

Grover C. Robinson, IV </O=CITY
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Jan 07, 2021 at 13:38 PM

To: Kerrith Fiddler; Lawrence Powell;
Jonathan Bilby

2 Attachments

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Re: Veterans Park Discussion

Thanks For sharing. I believe this is all consistent with what we have been telling the Veterans Board. When you feel ready, we need to share with the board. Just let Lawrence know he can share these comments.

Lastly, I really want to thank Jonathan for doing the work on this and being flexible to do the right thing for the community both supporting the park but protecting the city. That is a difficult balance but I fully believe our leaders are capable as Jonathan has shown. I am very grateful to see the team work together.

Grover

Sent from my iPhone

On Jan 25, 2021, at 8:52 AM, Kerrith Fiddler
<KFiddler@cityofpensacola.com> wrote:

Just an FYI

From: Jonathan Bilby <JBilby@cityofpensacola.com>
Sent: Thursday, January 7, 2021 1:46 PM
To: Heather Lindsay <HLindsay@cityofpensacola.com>; Kerrith Fiddler <KFiddler@cityofpensacola.com>
Subject: RE: Veterans Park Discussion

Heather/Kerrith,

After discussing with the State Floodplain Office, I feel a lot better about the Veterans Park restroom. Their guidance would be to treat it like an RV with no variance. It will need to meet the following:

1. Be road ready with a registration from the DMV like any trailer, or be on site for a maximum of 180 days to qualify as temporary. This would require that the removal plan requires at least one "fire drill" removal each year if no storm event takes place.
2. All plumbing utilities must have backflow prevention.
3. The electrical must be elevated above our freeboard and be ground fault protected. Electrical connection must be quick disconnect cord and plug.
4. There must be a specific plan for removal for an incoming tropical event. The wind speed for this is 70 mph max so it would need to reflect that at least. My belief would be removal at least 48 hours in advance of anticipated landfall or immediately upon being under a Tropical storm warning. Also It would be good to have a removal run each year if there is no event to make sure the procedures stay active and the unit stays road ready. I will be glad to help with this language. I think the Mayor wants Legal to draft the plan for the board.
5. There will be no building permits. Only permits for the plumbing and electrical.
6. We will need an elevation benchmark at the site to make sure the electrical is elevated.

I'm not sure how this affects the other RV prohibitions for the LDC, I also don't know if it sets any kind of precedence for this type of structure, but I'll leave that up to the legal department to look at.

Sec. 12-9-15. - Recreational vehicles and park trailers.

(a) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall: (1) Be on the site for fewer than 180 consecutive days; or (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(b) Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in subsection (a) of this section for temporary placement shall meet the requirements of section 12-9-14 for manufactured homes.

(c) Limitations on installation in coastal high hazard areas (zone V). Owners of existing recreational vehicle parks in coastal high hazard areas shall not expand or increase the number of parking sites unless a plan for removal of units from the coastal high hazard area prior to a predicted flood event is prepared and submitted to Escambia County Emergency Management. Recreational vehicle park owners shall notify vehicle owners of the plan for removal.

Let me know if you want to discuss further. All of the above should be met before we issue power for the unit. Not sure of the timeline.

Jonathan Bilby, MCP, CFM
Inspection Services Director
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response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Jonathan Bilby
Sent: Friday, December 18, 2020 1:30 PM
To: Heather Lindsay <HLindsay@cityofpensacola.com>
Cc: Kerrith Fiddler <KFiddler@cityofpensacola.com>
Subject: RE: Veterans Park Discussion

Thanks Heather. My concern is that they order this unit and it doesn't get a variance or the variance will cost us a class in the CRS program. I am reaching out to the State Floodplain Coordinator for guidance.

From: Heather Lindsay
Sent: Friday, December 18, 2020 9:18 AM
To: Jonathan Bilby <JBilby@cityofpensacola.com>
Cc: Kerrith Fiddler <KFiddler@cityofpensacola.com>
Subject: RE: Veterans Park Discussion

Thanks, Jonathan. I see Kerrith is out til December 28, and I am technically out as well, but this was a pending item for us that I did not want to see wait til after Christmas. Thank you for summing up the issues. I will communicate with Susan about it in case it becomes a more urgent concern before the holiday. Otherwise, let's talk the week of December 28.

Sincerely,
Heather

Heather F. Lindsay
Assistant City Attorney
Visit us at <https://www.cityofpensacola.com>
222 W Main St.
Pensacola, FL 32502
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HLindsay@cityofpensacola.com

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From: Jonathan Bilby <JBilby@cityofpensacola.com>
Sent: Thursday, December 17, 2020 12:13 PM
To: Heather Lindsay <HLindsay@cityofpensacola.com>
Cc: Kerrith Fiddler <KFiddler@cityofpensacola.com>
Subject: Veterans Park Discussion

Heather,

Thank you for listening to me describe the situation that has been brought up regarding the proposed Veterans Park bathroom facility. What has been proposed is a mobile type facility that would be moved in and out of the park in advance of a tropical storm system. The unit is on a trailer chassis and does not meet the Florida Building Code or our wind speeds. It appears to be designed as a temporary facility that is designed for 80 mph wind speeds. Minimum wind speed is 140 mph for a Category I structure in accordance with Chapter 16 of the Florida Building Code. This is also located in an AE-7 Flood Zone which Chapter 12-10 requires a minimum 10' NAVD elevation. The Board is proposing quick disconnect utilities, and a plan for removal when a storm is coming. I am laying out this option and some concerns along with another option which would be a more viable permanent option. We would have to get the Mayor on board and the Veterans park board to agree on option 2 but it would be better overall for the City.

Option 1. Removable Structure, Placed on a concrete pad. Not compliant with the Florida Building Code or permitted and inspected by Inspection Services.

1. This would require a variance to the elevation, anchoring and flood design provisions of our local Flood ordinance. This would be required to be reported to FEMA and likely cause us to lose some credit points in our CRS program. This may result in a change in the discount for flood insurance premiums. I have never seen a successful variance to this degree in my 10 years as a Floodplain Administrator. It is possible but up to the Board of Adjustments. This is my biggest concern with this option as a variance has far reaching consequences. Please reference 12-10-7 for variances and appeals. Considerations and conditions would have to be weighed by the BOA. If the Board of Adjustments denies the variance we could be left with only option 2.

2. The structure proposed does not comply with Florida Statutes 553.355 which governs modular buildings. If it is truly removable, it may need to be tagged and registered with the DMV. I am not sure of the legalities of this.

3. Inspection Services could not issue a permit on this type of Structure. We are charged with ensuring that structures meet the Florida Building Code for wind and flood, which this building is not designed for, and Statute 533, and Chapter 14 of the City Code. Permit-wise, we would only issue a permit for the electrical power pole that would service the facility. Also Accessibility and egress, and life safety provisions may not meet the Florida Building Code. None of the licensed personnel in Inspections could approve or inspect the facility and be on record for it. I am not sure of the liability aspects with a situation like this.

4. These types of structures are designed and typically used for short term temporary use during festivals, group functions or during remodels. This application could not be considered a temporary use as Flood Hazard area 12-10-15 governs maximum time for placement in a flood hazard area as 180 days for RV's and Park Trailers.

5. This is in the Gateway Review District and would need approval by the Planning Board for aesthetics prior to placement.

6. A plan for removal would need to be drafted which specifically

addresses removal in advance of a storm and any penalties for not removing. The mayor wants Legal to draft this.

Pros: Cheaper, No permitting or Inspections other than power pole.

Cons: Possible ramification to Flood Program, possible liability issues if someone gets hurt, tougher path for variance from floodplain.

Option 2. A permanent facility that complies with the Florida Building Code. This option is more costly but better overall for the City. The Board would need to find a manufacturer that has Florida engineering for 140 mph minimum.

1. This option would require a foundation design by a licensed engineer. The unit would be bolted to the foundation and inspected for compliance.

2. Variance to the Floodplain ordinance would be applied to the BOA for the freeboard requirement only. This is the additional 3' above the floodplain. I have seen this type of variance issued before. This option still has consequences with our flood program and still could result in loss of credits in the CRS program. This has to be reported to FEMA.

3. Finished floor elevation of the restroom would be at 7' NAVD. The City surveyor could determine elevation at the park location prior to placement. Derrik mentioned that the elevation is close to 7' NAVD so elevating would be minimal.

4. Inspections would issue permits and a Certificate of occupancy and the building would be left in place as a permanent structure

5. Gateway review would still apply to this.

Pros: Less impact to our Flood program, compliant with the Florida Building Code and City Ordinances. Compliance with accessibility and life safety. No removal in advance of a storm

Cons: Higher cost

There is a possibility that the City or veterans Board can explore. If the area where the unit will be placed is at or above the Flood elevation (7.0' NAVD), a Letter of Map Amendment (LOMA) could be issued by FEMA for the area of the park that qualifies. This is a long shot, but worth a look. I will get with Kerrith and see if our surveyor can get some elevations out at the park in the area where this is proposed. If a LOMA is applicable, the flood ordinance provisions go away and so do the variance requirements. Fingers Crossed. In that case, option 1 becomes more viable. This is something I thought of after our conversation.

I am trying to be open to options and think outside of the box a bit. Let me know your thoughts. Might be good for you, Kerrith and I to discuss further.

Regards,
Jonathan

Jonathan Bilby, MCP, CFM
Inspection Services Director
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