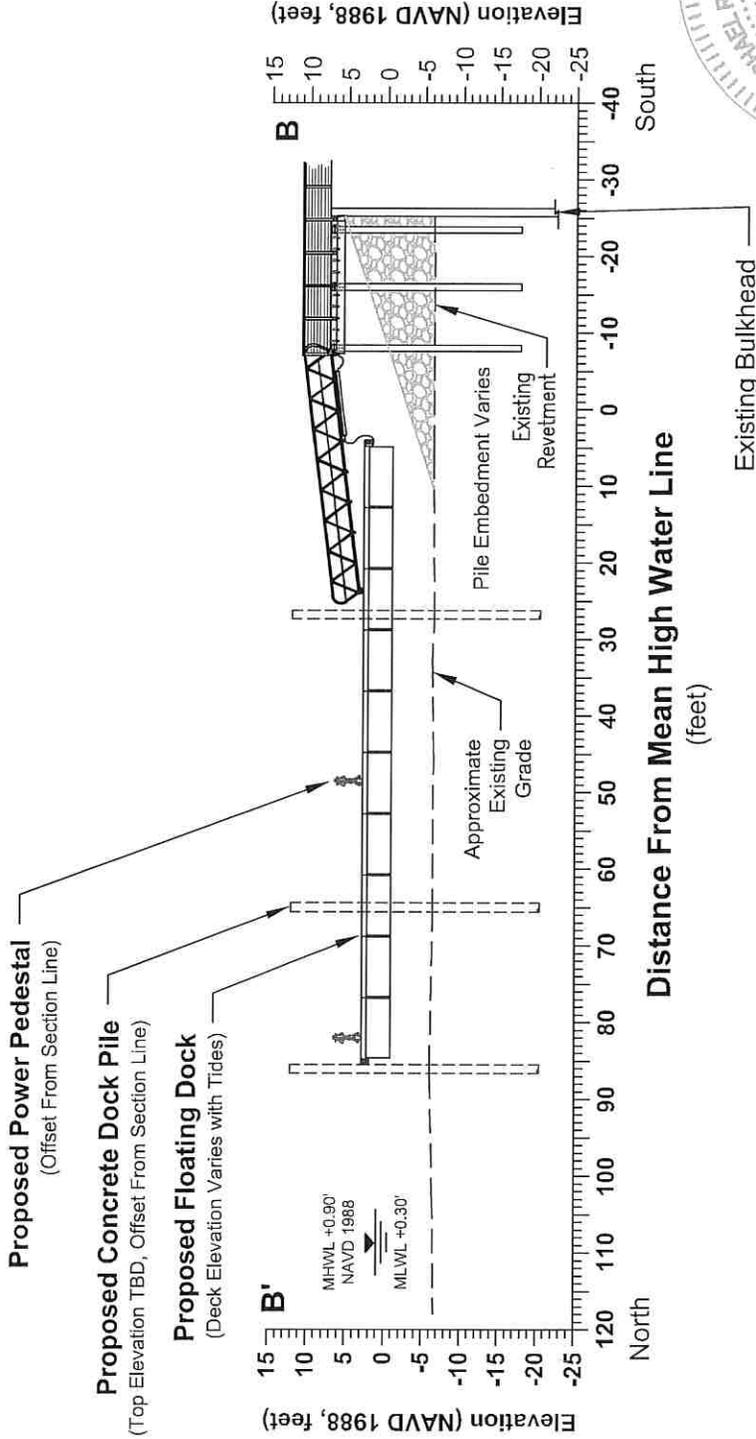
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DOCK SECTIONS A-A' (2 of 2) and G-G'
Seville Harbour Breakwaters and Docking Facilities

Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255
 Date: October 04, 2016
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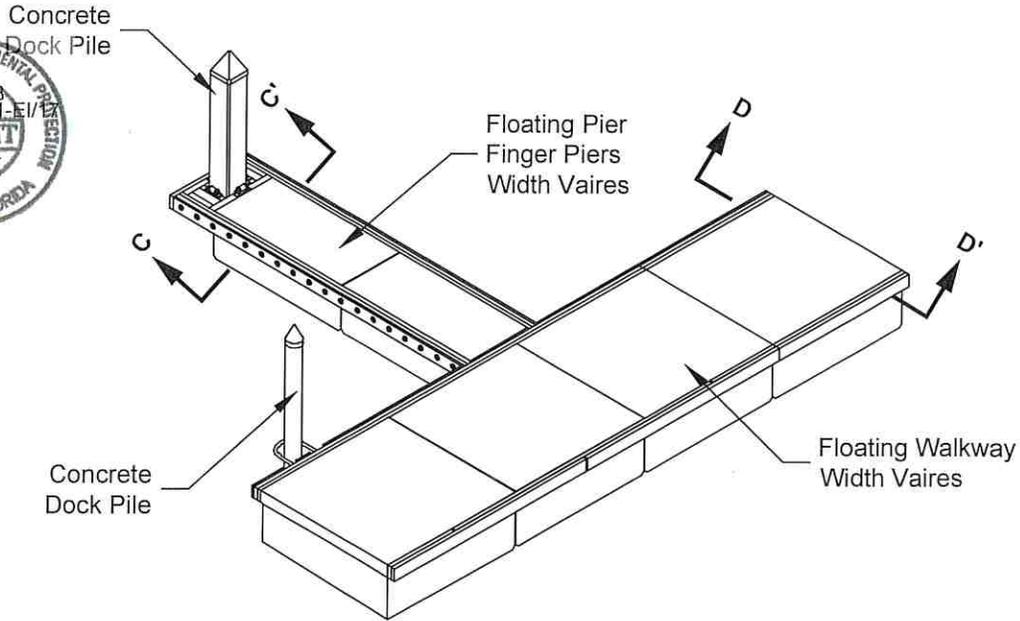
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DOCK SECTION B-B'
 Seville Harbour Breakwaters and Docking Facilities

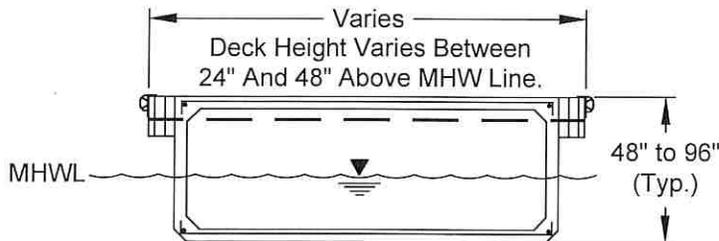
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Date: October 04, 2016	
Sheet Rev Date: April 03, 2017	
PROJECT NUMBER 16-346	SHEET NUMBER 11



TYPICAL FLOATING DOCK

SCALE: N.T.S.



Total Height Will Depend On Desired Distance Above The Water. Larger Boats Will Have Higher Decks.

TYPICAL FLOATING DOCK SECTION (C-C' and D-D')

SCALE: N.T.S.



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TYPICAL FLOATING DOCK
Seville Harbour Breakwaters and Docking Facilities

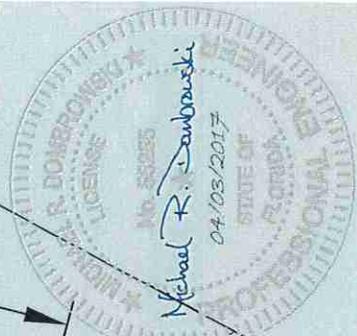
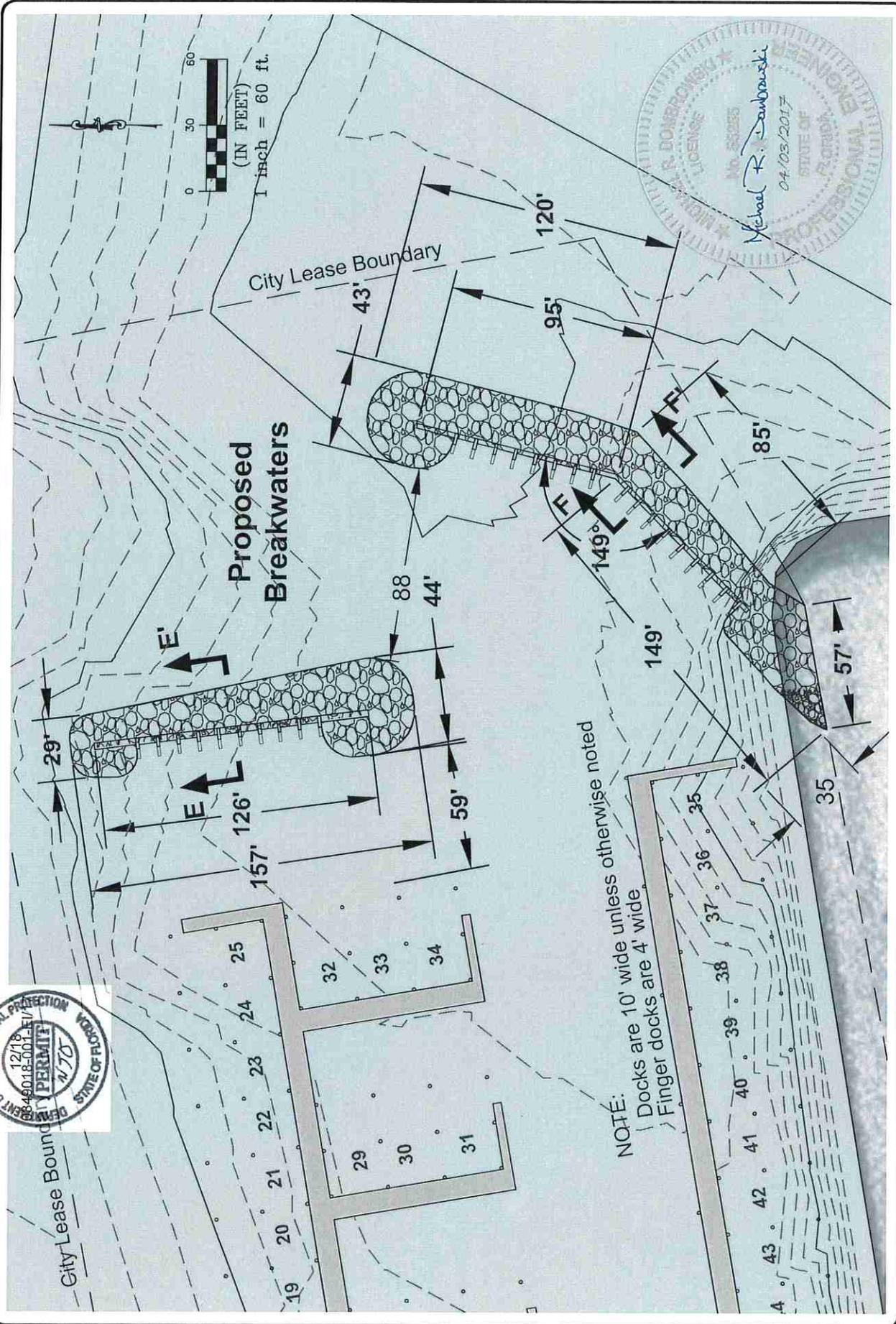
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PROJECT NUMBER 16-346	SHEET NUMBER 12
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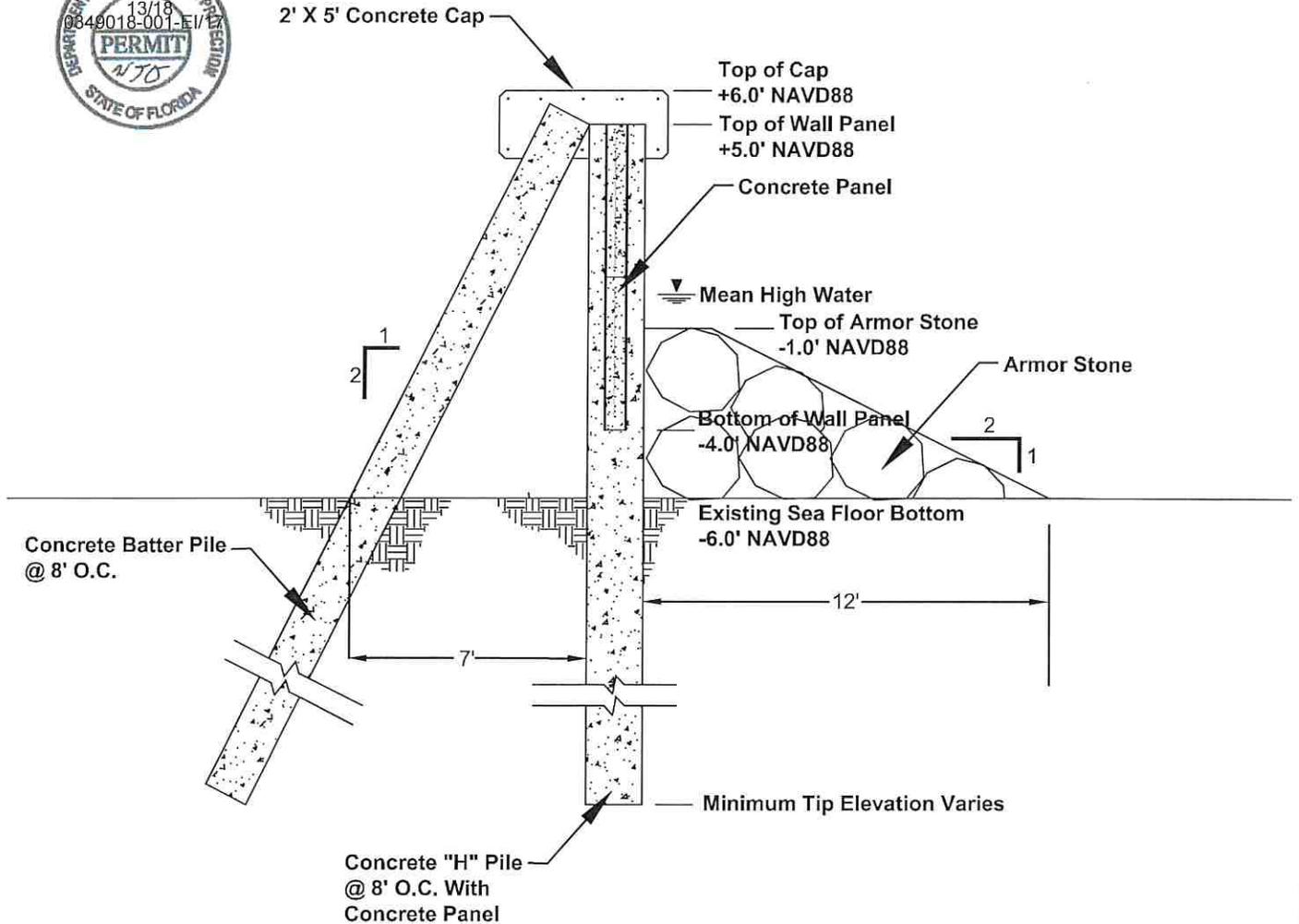
PROPOSED BREAKWATER PLAN
 Seville Harbour Breakwaters and Docking Facilities

Marina Management Corporation
 850 South Palatka Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E.
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PROJECT NUMBER **16-346**
 SHEET NUMBER **13**



SECTION E-E'

SCALE: 1" = 5'



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BREAKWATER SECTION E-E'
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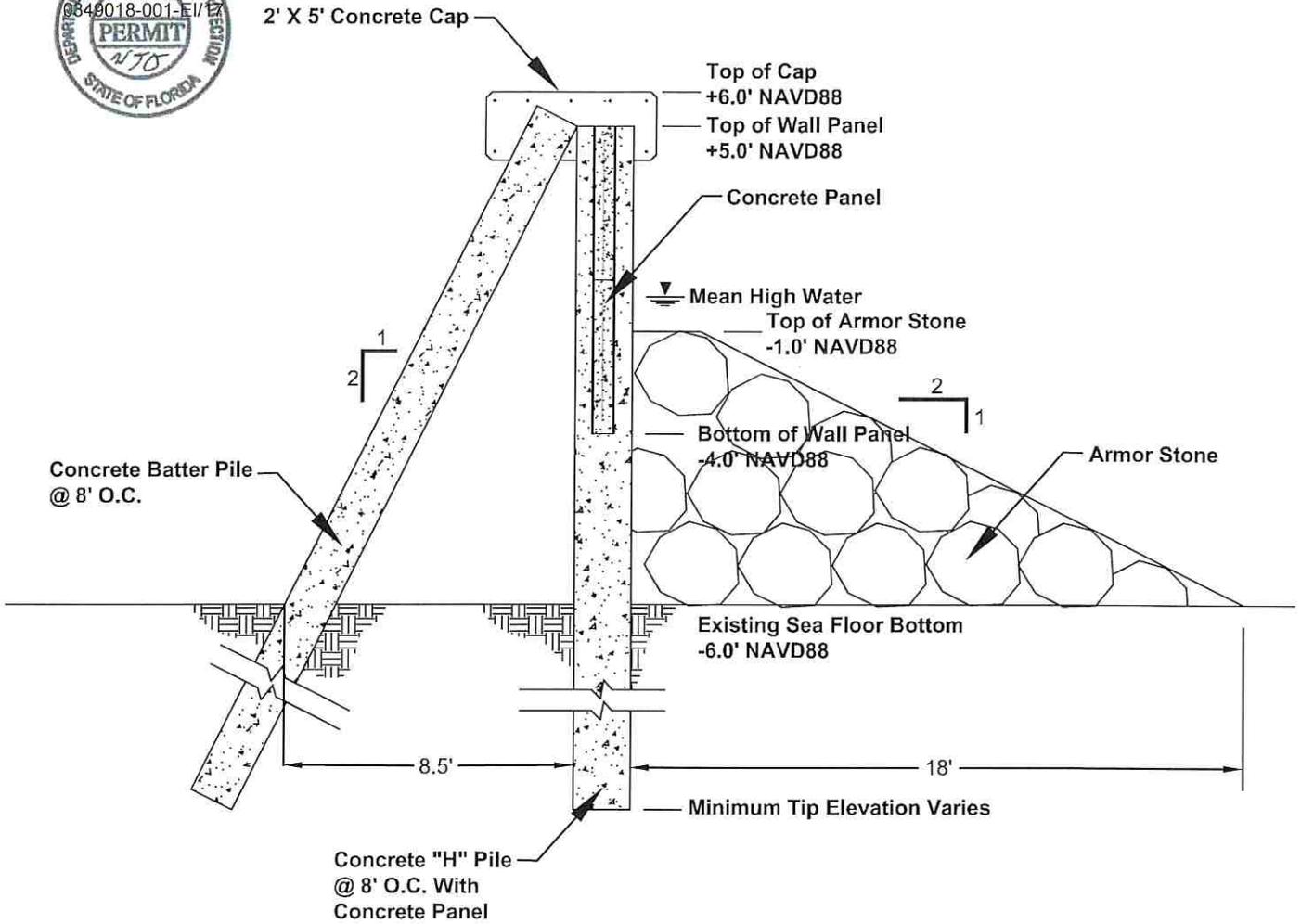
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PROJECT NUMBER
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SHEET NUMBER
14



SECTION F-F'

SCALE: 1" = 5'



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BREAKWATER SECTION F-F'
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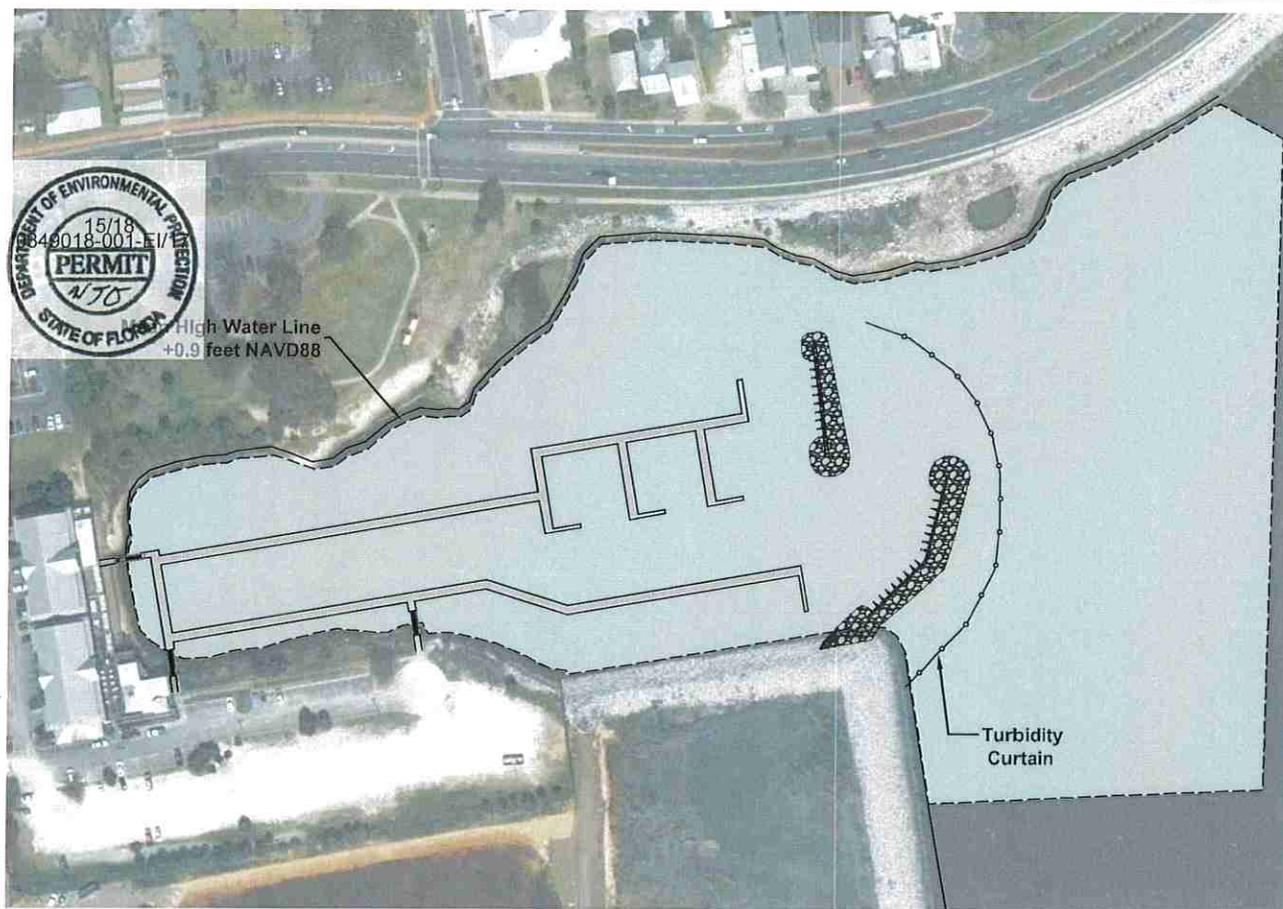
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Sheet Rev Date: April 03, 2017

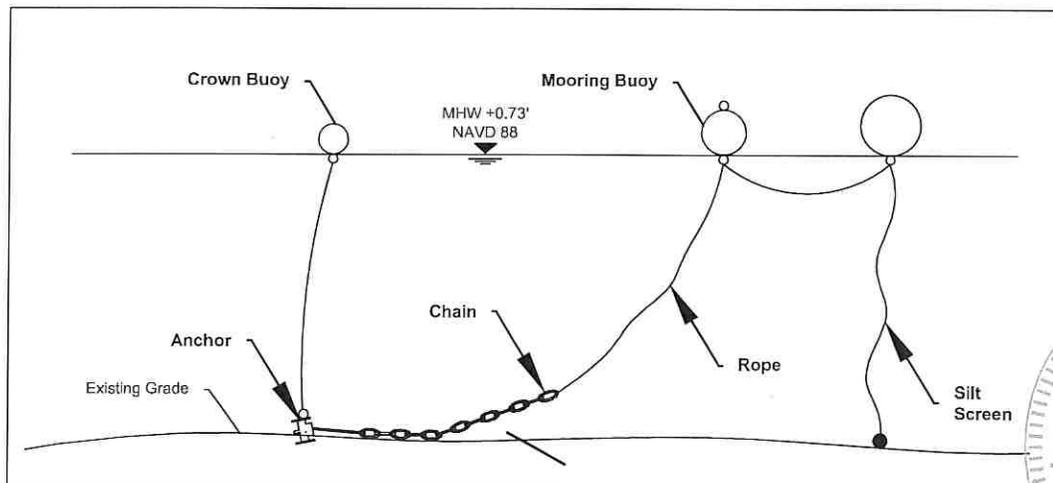
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16-346

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PLAN VIEW

SCALE: 1" = 200'



TURBIDITY DETAILS

SCALE: N.T.S.



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TURBIDITY DETAILS
Seville Harbour Breakwaters and Docking Facilities

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Michael R. Dombrowski, P.E. Florida P.E. Number 55255	
Date: October 04, 2016	
Sheet Rev Date: April 03, 2017	
PROJECT NUMBER 16-346	SHEET NUMBER 16

NOTES:

- Drawing referenced to Florida State Plane North, North American Datum of 1983 (NAD 83).
- Elevations shown hereon are based on North American Vertical Datum of 1988 (NAVD 88).
- Bathymetric survey performed by MRD Associates, dated September 15, 2011.
- Construction should not violate State of Florida water quality standards.
- Waterline dimension represents the overall slip and boat length.
- Materials are subject to change. Pile dimensions will be determined during final design.
- Aerial photography obtained from Florida Department of Transportation (FDOT) and flown 01-13-2013. The location of all objects in the photograph are approximate and may not represent currently existing conditions.
- The location of turbidity curtains shown on these drawings is for illustrative purposes only. Turbidity curtains will be located to best assure water quality standards and relocated as construction activities warrant to ensure water quality standards are maintained throughout construction.

Fixed Breakwater

Total area: 10,543 ft²

Materials: Prestressed concrete panels with prestressed soldier concrete piles and Armor Stone. Final material selection will be determined during final design.

Floating Concrete Pier

Total area: 18,019 ft² of deck area

Total length: 1,880 lf of staging docks

Mooring Piles

Total Qty: XX Timber mooring piles

Materials: Timber mooring piles shall be southern pine, pressure treated with chromated-copper-arsenate (CCA), water borne preservative, 2.5 pounds dry chemical retention per cubic foot in accordance with AWPA standards C3 and C18.

Permanent Slips

Total Qty: 47 Slips

Temporary Slips (Daytime mooring)

Total Qty: 24



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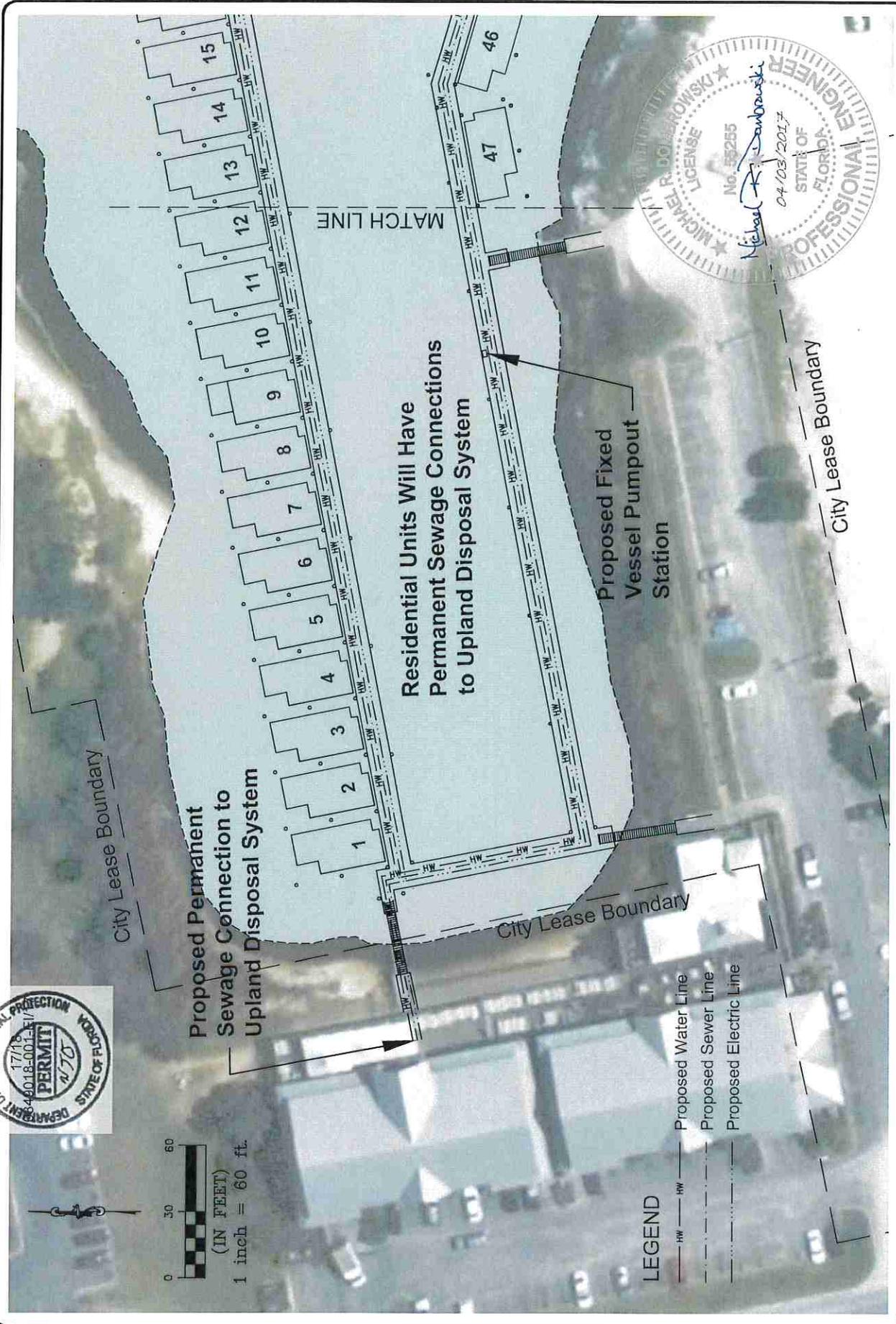
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GENERAL NOTES
Seville Harbour Breakwaters and Docking Facilities

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Alabama P.E. Number 23098	
Mississippi P.E. Number 14469	
Date of Issue: 04/03/2017	
Sheet Rev Date: April 03, 2017	
PROJECT NUMBER	SHEET NUMBER
16-346	17

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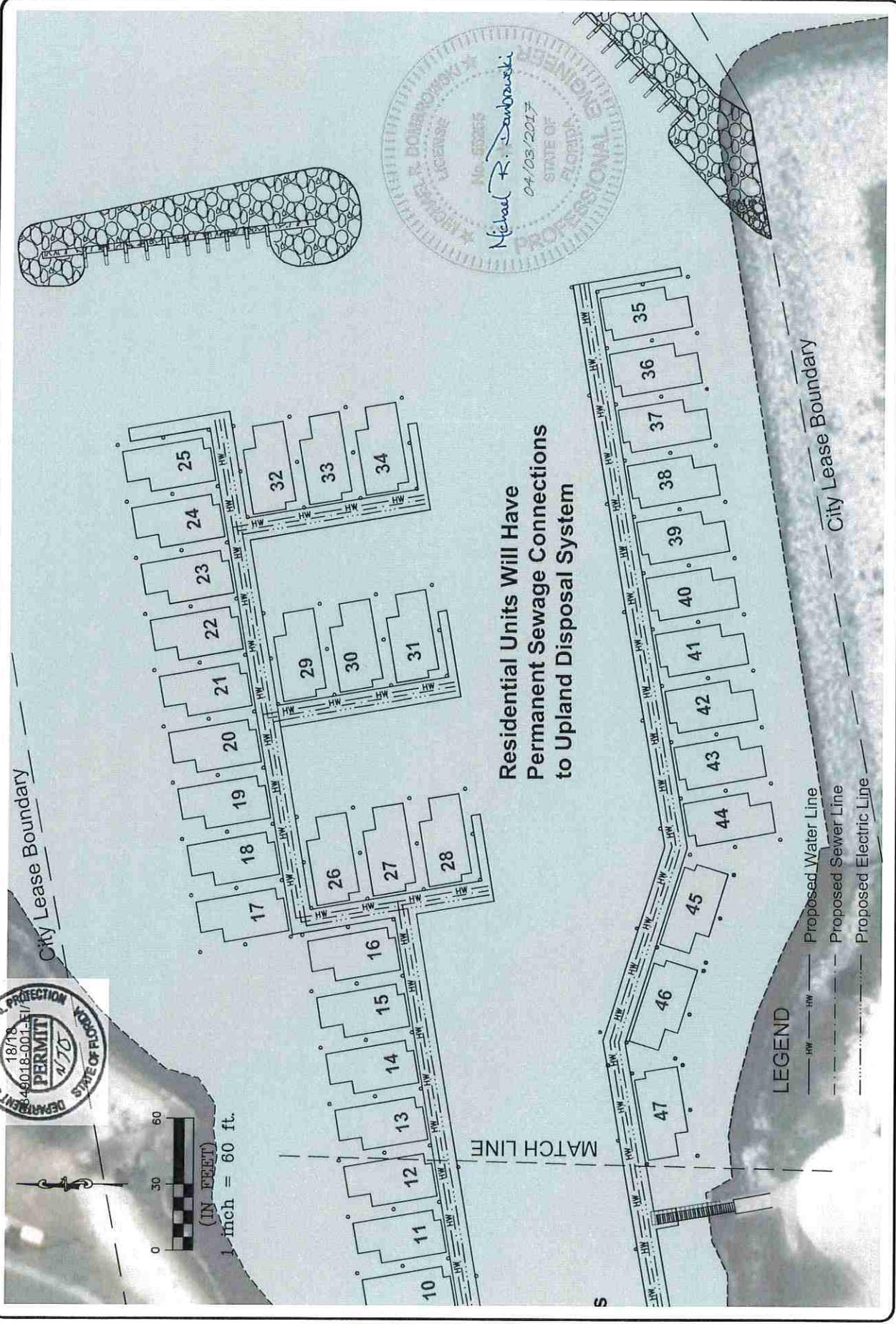
Michael R. Dombrowski, P.E. Florida P.E. Number: 55255
Date: October 04, 2016
Sheet Rev Date: April 03, 2017
PROJECT NUMBER 16-346
SHEET NUMBER 18

UTILITY PLAN (1 of 2)
Seville Harbour Breakwaters and Docking Facilities
 Marina Management Corporation
 850 South Palatof Street, Suite 102, Pensacola, Florida 32502

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Residential Units Will Have Permanent Sewerage Connections to Upland Disposal System



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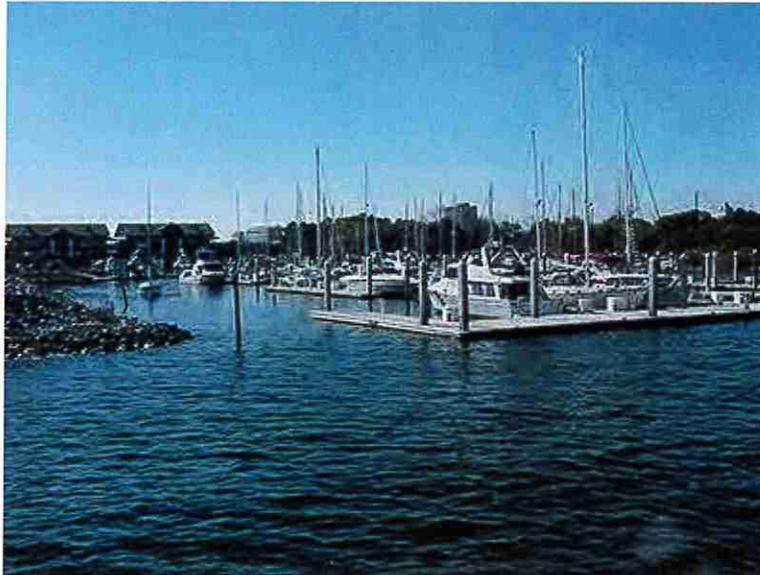
UTILITY PLAN (2 of 2)
Seville Harbour Breakwaters and Docking Facilities

Marina Management Corporation
 650 South Palafox Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E.
 Florida P.E. Number 55265
 Date: October 04, 2016
 Sheet Rev Date: April 03, 2017

PROJECT NUMBER **16-346**
 SHEET NUMBER **19**

Seville Harbour, Pensacola Florida
Facility Management Plan
November 2016



Prepared for:

MARINA MANAGEMENT

Ray Russenberger
850 South Palafox Street, Suite 102
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November 1, 2016

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Executive Summary

The Seville Harbour Facility Management Plan was generated in accordance with Form 62-330.060(1) Section D Part 1.A (6) and (7) *Supplemental Information for Works or Activities Within Surface Waters*; a requirement for marinas associated with live-aboard slips. The following sections address the required management protocol associated with preventive measures, spill response, containment, and cleanup:

1. Educational plan for employees;
2. Emergency contact numbers;
3. Spill Containment;
4. Management of sewer pump out;
5. Management of gray water;
6. Management of bilge water;
7. Solid waste management;
8. Liquid waste storage and management;
9. Hazardous waste storage and management;
10. Boat cleaning – in water;
11. Sensitive habitats;
12. Hurricane preparedness.

The management strategies outlined in this document adhere to guidance associated with the Clean Marina Management Program made available by the Florida Department of Environmental Protection (FDEP). The following paragraphs provide the necessary actions to be implemented in accordance with requirements established in Chapter 62-330 *Environmental Resource Permitting* (ERP) as well as the ERP Applicant Handbook Volume I Section 10.2.4.3 (g) and (h) *Additional Water Quality Considerations for Docking Facilities*.

1.0 Educational Plan for Employees

The following management plan identifies the actions that will be implemented at the marina to address potential environmental concerns associated with live-aboard vessels. All marina employees shall be trained on procedures contained within this document upon initial employment. Protocol established in this plan along with updates shall be reviewed by each employee on an annual basis. Employees will be responsible for ensuring residents are aware of marina protocol associated with best management practices associated with liquid and solid waste. Spill supplies will be available at the main office and made readily available to residents. It will be the responsibility of marina employees to ensure that spill supplies are stocked and in acceptable condition. Prior to hurricane season marina managers shall review emergency protocol with all employees.

2.0 Emergency Contacts

Emergency contacts are provided in Table 1; this list shall be made available to residents and employees by posting in a non-discrete location around the main office.

Table 1. Seville Marina Emergency Contacts

Contact	Contact Number
Marina Manager	850-432-9620
Fire Department	911
Police Department	911
DEP District Emergency Response Office	850-595-8300
Florida Department of Environmental Protection	850-595-8300
Florida Fish and Wildlife Commission	850-265-3676
US Coast Guard	850- 453-8282
USCG National Response Center	800-424-8802
24-Hour State Watch Office	800-320-0519

3.0 Spill Containment

In event that an unanticipated spill occurs the marina will be equipped with the proper supplies to avoid surface water contamination. Spill kits shall be available at the marina office. Signs will be posted to identify the closest kit. If a spill occurs immediately stop the release. Spills are to be blocked from discharge into water with sorbent pads and/or materials (kitty litter or saw dust). If the spill is large in magnitude, booms shall be deployed in such a manner as to contain the spill from spreading. Notification to the marina manager is required as soon as possible once the spill is contained. Sewage spills less than 1,000 gallons and fuel spill less than 25 gallons shall be reported to the FDEP District Office. If the spill exceeds 1,000 gallons of wastewater or 25 gallons for fuel or if there is a visible layer of scum or sheen within the water which endangers public health or the environment the marina manger shall notify the

24-Hour State Watch Office at 800-320-0519 within 24 hours of release. In the event of a spill, water quality will be analyzed using approved Florida Department of Environmental Protection analytical methods provided in Chapter 62-302.

The facility shall have on hand enough booms to potentially isolate the marina basin. Isolation of the basin during emergency events allows the marina to keep spills from exiting or entering. Prevention of spills entering the basin is equally vital as is preventing spills from leaving the basin. All sorbent materials used to contain spills shall be disposed of in appropriate containers.

4.0 Management of Sewage Pump Out

The marina will be equipped with sanitary hookups at all live-aboard slips which conform to Florida Statutes 327.53 *Marine Sanitation*, Title 33 Navigation and Navigable Waters Section 1322 *Marine Sanitation Devices*, as well as, The Emerald Coast Utilities Authority Design Codes Section 570 *Design Standards Gravity Sewer Collection* and Section 576 *Wastewater Force Main System*. Direct discharge of sanitary wastes (black water) into waters of the state shall be prohibited. The proposed sewer lines shall connect to the existing sewer system maintained by the Emerald Coast Utilities Authority and/or the City of Pensacola. All sanitation systems throughout the marina shall be kept clean and maintained in working order. Sanitary systems shall be inspected regularly. The date, time, and pertinent findings observed during the inspections will be recorded and stored at the management office.

5.0 Management of Gray Water

Discharge of gray water into waters of the state shall be prohibited at the marina. All gray water shall be managed in the same fashion as sewage. Residents will be encouraged to utilize biodegradable phosphate-free detergents along with low flow faucets.

6.0 Management of Bilge Water

Bilge water contaminated with oil or grease shall not be discharged into the waters of the state. Bilge lines and hoses shall be kept in good working order and inspected regularly by residents. The marina shall require residents to use in-line bilge filters, absorbent socks or pads, and/or properly labeled containers for collection of bilge water exhibiting signs of contamination. Emulsifying soaps (dish soaps) are not permitted, only non-emulsifying bilge cleaning products may be used.

7.0 Solid Waste Management

Residents are encouraged to place all waste in properly labeled trash receptors and recycle bins. Receptacles shall be placed in convenient locations throughout the marina. All receptacles shall be emptied regularly, as well as, covered to prevent trash from blowing into the water and to discourage disturbance by animals. Receptacle covers shall be wind and wildlife proof. Signs prohibiting the disposal

of hazardous or explosive waste shall be placed at each solid waste receptacle. The marina will educate residents regarding proper waste management, recycling, and storage procedures. Marina employees shall conduct a facility walk-through twice a day to collect debris that might have inadvertently been left on the pier or may blow into the water.

8.0 Liquid Waste Storage and Management

The marina does not anticipate collecting or generating any liquid wastes. Information will be available to resident regarding the proper disposal locations. It is mandatory that liquid waste such as grease, oil, antifreeze, and fuel waste be placed in properly labeled containers for disposal in accordance with applicable DEP regulations.

9.0 Hazardous Waste Storage and Management

Hazardous waste will not be collected, stored, or disposed of at the marina. Escambia County's collection location and times of service for hazardous materials will be available to residents in the marina office.

10.0 Boat Cleaning – In Water

Cleaning methods shall be employed that prevent the generation and release of pollutants from entering the waters of the state. Vessel cleaning shall be completed either by hand or by using low water pressure in areas above the water line. Residents will be encouraged to use non-toxic, bio-degradable, phosphate-free, and no-rinse cleaners. Cleaners containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates and lye, as well as, cleaners that create suds and require rinsing will be prohibited.

Underwater cleaning will be minimized if the process involved is abrasive and has the potential to remove paint from the vessel. Solid debris will be collected via tarps or vacuuming. Solid waste shall be disposed of in appropriate containers; in water disposal is prohibited. Painting and varnishing vessels will be limited to interior areas. Scraping, sanding, and sandblasting will not take place at the facility.

11.0 Sensitive Habitats

The marina is located on the perimeter of Gulf Sturgeon critical habitat, therefore, residents are encouraged to be aware of migration windows in order to avoid unintentional adverse impacts. The marina will provide educational material at the main office relative to gulf sturgeon, manatees, and other species know to inhabit the Pensacola Bay on a regular basis.

12.0 Hurricane Preparations

Prior to hurricane season marina managers and employees shall review protocol for mandatory marina preparations associated with imminent storm threats. Additional mooring lines shall be placed as seen fit

and dependent on the anticipated storm surge. Residents will be asked to take safe haven uplands out of harm's way. Additionally, all chemicals, fuel, portable containers, cleaners, trash, and loose articles shall be secured 72-hours prior to the anticipated storm event. Containers filled with liquid shall be secured inside in a permanent structure away from rain, wind, and wave impacts. Waste receptacles shall be emptied and secured to a permanent structure or placed inside.

13.0 References

City of Pensacola. Land development Codes Section 12-2-82 *Design Standards and Guidelines*.
https://www.municode.com/library/fl/pensacola/codes/code_of_ordinances?nodet=TITXIIADECO_CH_12-2.ZODI_ARTVIIIDEPLREDESTGU_S12-2-82DESTGU

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