



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
SEPTEMBER 15, 2021
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING MINUTES**
 - 3.1 Approval of Minutes for the August 18, 2021 Regular Meeting
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - 5.1 BOA 2021-0008 - JON LASSERRE, AGENT FOR PHILIP & BONNIE GORDON, 605 BROOME STREET**
Variance request from LDC Section 4.02.03(D) to reduce front yard setback from 25 feet to 13 feet 6.5 inches. *(Quasi-Judicial)*
 - 5.2 APPEAL OF NOTICE OF UNSAFE STRUCTURE - CENTRE STREET RESTAURANT GROUP, INC.** Centre Street Restaurant Group appeals the findings of the City Engineer's July 2, 2021, Notice of Unsafe Building and Intent to Condemn. *Requesting Board determination of the case.*
- 6. BOARD BUSINESS**
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR OCTOBER 20, 2021

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
AUGUST 18, 2021**

1. **CALL TO ORDER: 5:00**
2. **ROLL CALL / DETERMINATION OF QUORUM**

MEMBER PRESENT:

Matthew Miller (Chair)	Steven Papke (V-Chair)
Barry Hertslet	Chuck Oliva
Geoffrey Grant	Bill Skulmis (Alt 1)

MEMBERS ABSENT:

OTHERS PRESENT:

Daphne Forehand, City Planner
Tammi Bach, City Attorney
Kelly Gibson, Director of Planning and Conservation

3. **PLEDGE OF ALLEGIANCE**

Member Grant disclosed one ex parte communication with staff regarding questions about tonight's case. Member Skulmis disclosed one ex parte communication with staff as he requested photos of the site to be discussed tonight. No other members disclosed any ex parte communications.

City Attorney Tammi Bach explained the Quasi-Judicial hearing and approval and denial processes regarding variances.

Ms. Gibson administered the oath for all parties that would be giving testimony.

Ms. Forehand administered the oath for Ms. Gibson to provide testimony.

4. **APPROVAL OF MEETING MINUTES**

4.1 Approval of Minutes for the June 16, 2021 Regular Meeting.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Grant to approve the minutes as presented.

Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

5. **OLD BUSINESS**

There were no Old Business items to discuss.

6. **NEW BUSINESS**

6.1 **BOA 2021-0007 - GILLETTE & ASSOCIATES, INC., AGENT FOR RUSSELL**

STACKHOUSE, 6 S. 14TH STREET Variance Requested from LDC Sections: 7.01.04, 7.01.01, 4.05.12. (*Quasi-Judicial*)

Ms. Forehand presented the case and staff recommended denial because it is inconsistent with the Special Conditions, Special Privilege, Literal Interpretation, Minimum Variance, General Harmony, and Public Interest criteria for granting a variance.

Member Grant asked about how long the gravel parking lot has been on the property. Ms. Forehand was not certain of the timing. He also asked about ADA compliance for the parking.

Member Hertslet asked if the City's parking lot standards included employee parking.

Asa Gillette, agent for the applicant, requested to provide a technical explanation for the request to obtain more parking spaces. He argues that 39-40 spaces are more aligned with needs of this facility. The landscape buffer will be met to the extent feasible, maintain the tree canopy to the extent feasible, and use gravel instead of asphalt to save more trees.

Chair Miller asked about any expansion needs at present. Mr. Gillette indicated there is no current construction, this request is to accommodate the current patient setting.

Member Hertslet asked about whether they could leave it as it is. Ms. Forehand answered that code enforcement has verbally issued warnings due to the current use and the applicant is seeking to correct this.

The Board generally discussed options associated with not correcting, with maintaining in current form, and impacts of granting this variance.

Dr. John McClane, 4674 Genoa Dr., applicant, stated that his father bought the property in 1954, and built the office space after leveling it with fill in 1957. His family moved in during Hurricane Dora. The family converted the home/office in 1988 to exclusively and office.

Mr. Harrison Poole, attorney for the applicant, provided a presentation and added clarification of the property's history. Mr. Poole stated that complaints were issued to Code Enforcement to which he was brought in navigate. They later engaged Mr. Gillette to begin design work and support the applicant in their request to correct the parking situation.

The practice serves elderly and senior patients and wishes to avoid having their patients park on Atlantic and 14th Street. Mr. Poole points out Comp Plan policies which are supportive of the applicants' request, specifically found within the Economic Development Element.

Mr. Tony Stubits, applicant, provided information about his history in working with the City and asked the board to consider that if denied he would be forced to have less employees or to park on the street in front of homes.

Chair Miller spoke to precedent setting and clarified that each case is considered on an individual basis.

Public hearing was opened.

Ms. Kimberly Briley, 22 N. 14th Street, stated that as a resident, she witnessed the increase in parking when Dr. Stackhouse began operating from this location. The current parking impacts daily life for herself and her husband. She felt the practice has outgrown the space due to the staff increases. She stated that the answer is not the additional parking. They need a change in business practice.

Member Skulmis asked about how many spaces are necessary before opening the building. The Board discussed that this was roughly 30 spaces.

Mr. Poole addressed the board and to state he felt the code's direction to one size fits all medical does not work.

The Board asked staff about improving the southern parcel. It was noted that making an improvement there would trigger compliance with the code and reduce the total number of parking spaces.

Member Grant asked about the future of the site and the variance being granted for employee parking and later converting.

Mr. Poole spoke to the point of a change of use and risks.

Member Skulmis asked if the board granted this, would it address the current problem? The applicant did not respond that it would.

Public hearing was closed.

Member Oliva spoke about the customer base and utilizing services at this location. He felt the site is no longer suitable and that there are other locations available. He does not agree that it is the Boards place to make exceptions for even long-standing businesses when the impact is undesirable.

Mr. Poole argued his point was contrary to the City's Comp Plan.

Member Grant questioned the LDC direction and stated that as businesses grow you are thereby limited to the footprint of your space.

Member Papke agrees with Member Grant and recognizes that the plan makes an effort to obtain the most use while maintaining the trees. He stated that the dagger in this is that there is insufficient space even if granted. The business has outgrown the footprint.

Chair Miller agreed the business has outgrown the space and that allowing it is an injustice to the future community.

ACTION TAKEN: A motion was made by Member Grant and seconded by Member Oliva to deny BOA 2021-0007; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2021-0007, as presented, is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2021-0007 do not meet the following criteria for granting a variance: special conditions, special privilege, literal interpretation, minimum variance, general harmony, and public interest.

Vote upon passage of the motion was taken by ayes and nays and being as follows:

Member Papke	Aye
Member Hertslet	Nay
Member Oliva	Aye
Member Grant	Aye
Chair Miller	Aye

Motion carried.

7. BOARD BUSINESS

There were no Board Business items to discuss.

8. STAFF REPORT

9. PUBLIC COMMENT

Commissioner Ross informed the Board that he received a request to complete a parking study downtown and that beach parking was being evaluated by Walker Consultants this weekend.

10. ADJOURNMENT 6:39

DRAFT

Taylor Hartmann, Recording Secretary

Matthew Miller, Chair



BOARD OF ADJUSTMENTS STAFF REPORT
BOA 2021-08
SEPTEMBER 15, 2021

Owner/Applicant:	Jon Lasserre, Rogers Towers Agent for Phillip & Bonnie Gordon
Property Address:	605 Broome Street
Parcel Number:	00-00-31-1800-0034-0011
Requested action:	VARIANCE from LDC Section 4.02.03(D) to reduce front yard setback.
Current zoning:	R-2
FLUM land use category:	Medium Density Residential
Existing uses on the site:	Vacant

All required application materials have been received. All fees have been paid. All required notices have been made.



SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting a variance from LDC section 4.02.03(D) for a reduction to the front yard setback from twenty-five feet to thirteen feet, six and one-half inches. The applicant previously appeared before the board and was issued approval for the same variance in March of 2019. Following approval, two extensions were issued and have since expired, whereupon the applicant was directed to reapply for the variance.

Although the setback of the previous structure that existed on this lot was nonconforming at thirteen feet, six inches from the front property line, the structure was voluntarily demolished and only one structure remains on the block face. As a result of this, the owner does not have the option of pursuing the *Context Sensitive Setback Determination* which allows a property owner to average nonconforming setbacks on the block face.

Although this parcel lies just outside of the City's Historic District boundary, a reduction to the front yard setback is more consistent and compatible with the neighboring structure to the west and the built pattern within our

Historic District.

Additionally, a reduction would minimize potential negative impacts from construction and the foundation of the proposed new home to the 60" Heritage tree that exists east of the subject property.

EXHIBIT A: SURVEY

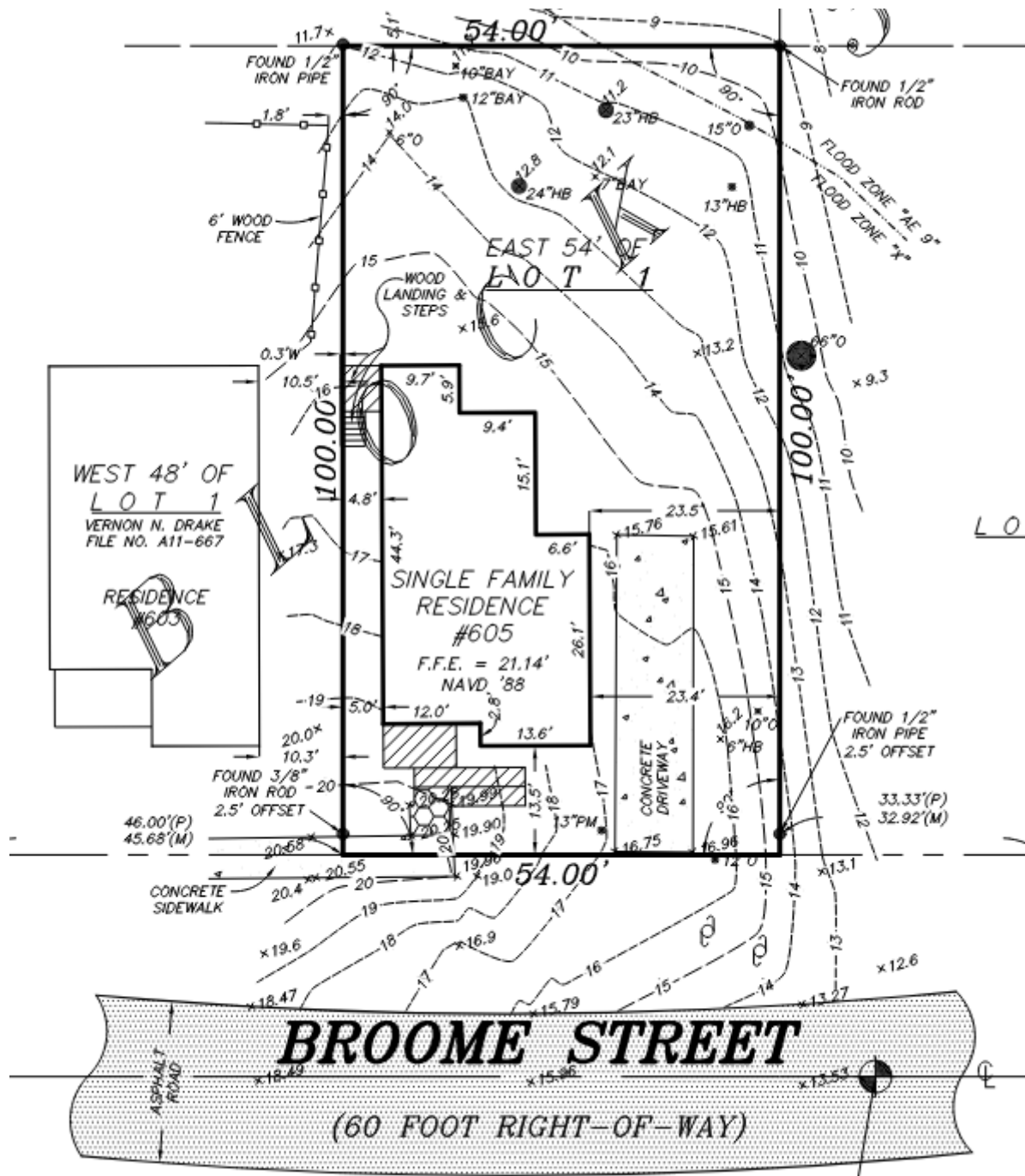
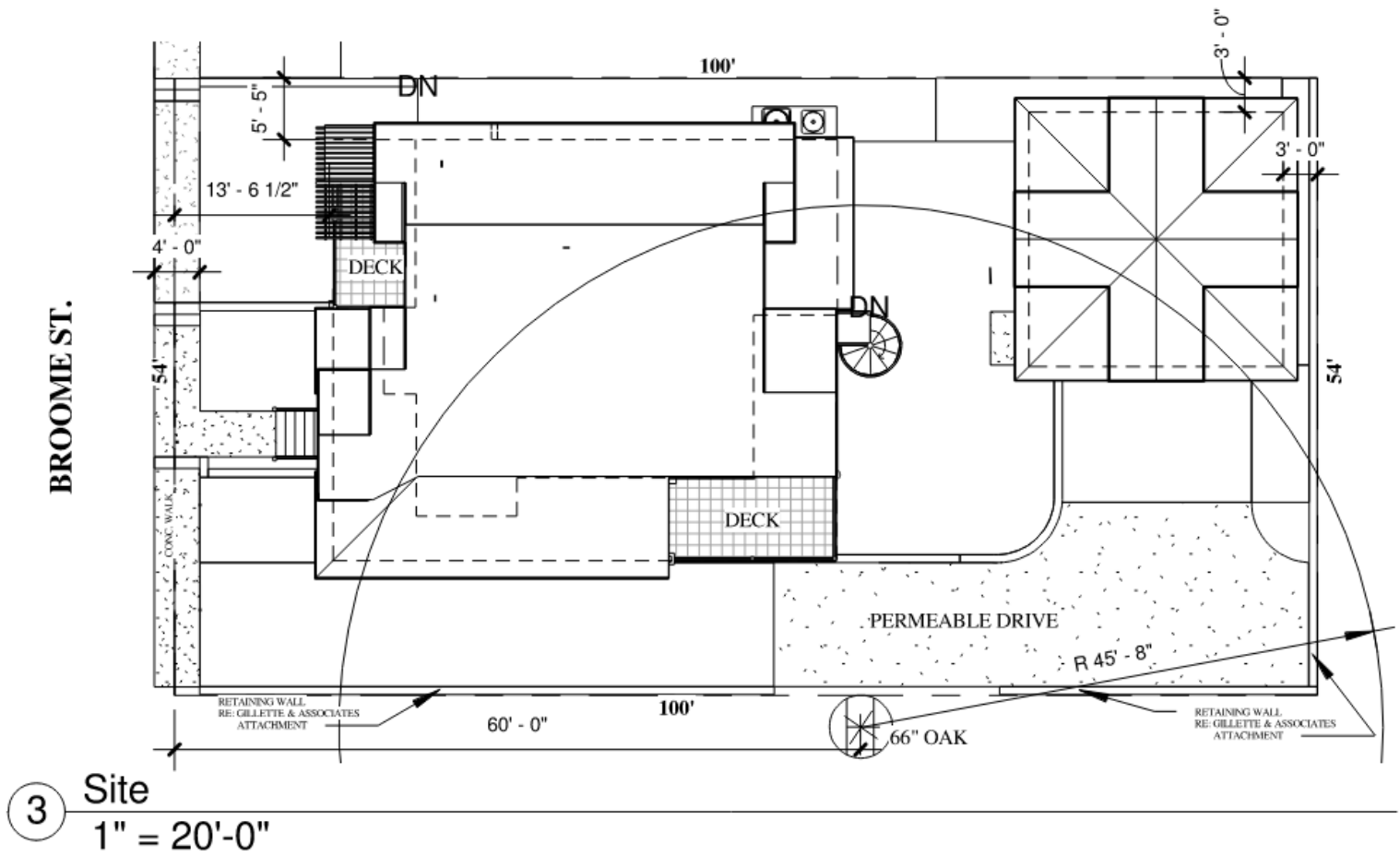


EXHIBIT B: SITE PLAN



EHIBIT C: ELEVATIONS



EHIBIT D: SURROUNDING AREA PARCELS



APPLICABLE GUIDELINES:

CITY OF FERNANDINA BEACH LAND DEVELOPMENT CODE:

Staff's review of this application finds it is not subject to any of the limitations of Section 10.02.01 and can therefore be considered by the Board.

CITY OF FERNANDINA BEACH COMPREHNSIVE PLAN:

The following Comprehensive Plan statements are applicable in this case:

- Policy 1.02.07 – The City shall implement the Fernandina Beach Comprehensive Plan in a manner that acknowledges private property rights.
- Policy 1.02.10 – The City shall protect privacy and access to light, air, and open space. The City shall consider regulations such as building placement on a site, building design, and building orientation as one means to achieve this policy.
- Policy 11.06.01. The City shall ensure that new and infill development adjacent to the Downtown and Old Town historic districts respects and complements the patterns, character, and scale of those historic districts. Policy 11.06.02.
- The City shall evaluate the neighborhoods contiguous to the historic districts and evaluate strategies for revitalization of existing structures in these neighborhoods in a manner that is consistent with their original development and also compatible with the adjacent historic districts.

ANALYSIS:

In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to each of the following provisions:

Consistent with Criteria? All questions must be answered in the affirmative in order for staff to recommend approval of a variance. Negative answers must be addressed in the findings.

Criteria	Staff Analysis	Meets Criteria
1. Special Conditions <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i>	Yes. Special conditions <u>do exist</u> as it relates to the land and proximity to the City's Historic District Boundary as well as the existence of a 60" Heritage oak tree. The reduction is in keeping with the surrounding historical built pattern and would minimize potential negative impacts to the Heritage tree.	☒ Yes ☐ No
2. Special Privilege <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i>	Yes. Granting the variance <u>does not confer</u> upon the applicant a special privilege that is denied by the Land Development Code since a reduction to the front yard setback is more compatible with the patterns and scale of the surrounding downtown and historic districts.	☒ Yes ☐ No

3. Literal Interpretation <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.</i>	Yes. Literal interpretation of the Land Development Code <u>would deprive</u> the applicant of rights enjoyed by other properties within this zoning district since property owners within this area are routinely able to utilize the administrative <i>Context Sensitive Setback Determination</i> to alter the front yard setback. Since there is only one principal structure that exists on the block face, the applicant is unable to pursue this administrative review process.	☒ Yes ☐ No
4. Minimum Variance <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i>	Yes. The variance requested <u>is the minimum</u> variance needed to make possible the reasonable use of the land and allow for a new structure that is in harmony with the surrounding home and neighborhood.	☒ Yes ☐ No
5. General Harmony <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i>	Yes. Granting the variance <u>will be in harmony</u> with the general intent and purpose of Land Development Code and Comprehensive Plan. Comp Plan Policy 11.06.01 states that the City shall ensure that new and infill development adjacent to the Downtown and Old Town historic districts respect and complement the patterns, character and scale of those historic districts.	☒ Yes ☐ No
6. Public Interest <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i>	Yes. Granting the variance <u>is compatible</u> with the surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare, or environment. In addition, damage to the 60" Heritage tree is minimized by shifting the home closer to Broome Street.	☒ Yes ☐ No

STAFF RECOMMENDATION:

The variance requested is consistent/inconsistent with the criteria for granting a variance as follows:

	Consistent	Inconsistent
1. Special Conditions	X	
2. Special Privilege	X	
3. Literal Interpretations	X	
4. Minimum Variance	X	
5. General Harmony	X	
6. Public Interest	X	

Staff finds that the requested action, as presented, meets all six criteria for granting a variance, therefore staff must recommend approval.

Staff recommends:

APPROVAL of BOA 2021-08.

MOTION TO CONSIDER

I move to approve or deny BOA case number 2021-08;

AND I move that the BOA make the following findings of fact and conclusions of law part of the record:

That BOA case 2021-08, item, as presented, is or is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time;

AND that BOA case number 2021-08 meets or does not meet the following criteria for granting a variance:

LIST OF EXHIBITS:

EXHIBIT A – SITE PLAN

EXHIBIT B – SURVEY

EXHIBIT C – ELEVATIONS

EXHIBIT D – SURROUNDING AREA PARCELS

Respectfully Submitted,



**Daphne Forehand
Planner I**

Print

Board of Adjustment (BOA) - Submission #7842

Date Submitted: 8/4/2021

BOARD OF ADJUSTMENT (BOA)

USE THIS FORM TO Apply for a variance to obtain relief from the design standards of this Land Development Code (LDC) where otherwise hardship would occur. A person who is adversely affected by any administrative decision may appeal such decision to the BOA.

Fees

Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.



Residential Properties \$1,000



Non-Residential properties \$2,500



Administrative Appeals \$500

2021 Submission Deadline + Meeting Calendar



IMPORTANT NOTES

Application Requirements

- ☐ A complete application filed at least forty-five (45) days before the date of the Board of Adjustment's public hearing;
- ☐ A current signed, sealed, scaled survey of the property (no older than two years from date of application);
- ☐ Proof of ownership (copy of deed or tax statement)
- ☐ If applying as an agent, Owner's Authorization for Agent Representation form must be signed/ notarized and submitted as part of the application;
- ☐ A detailed letter stating the reasons for the request;
- ☐ Materials as needed to illustrate the nature of the request, including but not limited to, site plans, architectural drawings, photographs, etc. (Site plans must be dimensioned and to scale).

Pre-Application Meeting

To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with the applicable planner prior to submitting your application. Completed Board applications are due forty-five (45) days prior to the meeting date. Cases in the historic districts or Community Redevelopment Area are heard by the Historic District Council, please use the HDC Variance Application. Cases in all other areas of the City are heard by the Board of Adjustment.

Please see the Land Development Code (LDC) for detailed information:

- ☐ Procedures for Variances " see LDC Section 10.02.04.
- ☐ Expiration of Variance Approval " see LDC Section 10.02.04(C).
- ☐ Appeals on a Variance" see LDC Section 10.02.04(D).
- ☐ Appeals of Administrative Action " see LDC 11.07.00

The LDC is available for review at

www.fbfl.us/LDC

Appeals

Any person aggrieved by any decision of the BOA regarding a variance may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision at the office of the Board; otherwise, the decision of the Board shall be final.

Limitations on the Grant of a Variance

- ☒ 1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
- ☒ 2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
- ☒ 3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered g
- ☒ 4. A variance shall not change the requirements for concurrency.
- ☒ 5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
- ☒ 6. A variance shall not be granted if the evidence submitted by an applicant is solely a demonstration of financial hardship or economic considerations.
- ☒ 7. A variance shall not be granted for procedure or process components of this Land Development Code.
- ☒ 8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean Ave
- ☒ 9. A variance will not be granted which authorizes the filling of wetlands prohibited by Land Development Code Section 3.03.03(A)
- ☒ 10. No variance shall be granted to exceed the maximum building height of 35 feet for a building on any lot within 800 feet of the mean highwater line of the Atlantic Ocean under LDC Section 4.02.03(D)
- ☒ 11. A variance shall not be granted for any residential or residential mixed-use structure to exceed the maximum building height requirements contained in Table 4.02.03(E).
- ☒ 12. A variance shall not be granted to exceed the minimum side yard setbacks listed in Table 4.02.03(E) for any building within 800 feet of the mean high-water mark of the Atlantic Ocean.

REVIEW TYPE*



Variance



Appeal of Administrative Decision

Have you met with a planner for a pre-application meeting?*

Yes

What was the date of your pre-application meeting?*

8/4/2021

If you have yet to have a pre-application meeting, please choose a date and time to schedule your meeting now. Every Tuesdays are reserved for pre-application appointments.*

mm/dd/yyyy

hh:mm am/pm

PROPERTY INFORMATION

[Property information can be found at the Nassau County Property Appraiser's Website's Map Search](#)

Site Address*

605 Broome Street

City*

Fernandina Beach

State*

Florida

Zip*

32034

Parcel ID #(s)*

00-00-31-1800-0034-0011

Zoning District*

R-2

Future Land Use Designation*

Low Density Residential

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Phillip J. & Bonnie E.

Last Name*

Gordon

Company (if applicable)

N/A

Mailing Address***City*****State*****Zip*****Telephone Number*****E-mail Address*****OWNER'S AGENT**

If other than owner. If an agent will be representing the owner, an Owner's Authorization For Agent Representation form must be included

First Name**Last Name****Company (if applicable)****Mailing Address****City****State****Zip****Telephone Number****E-mail Address****PROJECT INFORMATION****Variance Requested from LDC Section(s)*****Summary of Request (more detailed information to be provided in required letter of intent)***

Reduction in front yard setback from twenty-five feet to thirteen feet six and one-half inches. Note: This same variance was granted at a hearing 02/20/2019 as BOA 2019-04. The time to commence work with extensions has expired so a reapplication is necessary.

REQUIRED FINDINGS FOR A GRANT OF A VARIANCE

In order for an application for a variance to be approved or approved with conditions, the BOA must make a positive finding with regard to each of the provisions below. The applicant has the burden of proof of demonstrating that the application for a variance complies with each of the requirements. Please explain in detail how your case meets the following requirements:

1. Special Conditions: Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.*

Special conditions do exist which are particular to the land involved and which are not applicable to other lands in the same zoning district. Policy 11.06.01 of the Comprehensive Plan provides that the City shall ensure that new and infill development adjacent to Downtown respects and complements the patterns, character, and scale in the district. Applying the above in this case, while the subject property is just outside of the Historic District, there was a home on the site that was constructed circa 1910 that was 13'6.5" setback from the front property line (see prior survey). Granting the requested variance would respect the original development pattern, character, and scale in the Downtown Historic District

2. Special Privilege: Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.*

No special privilege would be conferred upon the applicant as compared to other lands in the same zoning district. The block face where the property sits on Broome Street is 200 feet. The subject lot is 54 feet in width which comprises 27% of the block face. The lot to the west is 46 feet wide and together they equal 50% of the block face. The remainder of the block is undeveloped. If the remainder of the block were developed in the historical pattern for the Downtown Historic District, subject lot would be subject to a context sensitive review under the 4.02.03.F of the LDC for the front yard setback. This would have the same result as granting the requested variance. This would also be in keeping with the original development within the Downtown Historic District. Given the circumstances, including the lot's location within the block, the block face, other structures in the block, and the undeveloped land to the east. This lot has special circumstances based upon its location, size, and a particular tree.

3. Literal Interpretation: Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.*

Literal interpretation of the LDC would deprive the applicant of rights enjoyed by other properties. within the same zoning district. If any portion of the adjoining land to the east were developed inline with the current and historical front yard setbacks on this block face, then a context sensitive review pursuant to 4.02.03.F of the LDC would allow the proposed development without a variance. Even when considering the historical development of the subject lot, this type of review is not available as there is only one existing structure along the block.

4. Minimum Variance: The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.*

The variance requested is the minimum needed to make a reasonable use of the land. The requested variance will allow for a new structure to be constructed in line with the historical use at this site and in line with the adjoining home to the west. Furthermore, the reduction in the front set back respects and will minimize the impact on a live oak tree that is very worthy of retention. The reduction will further allow garage access from the southwest corner of the property, minimizing impact to the live oak from the foundation of the new home or necessitate a retaining wall with back fill over its roots.

5. General Harmony: Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.*

While this property is just outside of the HDC, granting this variance is in harmony with the general intent of the LDC and Comprehensive plan, as well as the Downtown Historic District's pattern of reduced front yard setbacks, off street parking, and preservation of existing trees.

6. Public Interest: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.*

Granting the requested variance is compatible with the surrounding properties, is in keeping with the area, will not cause injury to the area involved, and will not be detrimental to the public health, safety, welfare, or environment. Furthermore, granting the variance will contribute to the maintenance of a healthy and significant live oak tree.

Upload Supplemental Materials

Site Plan - Phillip J. and Bonnie E. Gordon.PDF

Upload 2

Survey - Phillip J. and Bonnie E. Gordon.PDF

Upload 3

WD - Phillip J. and Bonnie E. Gordon.PDF

Upload 4

Agent Authorization - Phillip J. and Bonnie E. Gordon.PDF

Upload 5

Arborist.PDF

Upload 6

No file selected

Upload 7

No file selected

Certification*

- ☒
- By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.
- ☒
- I acknowledge that I understand and have complied with all of the submittal requirements and procedures.

Applicant's First Name*

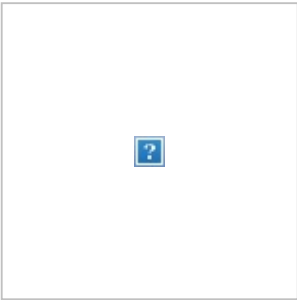
Jon

Applicant's Last Name*

Lasserre

Today's Date*

8/4/2021



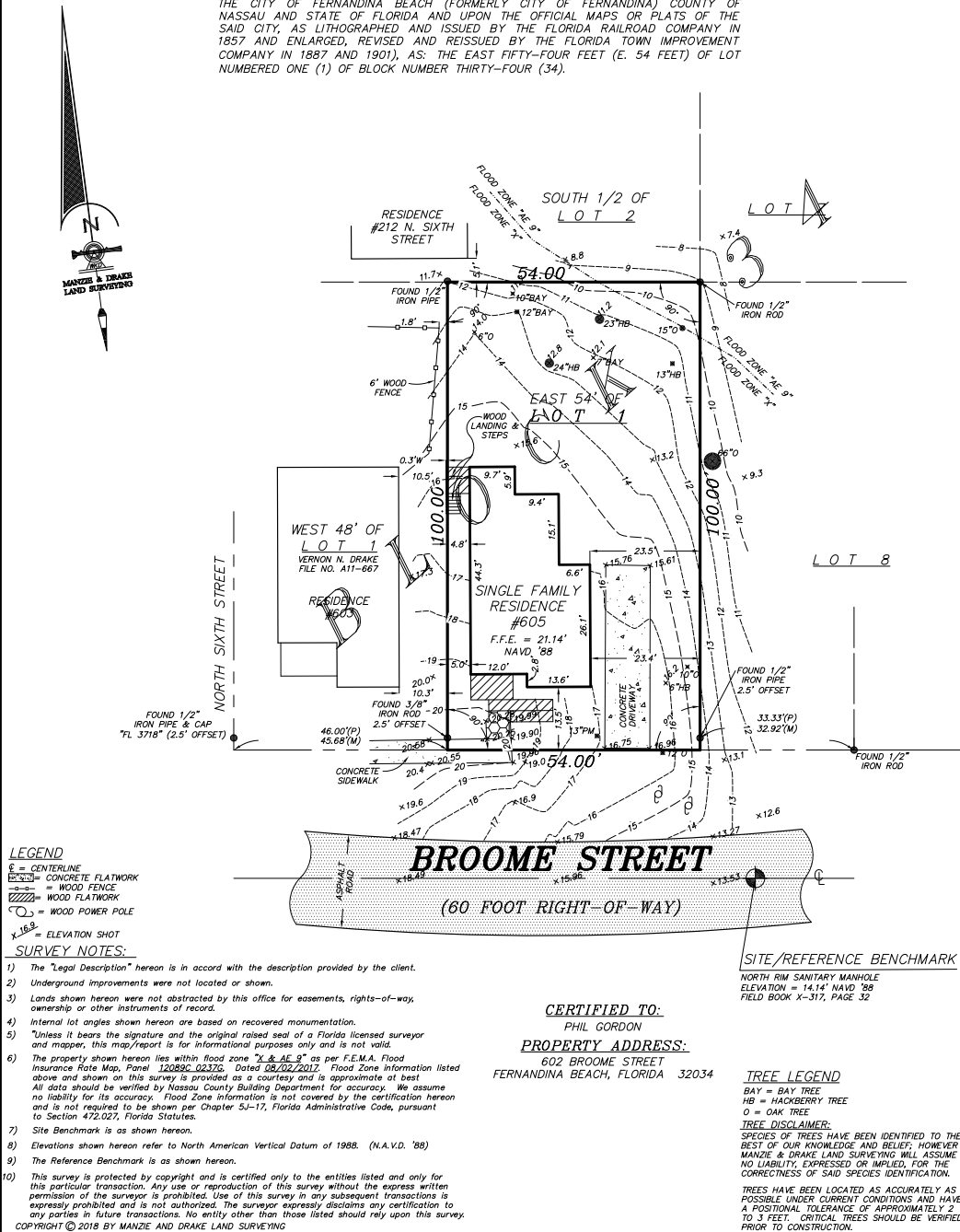
DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 | www.fbfl.us/planning

Please make sure to disable pop-up blocker in order to submit.

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATED, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY CITY OF FERNANDINA) COUNTY OF NASSAU AND STATE OF FLORIDA AND UPON THE OFFICIAL MAPS OR PLATS OF THE SAID CITY, AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901), AS: THE EAST FIFTY-FOUR FEET (E. 54 FEET) OF LOT NUMBERED ONE (1) OF BLOCK NUMBER THIRTY-FOUR (34).



THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034

(904) 491-5700 www.ManzieAndDrake.com

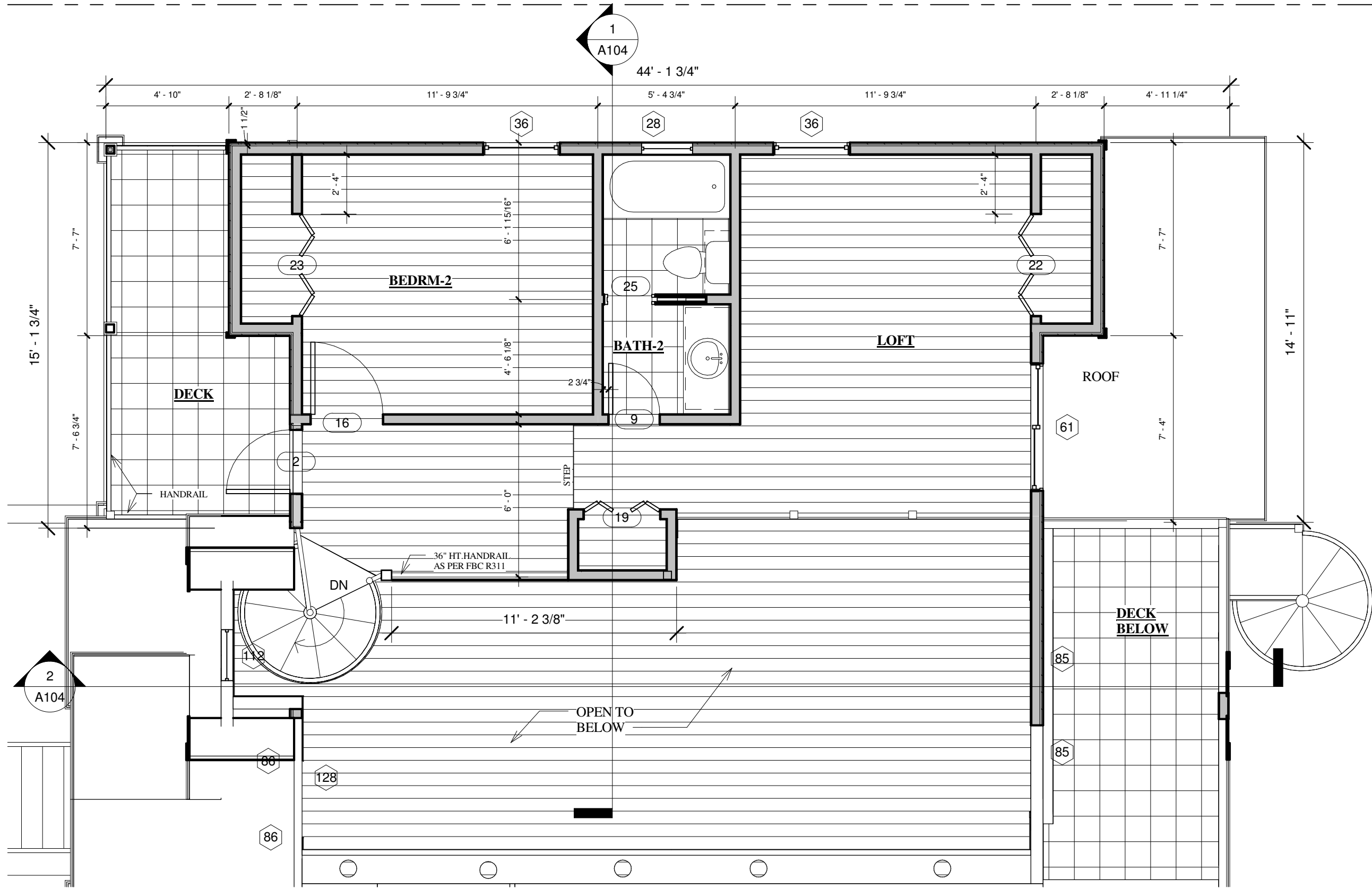
Certificate of Authorization Number "LB 7039"

"OUR SIGHTS ARE ON THE FUTURE, SET YOUR SITES ON US."

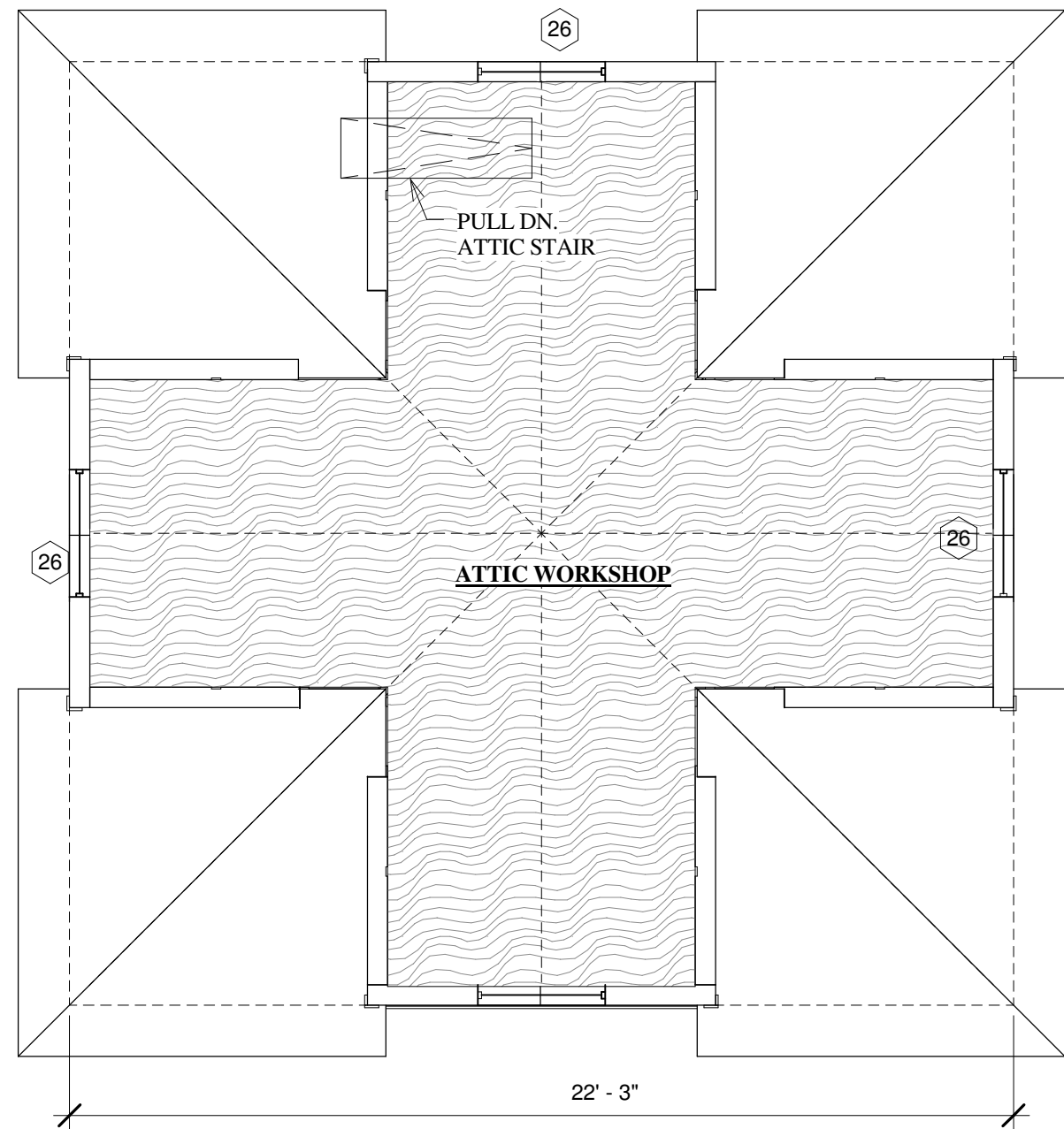
SCALE: 1"=20' JOB NO: 20457 DATE: 10/31/2018 CADD: BH

F.B. NO: X-317 PAGE NO: 31 FIELD CREW: CB FILE NO: A-4720

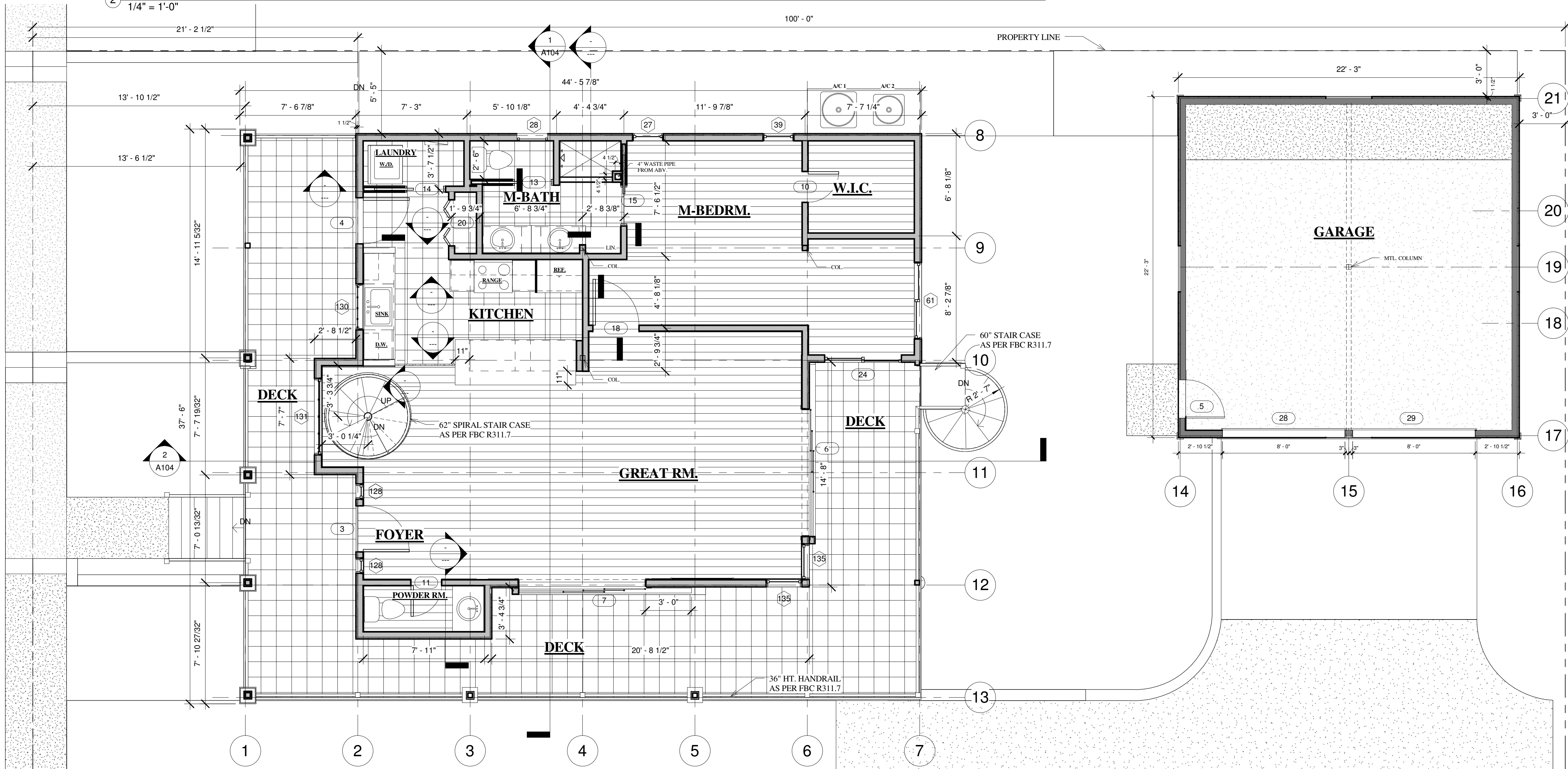
MICHAEL A. MANZIE, P.L.S. 4069



2 2nd. FLOOR PLAN
1/4" = 1'-0"



4 FRONT RIGHT 210409.5
12" = 1'-0"



1 1st. FLOOR PLAN
1/4" = 1'-0"

PROJECT CONTACTS:

OWNER:
PHIL GORDON
1224 HELFORD LN.
CARMEL, IN. 46032

ARCHITECT /
STURCTURAL SHELL
SUBCONTRACTOR:
ALTERNATIVE RESIDENTIAL
COMP.INC.
SAMUEL VASQUEZ JR.
3281 GOLDENGATE BLVD. W.
NAPLES, FL. 34120
239-348-7060
239-287-2985

GENERAL CONTRACTOR:
PLANTATION HOUSING CORP.
VIC BUSCAINO
2425 SADLER RD.
FERNANDINA BEACH, FL. 32034
904-753-9101

CIVIL ENGINEER:
GILETTE & ASSOCIATES, INC.
ASA GILETTE
20 SOUTH 4TH STREET
FERNANDINA BEACH, FL. 32034
904-261-8819

SURVEYOR:
MANZIE & DRAKE LAND SURVEYING
117 SOUTH 9TH STREET
FERNANDINA BEACH, FL. 32034

PROJECT DATA:
PROJECT ADDRESS:
605 BROOME ST.
FERNANDINA BEACH, FL. 32034

BUILDING AREAS:	
DISCRPTION	SO.FT.
A/C AREA:	1036
1ST. FLR.	520
2ND. FLR.	1556
TOTAL A/C.:	

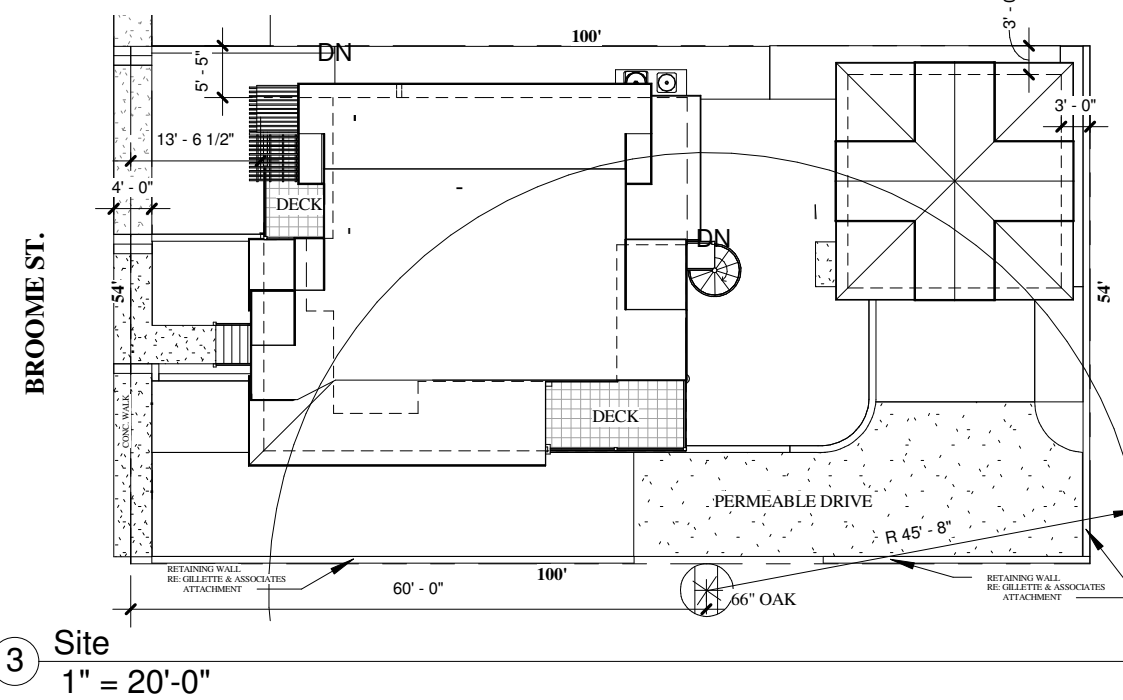
COVERED AREA:	
DECK 1ST. FLR.	580
GARAGE	495
TOTAL COVERED :	1075

NON COVERED AREA:	
2ND FLR. DECK	88
TOTAL AREA:	2719

SHEET LEGEND:

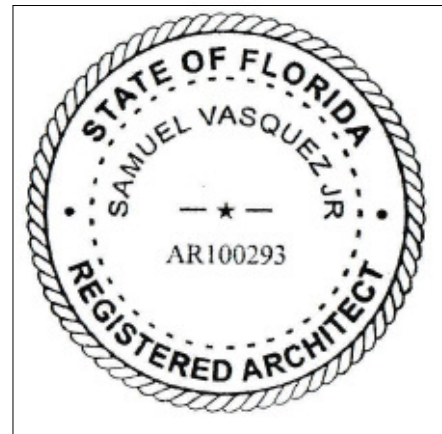
A101 - FLOOR PLANS / SITE PLAN
A102 - SOUTH / EAST ELEVATIONS
A103 - NORTH / WEST ELEVATIONS
A104 - BUILDING SECTIONS
E101 - ELECTRICAL PLANS
S101 - FOUNDAION PLAN / DETAILS
S102 - FRAMING PLANS
S103 - ROOF FRAMING / ROOF PLAN
S104 - STRUCTURAL SECTION / DET.

STRUCTURAL ENGINEER:
FLORIDA ENGINEERING, LLC
4161 TAMiami TRAIL, UNIT 101
PORT CHARLOTTE, FL. 33952
941- 391-5980



3 Site
1" = 20'-0"

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GORDON COTTAGE
MODEL 1556
605 BROOME ST. FERNANDINA BEACH FL.


A.R.C. INC.
Alternative Residential Components Inc.

3281 Golden Gate Blvd. West
Naples, Florida 34120

CGC-057077

Tel. 239-348-7060
Email- ARCINCL@aol.com
Web- ARCTEELHOMES.COM

Date: 02/10/21

Revisions:

△	
△	
△	
△	

FLOOR PLANS / SITE PLAN

Scale: As indicated
Design By: S.V.
Checked By: S.V.
Drawn By: S.V.
Project No.: 181218

Sheet:

A101

ARBORIST SURVEY

McCall Tree Health & Consulting – November 2018



McCall Tree Health and Consulting, LLC

2883 Breakers Ct.
Fernandina Beach, FL 32034

www.mccalltree.com
(904) 557-3951

November 12, 2018

Property Owners:
Phil Gordon
605 Broome St.
Fernandina Beach, FL 32034

Subject: Inspection of trees at 605 Broome St. as of November 5, 2018

This 60" dbh live oak was located on the eastern boundary of the lot near the northeast corner (Photo #1). It appeared to be in good health with healthy foliage. It was slightly down a hill toward a drainage area (Photo #2). From the lot boundary stakes that were nearby, the tree appeared to be very close to the boundary line (Photo #3). Live oaks root deep, so this tree should be stable. It had some poor cuts where the ends of limbs had been sawn off in odd spots, but those cuts could be corrected.

I would try to stay away at least 15 feet from this tree for any foundations on the lot. This would be 3X the dbh (60 X 3 = 180" or 15 feet) for any foundation footings. I would also not recommend filling around the base of the tree on the back side or downhill side. If the structure on the lot is to be off-grade, the building could be somewhat closer, but then the limbs over the roof would become a factor.

This was a good healthy tree that should be a benefit to the value of the house and lot.

Kindest regards,
Early McCall

ISA Certified Arborist FL-6200A
ISA Tree Risk Assessment Qualified



Prepared by:
Andrea F. Lennon, P.A.
3391 South Fletcher Avenue
Fernandina Beach, Florida 32034

File Number: 18-897

General Warranty Deed

Made this November 28, 2018 A.D. By **Stephanie E. Adams, a married woman**, whose post office address is: **777 S Fletcher Ave, Fernandina Beach, Florida 32034**, hereinafter called the grantor, to **Phillip J. Gordon, and Bonnie E. Gordon, Husband and Wife**, whose post office address is: **1224 Helford Lane, Carmel, Indiana 46032**, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Nassau County, Florida, viz:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATED, LYING AND BEING IN THE CITY OF FERNANDINA BEACH, (FORMERLY CITY OF FERNANDINA) COUNTY OF NASSAU AND STATE OF FLORIDA AND UPON THE OFFICIAL MAPS OR PLATS OF THE SAID CITY, AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND 1901, AS THE EAST FIFTY-FOUR FEET (E. 54 FEET) OF LOT NUMBERED ONE (1) OF BLOCK NUMBER THIRTY-FOUR (34).

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 00-00-31-1800-0034-0011

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2018.

Prepared by:
Andrea F. Lennon, P.A.
3391 South Fletcher Avenue
Fernandina Beach, Florida 32034

File Number: 18-897

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

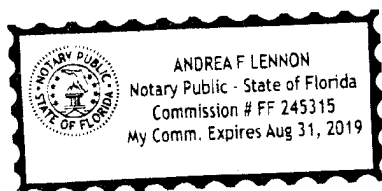
Signed, sealed and delivered in our presence:

[Signature] *Stephanie E. Adams* (Seal)
Witness Printed Name: *Andrea F. Lennon* Stephanie E. Adams

[Signature]
Witness Printed Name: *Frankie M. Wright*

State of Florida
County of Nassau

The foregoing instrument was acknowledged before me this 28th day of November, 2018, by Stephanie E. Adams, a married woman, who is/are personally known to me or who has produced a driver's license as identification.



[Signature]
Notary Public Print Name: *Andrea F. Lennon*
My Commission Expires:

NOTICE OF APPEAL OF NOTICE OF UNSAFE BUILDING
AND INTENT TO CONDEMN DATED JULY 2, 2021

To: Code Enforcement and Appeals Board

JUL302021PM2:21

City of Fernandina Beach

204 Ash Street

Fernandina Beach, FL 32034

Attention: City Engineer

CITY CLERK'S OFFICE

From: Centre Street Restaurant, Ltd.

Re: Brett's Waterway Café

CITY OF FERNANDINA BEACH

1 Front Street, Fernandina Beach, FL 32034

Parcel #00-00-31-1760-0025-001L

PT OF LOT 25 "25-1L" UNR LEASE DATED 1-1-1997

Please be advised that Centre Street Restaurant, Ltd., a Florida limited partnership (Appellant No. 1), is the lessee of certain real property described above from City of Fernandina Beach, a Florida municipal corporation. Amelia's Restaurant, Inc., a Florida corporation (Appellant No. 2), is a sublessee of a portion of the subject property, and owns Brett's Waterway Café, a restaurant on the subject property operated and managed by Brett's Waterway Café, Inc., a Florida corporation (Appellant No. 3).

Appellants Nos. 1, 2, and 3 appeal the determination of the City Engineer that the substructure of Brett's Waterway Café has surpassed its useful life based on the visual observation of the collapse of a concrete double-T substructure member. Appellants state that the referred to double-T is not part of the structural support of the building. The Appellants disagree with the opinion of City staff that the deteriorating structure condition is a life-safety risk to the public by continued occupancy.

The Appellants desire to be heard on these matters.

Dated this ____ day of July, 2021.

Centre Street Restaurant Group, Ltd.

By 

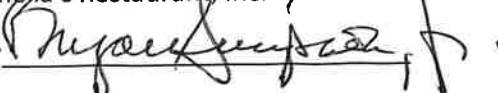
1061 Riverside Ave., Jacksonville, FL 32204

Brett's Waterway Café, Inc.

By 

21 North 2nd St., Fernandina Bch., FL 32034

Amelia's Restaurant, Inc.

By 

1061 Riverside Ave., Jacksonville, FL 32204

DELIVERED BY HAND ON JULY 30, 2021



City of Fernandina Beach

Charles George, PE

City Engineer

cgeorge@fbfl.org

July 2, 2021

Notice of Unsafe Building and Intent to Condemn

From: City of Fernandina Beach, Florida – Owner
204 Ash Street
Fernandina Beach, Florida 32034

To: Center Street Restaurant Group, INC. – Lease Holder
4349 Duval Drive
Jacksonville Beach, Florida 32250

Ref: Brett's Waterway Cafe
1 Front Street, Fernandina Beach, Florida 32034
Parcel # 00-00-31-1760-0025-001L
PT OF LOT 25 "25-1L" UNR LEASE DATED 1-1-1997

The structure located on the above-referenced property has been declared unsafe by the City building official and City engineer pursuant to Chapter 22, section 26 of the City of Fernandina Beach Code of Ordinances. A summary report documenting the conditions determined to have rendered the building unsafe under the provisions of the City of Fernandina Beach Code are as follows:

Visual observations indicate numerous deficiencies observed: active collapse of a concrete double-tee substructure member. Based on preliminary structural assessment, Staff believes the substructure at Brett's Waterway Café has surpassed its useful life and could suffer significant damage during a hurricane or other high wind event. Due to the elevated risk of substructure failure, collateral damage and repairs necessary, City staff believes that the deteriorating structure condition is a potential life-safety risk to the public, to continue to occupy this structure.

**A full and complete copy of the engineer's report and findings may be obtained from the City Clerk's Office: 204 Ash Street, Fernandina Beach, Florida 32034. Phone: 904.310.3115*

The following actions are required to be commenced or completed by the dates and times specified below:



City of Fernandina Beach

Charles George, PE

City Engineer

cgeorge@fbfl.org

All necessary permits shall be secured, and the work commenced within sixty (60) days of the date of this notice. If repairs are not commenced within sixty (60) days, the structure must be vacated on or before **September 2, 2021**.

If the required actions above are not completed by **September 2, 2021**, the property will be ordered vacated and posted by the building official, or his designee, to prevent further occupancy until the work is completed and the building official, or his designee, may cause the work to be done and all costs incurred charged against the property or owner of record.

Any person entitled to service in accordance with the provisions of Chapter 3 of the 1985 Standard Unsafe Building Abatement Code may appeal any action of the building official, or his designee, under this code to the Code Enforcement and Appeals Board. Such appeal must be filed in writing with the building official, or his designee, within thirty (30) days from the date of service and must contain at least the following information:

1. Identification of the building or structure concerned by street address or legal description.
2. A statement identifying the legal interest of each appellant.
3. A statement identifying the specific order or section being appealed.
4. A statement detailing the issues on which the appellant desires to be heard.
5. The legal signature of all appellants and their official mailing address.

Signature:

A handwritten signature in black ink, appearing to read "Chs GE", is written over a horizontal line.

Charles George, PE

City Engineer

Office: 904-.310.3420

Email: cgeorge@fbfl.org

Method of Delivery:

USPS Certified Mail, return receipt requested: 7018 3090 0000 0045 4805. Signature indicates only that a copy of this Notice has been received and does not indicate admission of guilt or concurrence with the Code Enforcement Officer's findings.



City of Fernandina Beach

Charles George, PE

City Engineer

cgeorge@fbfl.org

IF CERTIFIED MAIL: (ATTACH RECEIPT TO DEPARTMENT COPY)

I HEREBY CERTIFY that the above Notice of Unsafe Building was mailed to the above violator by certified mail, postage prepaid, return receipt requested, on July 5, 2021.



City Clerk Caroline Best



MEMORANDUM

TO: Dale Martin, City Manager – Fernandina Beach, Florida

FROM: Christopher Nardone, Senior Project Architect – Passero Associates, LLC

DATE: July 1, 2021

RE: **Waterfront Stabilization Analysis and Building Condition Assessment of Brett's Waterway Café – Amelia Riverfront Resiliency Study**

This memorandum provides a summary of the key study conclusions from the waterfront stabilization analysis and building condition assessment of Brett's Waterway Café, as follows:

1. **Monitoring:** Due to the elevated risk of substructure failure, collateral damage and repairs necessary, Passero staff believe that the City should regularly inspect the building condition and consider the deteriorating condition of the building as a potential life-safety risk to the general public, to continue to occupy this structure.
2. **Background:** The marina has taken many forms through the years. In the 1930s, it was a wharf with a concrete bulkhead. In the 1960s, a Welcome Station was constructed consisting of a concrete pier over the river, Teepee Building and Marina. In the 1980s, the restaurant (now Brett's Waterway Cafe) was constructed partially over the river, on top of the existing concrete pier. (*Chapter 4.2 of technical report.*)
2. **Standards and Resources:** Some key standards referenced in this study include: ASCE 7 (2016), ASCE 24 (2014), Florida Building Code (Full Series), Fernandina Beach Municipal Code, FEMA Guidelines, Guidelines published by USACE, FDEP, FWC and NPS. The report also includes review of historic drawings and assessment reports provided by City, by others. (*Chapter 4.3*)
3. **Observation Overview and Preliminary Structural Findings:** In 2020, Passero Associates staff performed visual observations of the project area and Brett's Waterway Café. Numerous deficiencies were observed with an active collapse of a concrete double-tee substructure member occurring between our May and June 2020 visits (*Chapter 4.4.2*). Based on our preliminary structural assessment, Passero Staff believes the substructure at Brett's Waterway Café has surpassed its useful life and could suffer significant damage during a hurricane or other high wind event. Due to the elevated risk of substructure failure, collateral damage and repairs necessary, Passero staff believe that the City should

regularly inspect the building condition and consider the deteriorating condition of the building as a potential life-safety risk to the general public, to continue to occupy this structure.

4. **Code Summary – Flood Hazard Area Requirements:** All buildings located in flood hazard areas shall be construction in compliance with ASCE 7 and 24. (*Chapter 4.5.1*) Some basic requirements include:

- a. Elevation Requirement (elevation of the bottom of the lowest horizontal member): +14.4' NAVD88 is required. The existing structure is +2.85' NAVD88.
- b. All utilities and equipment shall be located above the minimum design flood elevation. Utilities, conduits are currently hanging below existing structure, below the required elevation.
- c. New buildings are required to be located at the landward side of high tide. However, there are exceptions for existing buildings over water, provided they can be brought into compliance with additional requirements within these standards.

5. **Code Summary and Requirements for Alterations to Existing Buildings:** The structural design of the Brett's Waterway Cafe is comprised of multiple generations of building code requirements, construction methodology, and differing levels of workmanship, materials, and quality control. Further, the complexity of the building code and its requirements have become much more complex and stricter than previous generations, due to generations of lessons learned in the construction industry, research, and development within the academic community. Due to these considerations, the current structure does not meet modern day building code requirements in multiple areas.

However, historic, or aged structures are often grandfathered into compliance with current building codes, except when substantial changes are made to the structure, normally requiring full compliance. Compliance with current Wind, Seismic and Flood requirements are significant enough that any proposed repair to this structure is likely to require full code compliance (*Chapter 4.5.2*)

6. **Code Summary and Requirements for New Construction:** All new structures must be design and constructed in compliance with all state and local codes. Structures within flood hazard areas must also comply with the requirements specified in ASCE 24. The following are some of the major code regulations/requirements for new construction. (*Chapter 4.5.3*)

- a. New construction must be located landward of mean high tide.
- b. Structures must be designed to resist the effects of flood hazards and flood loads.
- c. Compliance with wind-borne debris region.
- d. Compliance with Design Flood Elevation.

7. Possible Actions and Consequences of Development of the Current Structure:

- a. **Do Nothing:** The “Do Nothing” approach covers scenarios ranging from no-action to repairs and improvements that remain below the “30 percent” threshold. It is important to note that necessary structural repairs are not included in this consideration since they would far exceed the threshold for minor improvements. Therefore, Passero staff do not recommend this approach. (*Chapter 4.6.1*)
- b. **Improvement Approaches Repairs/Alterations:** Three alternatives were analyzed: minimum repairs to extend facility life, new bulkhead at perimeter of pier, and reconstruction. (*Chapter 4.6.2*)
 - i. Minimum Repairs: This is not recommended as it is not possible to repair the bulkhead, raising flood line protection to new design height, without the demolition of Brett’s.
 - ii. New bulkhead at perimeter of Pier: Further investigation is required to determine if this is a viable solution. There is no guarantee that this approach would receive the required approvals necessary to enclose and fill under the existing pier.
 - iii. Reconstruction: Reconstruction would involve the complete demolition and reconstruction of a new structure, compliant with current codes and regulations. This appears to be a viable solution provided the structure is deemed historic.
- c. **New Construction:** New construction would involve the demolition of existing structures and replacement with new, compliant structures meeting current codes and regulations. This approach is similar to the reconstruction approach, with exception to the location of any new buildings. New buildings would be required to be located landward of mean high tide. (*Chapter 4.6.3*)

8. Recommended Action:

- a. Due to the elevated risk of substructure failure, collateral damage and repairs necessary, Passero staff believe that the City should regularly inspect the building condition and consider the deteriorating condition of the building as a potential life-safety risk to the general public, to continue to occupy this structure.
- b. To further investigate the possibility of surrounding the existing pier/restaurant with a new bulkhead and entirely renovate the restaurant to be fully compliant with current codes and regulations.
- c. To investigate the possibility of designating the pier/restaurant as part of the downtown historic district and recreate the Welcome Center Teepee Building as an historic structure now used as a restaurant. (*Chapter 4.7*)

9. Cost Summary:

- a. Thomas May Construction Co. – Total Construction Cost Estimate for Remodel and Repairs of the Existing Building: \$2,402,000.00 to \$2,580,400.00.
- b. Thomas May Construction Co. – Total Construction Cost Estimate for Demolition of existing Building (to top of superstructure) including Service Yard: \$276,000.00 to \$331,200.00.
- c. Thomas May Construction Co. – Total Construction Cost estimate for Demolition of Existing Building's Remaining Foundation Structure and Substructure: \$870,000.00 to \$1,044,000.00.
- d. Applying the repair threshold of only 30% of the assessed value of the pier/restaurant is allowed for repair/improvement makes it impossible to repair the structural deficiencies without being required to bring everything to compliance. Thus, limiting the options because as soon as the threshold is breached it is considered new construction thus not allowing the pier/restaurant to be constructed over the water unless designated historical. *(Chapter 4.7)*

10. Areas for Further Study: Investigate the possibility of designating the pier/restaurant site as an Historic Site and recreate the Welcome Center Teepee Building as a restaurant over the river with its lowest structure at +14.4' NAVD88. *(Chapter 4.8)*

As always, please contact me with any questions.

Sincerely,



Christopher Nardone, AIA
Senior Project Architect

4.4.2 OBSERVATIONS OVERVIEW

The following is a review timeline summarizing information from site observations by Passero Associates for this study.

January 2020: Voids around the marina bulkhead were observed by the City's Maintenance Director, who also reported that random voids are occurring east of the marina bulkhead (red x marks below). Recently, two large voids around 4' deep have developed underneath the sidewalks east of Brett's (yellow circled areas right). These voids are large and have resulted in the sidewalks settling, therefore no longer being ADA compliant.

On the following page, images 0250 and 0251 show the voids found underneath the sidewalks when removed, prompting concerns about the bulkhead performance beneath the restaurant.

Passero Associates was requested to provide further study of the bulkhead under the restaurant, including providing geotechnical and geophysical investigations along the bulkhead on both sides of the restaurant. Geotechnical and geophysical reports are provided in Appendix E and F, attached.



**Above Site Voids (January 2020)*

May 2020: Passero Associates performed a preliminary structural observation visit to collect photographic and visual evidence of the current condition of the existing structure (substructure and superstructures).



**Above Brett's Waterway Cafe (May 2020)*

Deterioration across all aspects of structural elements mentioned above, in previous assessments over the course of over 20 years, appeared to be ongoing with elements at various stages of deterioration or failure. Previously made repairs appear to have failed and now conceal areas of internal corrosion and deterioration. The existing concrete bulkhead appears to be shifting, causing consolidation of soil around the superstructure and pilings behind the wall. While this structure is not reliant on the bulkhead for structural stability, its failure could cause collateral damage to the existing substructure and associated deep foundations, as well as further consolidation of soils behind the bulkhead and subsequent settling of the building (left). See pictures in Appendix A, attached.

June 2020: Passero Associates performed a follow-up structural observation and discovered an existing double-tee member of the bottom-most substructure had failed and fallen into the river. It was unclear if this failure caused collateral damage to the existing pile cap, concrete beams, and/or superstructure above. Failure of other double-tee members is likely and could cause further damage to the overall structural foundation. See pictures in Appendix C, attached.



**Above Collapsed Double-T: Below Brett's Waterway Cafe (June 2020)*

4.4.3 SITE + BULKHEAD + SUBSTRUCTURE + DOCK OBSERVATIONS

The following lists summarize deficiencies observed during site walkthroughs in May and June 2020 (*Other void observations were made during prior visits as part of earlier portions of the resiliency study*). Lists are not intended to be inclusive of all deficiencies, but rather to provide basic understanding of the primary deficiencies. Possible actions are discussed in section 4.6. Site observation photos are provided in Appendix C. Also refer to Section 4.4.4 - Building Assessment as observations may overlap.

Site (Service Yard)

The following list summarizes observed site deficiencies.

- Presence of past settlement in surrounding service areas prior to starting report and observations (Photos 0250, 0251, 2367)
- Screen wall at service yard pulling away, showing signs of settlement (Photos 2201, 2209)
- Concrete retaining wall at service yard pulling away, showing signs of settlement (Photos 2338, 2343)
- Large crack through concrete wash basin and spider cracking in service yard showing signs of settlement (Photos 2174, 2178, 2179)
- Existing wood framed screen wall and gate at service yard are in need of repair, and therefore would need to comply with current codes, including wind load requirements of ASCE 7. (Photos 2135, 2136, 2148)
- Existing storage shed at service yard is in need of repair; therefore, structure would be required to comply with current codes including ASCE 7 and 24. (Photos 2131, 2143, 2145)
 - Per FEMA.gov - Floodplain Management by the National Flood Insurance Program (NFIP), for the purpose of determining substantial improvement, market value pertains only to the structure in question. It does not pertain to the land, landscaping, or detached accessory structures on the property. Therefore, the detached storage shed is excluded in calculating cost of the project. However, when repaired or replaced, it must be elevated to the required DFE at elevation +11.4' NAVD 88.
- Equipment within service yard does not comply with ASCE 24. (Photos 2146, 2150, 2156)
- Metal Canopy does not comply with ASCE 7 and would need to be upgraded. (Photos 2160, 2162, 2163)



**Above Photo 2367 Repaired Sidewalks After Filling in Voids (January 2020)*



**Above Photo 0250 Void Found Underneath Sidewalk (January 2020)*



**Above Photo 0251 Void Found Underneath Sidewalk (January 2020)*

Substructure (Pier)

(Southeast Quadrant)

- Exposed prestressing strands of the double tees, cracked concrete beam, and water leaking (Photos 2645, 2648)
- Exposed prestressing strands of the double tee showing severe deflection (Photos 2653, 2654, 2663, 2672)
- Concerning the field observation of the double tee with severe deflection, it has recently failed and has fallen into the river. (Photos 3773, 3775)
- Storm pipe in concrete bulkhead, an 18" RCP per Water Lots Survey, Dated: March 8, 1961. (Photo 2678)
- It appears that the concrete bulkhead panels are shifting and gaps are increasing. (Photo 2783)
- Cracks in concrete bulkhead cap (Photos 2680, 2685, 3322)
- Showing severe spalling of concrete beam (Photos 2682, 2684, 2686, 3320, 3324)
- Exposed, corroding prestressing strands of the double tees and cracked concrete cap (Photos 2697)
- Exposed, corroding prestressing strands of the double tees (Photos 2779, 2982)
- An abandoned hose, getting increasingly heavier with growing oyster shells, tied with a rope hanging from a PVC pipe above (Photos 2705, 2716, 3332)



**Above Photo 2654 Deteriorated Double T Showing Severe Deflection (May 2020)*

(Southwest Quadrant)

- Exposed, corroding prestressing strands of the double tees (Photos 2713, 2762)
- Exposed, corroding prestressing strands of the double tees, cracked concrete cap, and deteriorating metal plates (Photos 2703, 2704, 2732, 2734, 2735, 2736)
- Exposed, corroding prestressing strands of the double tees and cracked/chipped concrete beam (Photos 2755, 2756)
- Uncapped PVC pipe penetrating through double-tee beam above. (Photo 3359)

(Northwest Quadrant)

- Exposed, corroding prestressing strands of the double tees (Photos 2550, 2551, 2808, 2844)
- It appears that wood form boards were not removed after repair of concrete beam. (Photo 2796)
- Cracks in concrete beam and deteriorating metal plates (Photos 2799, 2804, 2831)
- Exposed, corroding prestressing strands of the double tees and cracked concrete beam (Photo 2825)
- Exposed, corroding prestressing strands of the double tees, cracked concrete beam, and deteriorating metal plates (Photo 2830)
- Exposed, corroding prestressing strands of the double tees with portion broken off, cracked concrete beam, and deteriorating metal plates (Photos 2846, 2849)



**Above Photo 2799 Deterioration of Metal Plates and Concrete Cap (May 2020)*

Substructure (Pier) Continued

(Northeast Quadrant)

- Exposed, corroding prestressing strands of the double tees (Photos 2536, 2537, 2558, 2563, 2856)
- Exposed, corroding prestressing strands of the double tees and deteriorating metal plates (Photos 2543, 2544)
- It appears that the concrete bulkhead panels are shifting and gaps increasing. In photo 2889, it appears that soapy water pours out periodically from the bulkhead. In photo 2894, one can look through the gap where there seems to be water droplets on the concrete. (Photos 2554, 2588, 2589, 2869, 2872, 2889, 2894, 2899)
 - There is potential precursor for further erosion and possible settlement. Further investigation should be considered to find the source of soapy water, which could be a sign of a broken sewer pipe from dishwasher discharging.
- It appears that the hose supports are failing in some locations. (Photos 2569, 2851)
- Exposed, corroding prestressing strands of the double tee showing severe deflection (Photos 2572, 2573, 2577, 2612, 3265)
- Cracks in concrete beam and deteriorating metal plates (Photos 2605, 2607, 2852, 2912, 3238, 3241)
- Concrete bulkhead with exposed steel reinforcing at PVC pipe penetrations (Photos 2870, 2877)
- Cracks in concrete beam and concrete bulkhead (Photo 2906)
- Cracks in concrete beam (Photos 2905, 2906, 2911)

(Octo Quadrant)

- Uncapped pipes penetrating through concrete slab and cap (Photo 2616)
- Unsupported and broken PVC conduits (Photos 2619, 2637)
- Reinforce concrete slab spalling exposing rebar (Photos 2621, 2628, 3267)
- Cracks in previous concrete beam repairs (Photos 2622, 2624, 2633, 2640, 2642, 2794)
- Cracks in concrete cap (Photo 2633)



**Above Photo 2894 Water Droplets on Concrete Deck
(May 2020)*



**Above Photo 2569 Hose Supports Have Deteriorated
and Starting to Fail (May 2020)*



**Above Photo 2619 Unsupported and Broken PVC Conduit
(May 2020)*

Perimeter Timber Dock

(Dock North)

- Steel fastener connection corroded away or missing (Photos 2416, 2431, 2485, 2500)
- PVC pipe supported by a makeshift nylon strap (Photo 2421)
- It appears to be PVC pipes penetrating the concrete bulkhead that are not capped and without any patching of hole. (Photos 2426, 2432, 2437, 2438)
- Timber pier and beam separating - no tie-down (Photo 2448)
- Pipe penetrating concrete bulkhead without any patching of hole (Photo 2427)
- Cracks in concrete cap and concrete bulkhead (Photo 2428)
- Cracks in concrete beam (Photos 2454, 2456, 2459, 2500, 3219)
- Wire getting pinched between timber pier and beam (Photos 2464, 2465, 2466)
- Wire loose and not properly secured (Photos 2470, 2472)
- Timber pier attached to beam at one end, but loose and not secured to anything else (Photos 2482, 2491, 2492)

(Dock West)

- Steel fastener connection corroded away or missing (Photos 2502, 2510, 2519)
- Cracks in concrete beam (Photos 2513, 2514, 2518, 2520, 2529)
- PVC pipe separating exposing wire (Photo 2515)

(Dock South)

- Steel fastener connection corroded away or missing (Photos 2985, 2992, 2994, 3011)
- Piping and wiring not properly secured (Photo 2991)
- Timber cross bracing rotted away (Photos 2995, 2998)
- Storm pipe in concrete bulkhead, an 18" RCP per Water Lots Survey, Dated: March 8, 1961. (Photo 2996)
- Gaps in concrete bulkhead (Photo 3009)
- The concrete bulkhead appears to be subsiding in this corner. (Photo 3328)



**Above Photo 2448 Timber Pier and Beam Separating,
No Tie-Down (May 2020)*



**Above Photo 2515 PVC Conduit Separated Exposing
Wire (May 2020)*



**Above Photo 2995 Rotted Timber Cross Bracing
(May 2020)*



July 28, 2020

Dale Martin
City Manager
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

**RE: Amelia Riverfront Engineering / Study – Phase 3
Preliminary Structural Findings and Recommendation to City Manager for Brett's Waterway Café
and Bulkhead**

Dear Mr. Martin:

As a part of Passero Associates' (PA) scope of work on Phase 3 of the Amelia Riverfront Resiliency and Engineering Study, PA staff performed a structural assessment of Brett's Waterway Café and Bulkhead structure. Assessment included review of existing structural drawings, letters and assessment reports, performed by various agencies on behalf of the City of Fernandina Beach, coupled with recent on-site observations by PA staff.

Based on our preliminary assessment, we believe the substructure at Brett's Waterway Café has surpassed its useful life and could suffer significant damage during a hurricane or similar event. We also suspect the ongoing vibration (piling) activities at adjacent properties could be expediting the deterioration of the substructure.

The following is a historical review timeline summarizing information from available studies/reports for Brett's Waterway Café and bulkhead, including our preliminary observations:

- Pre-1962: Existing concrete bulkhead construction beneath the Brett's Restaurant.
- June 1962: *Construction Documents* for the Florida Marina Welcome Station and Marina designed by Holloway, Register and Cummings, Associated Architects and Engineers.
- October 1988: *Construction Documents* for The Restaurant at Fernandina Harbor and Harbor Market designed by David K. Coonrod and Associates Architects.
- July 1999: A *Structural Inspection Report* was provided to the City by Applied Technology & Management, Inc. (ATM) upon request due to observed *marginal conditions and widespread deterioration* of the Restaurant's substructure. **Recommendations to the City** were to blast and chemically clean and remediate existing concrete structure reinforcing, piling and application of a corrosion-inhibitor coating.
- February 2000: In response to the 1999 ATM Report (above), an *Inspection Report* was provided to the Centre Street Restaurant Group, LTD and the City (via carbon copy) by The Haskell Company. This report documented many of the same findings made in the 1999 Report (above). This report mentioned soil erosion of existing sidewalk and concrete bulkhead but alluded to the fact that the bulkhead and adjacent structures were not attached or relying on each other. **Recommendations to the City** were to repair the original double-tee, ring and perimeter beam structural elements and pile jacket of a single pile outside the lease line.

November 2001: A *Recommendation to City Manager* letter was provided to the City by Passero Associates, LLC (PA) upon request after review of the July 1999 ATM, Inc. report and meeting with The Haskell Company by Centre Street Restaurant Group, LTD. **Recommendations to the City** were to implement the ATM report recommendations and pile jacket (reinforce) the existing piling. Movement of the bulkhead under Brett's was also noted in this report. A follow-up letter to the City was provided by PA in June of 2002. **July 1999 and February 2000 Report Recommendations appear not implemented.**

September 2004: A *Structural Analysis of Brett's Foundation* report was provided to the City by Harbor Civil Services, Inc. in consultation with the late Dole J. Kelley, Jr. (Engineer of Record for the 1988 The Restaurant at Fernandina Harbor (Brett's Restaurant) Superstructure). This report confirmed the findings of all previous reports, emphasized that the dilapidation of the existing substructure continuing unmitigated will cause an unsafe structure under high winds, but largely a repairable structure. This report also provided a means for repairing the existing pre-1962 bulkhead. **Recommendations to the City** were to implement the ATM report recommendations, the Passero Letter recommendations, and the existing pre-1962 concrete bulkhead. **November 2001 Letter, February 2000 and July 1999 Report Recommendations appear not implemented.**

March 2011: A *Structural Condition Review* report was provided to the City by ATM. This report documented repairs made since the 2004 Report (above). Pile cap and piling repairs appear to have been completed at some time previously and repaired elements were noted to be in fair condition. Presence of expanded substructure deterioration in double-tee, ring beam and other concrete elements were noted as well. This report provided an additional path to further assess the structure, load-path and an expected life-expectancy of 6 to 15 years. This report did not make mention of the pre-1962 concrete bulkhead or its condition. **Recommendations to the City** were to perform additional analyses, testing and observations of the structure. Annual inspections were recommended. **November 2001 Letter and July 1999 Report Recommendations were partially implemented.**

November 2011: An *Inspection Report* was provided to the Centre Street Restaurant Group, LTD and the City (via carbon copy) by The Haskell Company. This report documented repairs made since the 2004 Report (above). Pile cap and piling repairs appear to have been completed in 2006. However, bulkhead repair (under Brett's) was not performed). While repaired elements were noted to be in satisfactory condition, the presence of expanded substructure deterioration in double-tee, ring beam and other concrete elements were noted to be present as well. This report did not make mention of the pre-1962 concrete bulkhead or its condition. **Recommendations to the City** were to repair the original double-tee, ring and perimeter beam structural elements.

August 2015: A *Structural Observation Report* was provided to Passero Associates by Baker Klein Engineering. This report documented findings made during the assessment but did not reference any past reports or recommendations. However, it was noted that previous repairs made appeared to be failing and undergoing deterioration with repairs enclosing further extensive deterioration. The vast majority of the substructure appeared to be at various stages of deterioration and/or failure. **Recommendations to the City** was "...the majority of the damage observed is not reversible or repairable..." and that the useful life of the structure had ended.

September 2015: A *Historical Structural Analysis / Inspection Report* was provided to The City by RGM Engineering, Inc. This report documented repairs that had been previously made, their condition and additional items needing attention. It was noted that previous repairs made appeared to be either satisfactory/sound or needing additional inspection or repair. Other areas, such as double-tee elements and beams supporting them, should be repaired as soon as possible to avoid damaging surrounding structure. **Recommendations to the City** were to repair the original double-tee and supporting beam sections.

May 2020: Passero Associates performed a preliminary structural observation visit to collect photographic and visual evidence of the current condition of the existing structure (substructure and superstructures). Deterioration across all aspects of structural elements mentioned above, in previous assessments over the course of over 20 years, appeared to be ongoing with elements at various stages of deterioration or failure. Previous repairs made appear to have failed and now conceal areas of internal corrosion and deterioration. The existing concrete bulkhead appears to be moving causing consolidation of soil around the superstructure and pilings behind the wall. While this structure is not reliant on the bulkhead for structural stability, it's failure could cause collateral damage to the existing substructure and associated deep foundations and further consolidation of soils behind the bulkhead and subsequent settling of the building above. **Recommendations to the City** are forthcoming. **See pictures in Appendix A, attached.**

June 2020: Passero Associates performed a follow-up structural observation and discovered an existing double-tee member of the bottom-most sub structure had failed and fallen into the river. It was unclear if this failure caused collateral damage to the existing pile cap and superstructure. **Failure of other double-tee members is likely and could cause further damage to the overall structural foundation.** **Recommendations to the City** are forthcoming. **See pictures in Appendix A, attached.**

If you have any questions, or would like any additional information, please do not hesitate to call me at 585-760-8529.

Sincerely,



Patrick J. Williams, PE, SE
Structural Engineering Manager | Senior Structural Engineer

CC: Andrew Holesko, Passero
Christopher Nardone, Passero
Justin Vollenweider, Passero

Substructure (Pier)
(Southeast Quadrant)

- Exposed prestressing strands of the double tees, cracked concrete beam, and water leaking (Photos 2645, 2648)



Photo 2645



Photo 2648

Substructure (Pier)
(Southeast Quadrant)

- Exposed prestressing strands of the double tee showing severe deflection (Photos 2653, 2654, 2663, 2672)



Photo 2653



Photo 2654



Photo 2663



Photo 2672

Substructure (Pier)
(Southeast Quadrant)

- Cracks in concrete bulkhead cap (Photos 2680, 2685, 3322)



Photo 2680



Photo 2685



Photo 3322

Substructure (Pier)
(Southeast Quadrant)

- Showing severe spalling of concrete beam (Photos 2682, 2684, 2686, 3320, 3324)



Photo 2682



Photo 2684



Photo 2686



Photo 3320



Photo 3324

Substructure (Pier)
(Southwest Quadrant)

- Exposed, corroding prestressing strands of the double tees and cracked concrete cap, and deteriorating metal plates (Photos 2703, 2704, 2732, 2734, 2735, 2736)



Photo 2703



Photo 2704



Photo 2732



Photo 2734



Photo 2735



Photo 2736

Substructure (Pier)
(Southwest Quadrant)

- Exposed, corroding prestressing strands of the double tees and cracked/chipped concrete beam (Photos 2755, 2756)
- Uncapped PVC pipe penetrating through double tee above (Photo 3359)



Photo 2755



Photo 2756



Photo 3359

Substructure (Pier)
(Northwest Quadrant)

- It appears that wood form boards were not removed after repair of concrete beam. (Photo 2796)
- Cracks in concrete beam and deteriorating metal plates (Photos 2799, 2804, 2831)



Photo 2796



Photo 2799



Photo 2804



Photo 2831

Substructure (Pier) Continued
(Northeast Quadrant)

- Cracks in concrete beam and deteriorating metal plates (Photos 2605, 2607, 2852, 2912, 3238, 3241)



Photo 2605



Photo 2607



Photo 2852



Photo 2912



Photo 3238



Photo 3241

Substructure (Pier) Continued
(Northeast Quadrant)

- Cracks in concrete beam (Photos 2905, 2906, 2911)



Photo 2906

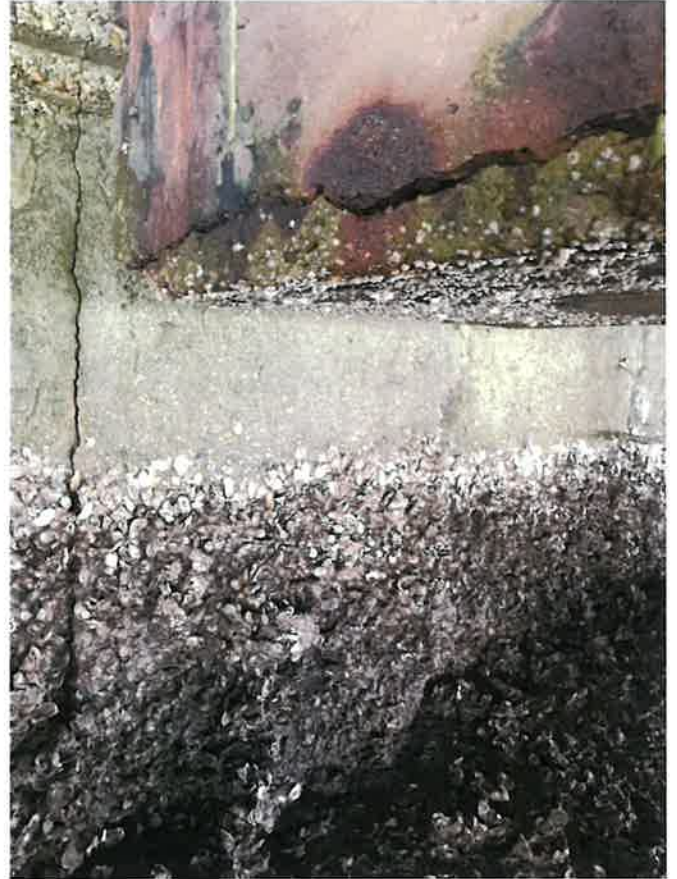


Photo 2906



Photo 2911

Perimeter Timber Dock
(Dock North)

- Cracks in concrete beam (Photos 2454, 2456, 2459, 2500, 3219)



Photo 2454



Photo 2456



Photo 2459



Photo 2500



Photo 3219

Perimeter Timber Dock
(Dock West)

- Cracks in concrete beam (Photos 2513, 2514, 2518, 2520, 2529)
- PVC pipe separating exposing wire (Photo 2515)



Photo 2513



Photo 2514



Photo 2518



Photo 2520



Photo 2529



Photo 2515

November 20, 2020

Mr. Bryan Simpson
bsimpson@medcombenefits.com

**Re: Follow-Up Structural Evaluation for Brett's Waterway Café
Fernandina Beach, FL**

Mr. Simpson:

Pi-Tech, Inc. has completed a follow-up visual survey and condition assessment of the substructure and foundation below Brett's Waterway Café at your request. Please refer to our previous report of structural evaluation for the subject property, dated April 16, 2018, for the City of Fernandina Beach, for additional background information. The primary purpose of this evaluation is to provide an update to the opinions outlined in the 2018 evaluation report regarding the structural condition of the subject property. The accessible areas of the substructure and foundation below Brett's were visually surveyed again by Pi-Tech staff between 11/9/2020 and 11/13/2020. The follow-up observations were visual in nature and performed from a boat at varying tide levels to facilitate visibility of pilings and other elements to the mean low water line. Underwater inspections were not performed as part of this evaluation. The condition of structural elements of the substructure were compared to photos and notes taken during the 2018 evaluation. The following is an outline of our updated findings and recommendations regarding each component of the subject structure.

In general, the primary structural elements remain largely in a similar state to that observed during our 2018 evaluation, with the most noticeable advances in deterioration observed in the lower precast double-tee panels. Deterioration in the lower (1962) precast double-tees is advancing rapidly, resulting in failure of at least one tee panel near the bulkhead which has since fallen into the river (Figure 1). Additional panels exhibit varying degrees of advancing deterioration and additional failures may be anticipated in the near future (Figure 2). As observed in the previous evaluation, the 1980 Brett's addition was designed and constructed in such a way as to render these lower double-tee panels largely redundant. The newer upper layer of double-tee panels which support the superstructure above remain intact and appear to be in sound condition at this time.

It is our opinion that eventual widespread failure of the lower double-tee panels, while not directly reducing the gravity load resisting capability of the structure, may impact the structure adversely in the following ways:

- Impact damage to pilings or pile caps during failure of panels may occur. Rotation in the ends of the double-tee panels during failure may also cause localized damage to the tops of the pile caps where the steel anchorage brackets may experience pull-out failure.

- The lower double-tee panels provide lateral bracing to the tops of the pile caps, providing resistance to lateral forces such as wind and wave action. Widespread failure of these lower panels would reduce the effective lateral bracing provided by these members. However, the presence of the upper double-tee panels, which span between newer concrete beams anchored to the tops of the same pile caps, would serve to mitigate this loss to a certain degree. Further evaluation is necessary to determine the bracing capacity of the upper double-tee panels and enlarged pile caps.

The 2006 and 2013/14 repairs to the central “Octagon” pile caps and beams continue to exhibit signs of moderate internal deterioration in the form of cracks between the original concrete and repair mortars in some areas. As observed in the previous report, this is a sign that corrosion of embedded reinforcing bars is ongoing within the repair areas, which is not uncommon in repairs of this kind. Crack widths and configurations were compared to photos and notes from the 2018 evaluation, and little discernable change has occurred in these members within the previous 2½ years. Subsequent repairs will eventually be required to address this corrosion.

No additional repairs appear to have been completed in any of the remaining piles or pile caps (Pile Caps ‘A’, ‘B’, ‘C’, ‘D’ and ‘E’ as shown on the plan in the Appendix) since our previous evaluation. The level of deterioration in these members, when compared to notes and photos from the 2018 evaluation, does not appear to have advanced significantly beyond the levels observed at that time. However, as observed in the previous report, this damage is extensive and a sign of advancing corrosion in the embedded reinforcing bars in many of the pile caps. Widespread spalling in the pile caps has not yet begun, but will soon occur in many of these members. It is again our opinion that repairs should be completed soon to prevent eventual widespread serious degradation and loss of strength.

Finally, a visual inspection of the bulkhead along the east side of the structure was performed and compared to the previous evaluation. Evidence of additional lateral movement was observed in some of the concrete bulkhead panels on both the north and south side of Pile Cap ‘E’ and at the east end of Pile Cap ‘A’. While the movement does not appear to have been significant, it appears to indicate that sections of the bulkhead may have shifted within the previous 2½ year period.

Overall, our opinion regarding the condition of the structure has not changed significantly from that outlined in the more detailed evaluation report from 2018. With the exception of movement in the bulkhead panels and advancing deterioration and failure of the lower precast double-tees, the deterioration observed is consistent with that encountered 2½ years ago. It is again our overall opinion that the deterioration evident in the concrete substructure is extensive, but repairable, if the cost of ongoing repairs makes economic sense to those involved. Please refer to our 2018 report for more detailed findings and recommendations regarding repairs. We would add to those recommendations that further investigation of the noted movement in the bulkhead is warranted to determine whether additional reinforcements are required in this area.

It is further our opinion that the subject structure does not, at present, represent a dangerous or unsafe condition to building occupants under normal conditions. The substructure is, however, in need of extensive repairs in the near term to prevent more serious deterioration and eventual loss of capacity. In addition to the follow-up inspection, the leaseholder requested an estimate of the extents of recommended repairs to primary structural elements, along with an opinion of probable cost. The following is an outline of the primary structural elements which we believe will require repair, along with an approximation of the extents of repair for each member, based on the 2018 evaluation and 2020 update. Refer to the Foundation Plan drawing in the Appendix for labeling of members. Please note that repairs of this type are difficult to quantify prior to starting demolition, and the information provided below is an estimate.

- Pile Cap 'A' (South Perimeter): The deterioration in Pile Cap 'A' is less advanced than the remaining pile caps; other members should be prioritized. Eventual repairs will be required to approx. 80% of the member length; approx. 105 ln. ft. / 9 cu. yds.
- Pile Cap 'B' (West Perimeter): Bottom surface repairs are required per SK-3 for the full length; approx. 80 ln.ft. / 8 cu. yds.
- Pile Cap 'C' (North Perimeter): Bottom surface repairs are required per SK-3 for the full length; approx. 90 ln. ft. / 9 cu. yds.
- Pile Cap 'D' & 'E' (Center): Bottom surface repairs are required per SK-3 for the full length; approx. 52 ln. ft. / 6 cu. yds. Additional repairs to the top of the pile cap may also be required; approx. 2 cu. yds.
- Octagon Beams & Slab: Repairs completed in 2014/2015 exhibit signs of ongoing corrosion. Additional repairs, including spot repair of spalls and sealing of cracks, may help to extend the life of these repairs. Recommend continued regular monitoring at minimum.
- Lower Precast Double-Tees: 2 – 4 tees are in imminent danger of failure; we estimate that 40% of the remaining tee panels may fail in the near term. Removal of these panels should be carefully considered in light of overall stability, and may cause additional damage to pile caps.
- Pilings: Additional deterioration has occurred in a number of the pilings between the mean low water line and mud line. We estimate that 8 – 10 pilings will require additional repairs at or below the mud line.

The cost of repairs is difficult to estimate, as the full extent of deteriorated concrete and embedded reinforcing will not be known until demolition begins. However, the following opinions of probable cost are provided for planning purposes:

- Pile Cap 'A' \$240,000
- Pile Cap 'B' \$190,000
- Pile Cap 'C' \$216,000
- Pile Caps 'D' & 'E' \$144,000
- Pilings \$96,000

Repair of the lower precast tee panels is not recommended. Removal of the more severely damaged panels may be acceptable. However, a more detailed evaluation of the lateral bracing capacity of the newer upper double-tee panels should be completed prior to removal of a significant number of the lower panels. It is our understanding that the perimeter Pile Caps 'A', 'B' and 'C' are outside of the leaseholder's responsibility, while the leaseholder is responsible for repair and maintenance of interior Pile Caps 'D' and 'E', and the central Octagon members. Precast double-tee panels rely on both the perimeter and interior pile caps for support.

As noted in the previous report, the relevant stakeholders should be aware that the repair methods available to address the types of deficiencies observed in the structure are relatively expensive, and typically will not result in a permanent solution. Repairs of this kind, when properly executed, may extend the life of the structure for many years, but do not generally provide an anticipated service life equal to that of new construction. The city and other related partners will need to determine whether the continued cost of regular inspections and ongoing repairs to the aging structure will be outweighed by the cost and advantages of starting over with new construction.

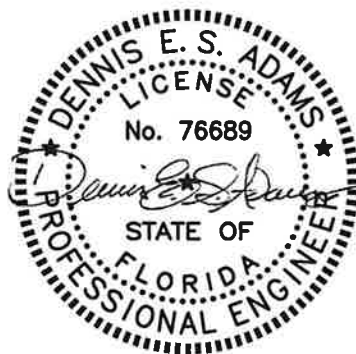
The opinions stated in this report are based on limited visual observations only. This report does not express or imply any warranty of the structure, but only addresses the condition of the portions of the structure that were readily accessible and observable at the time of the inspection. There is no claim, either stated or implied, that all conditions were observed. If additional and/or unrelated damage is found in other areas not specifically mentioned above, please contact the engineer for further investigation. All opinions of probable costs of repairs or other remediation activities are estimates only and are provided based on engineering judgement and recent experience with similar projects. These estimates should not be construed as accurate or binding quotations for construction services.

Please contact us with any questions or comments regarding this matter, and thank you for the opportunity to be of service.

Sincerely,

Pi-Tech, Inc.
FL COA #29606
Dennis E. S. Adams, P.E.
FL Registration # 76689

Digitally signed by Dennis
Adams
Date: 2020.11.23 09:43:36 -05'00'





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April 16, 2018

Mr. Dale Martin
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

**Re: Report of Structural Evaluation for Brett's Waterway Café
Fernandina Beach, FL**

Mr. Martin:

The attached report provides an outline of our findings and recommendations resulting from peer reviews and an independent structural evaluation of the referenced existing structure. Pi-Tech, Inc. has performed a visual survey and structural condition assessment of the substructure and foundation below Brett's Waterway Café, in accordance with the scope of work outlined in RFP 2017-23 issued by the City of Fernandina Beach. As part of the referenced scope of work, Pi-Tech staff also completed a full review of the original construction drawings, and all previously completed structural evaluation reports provided to the city between March 2000 and October 2016. The primary purpose of this evaluation is to address the contradictory opinions and conclusions outlined in the (2) most recent evaluation reports produced by RGM Engineering and Baker-Klein, and to provide an independent opinion regarding the current condition of the structure.

Pi-Tech's initial scope of work included a detailed review of all past reports of structural condition assessment for the subject structure, with particular emphasis on the 08/06/2015 Baker Klein report produced by Jenna Jakes, P.E. and the 09/25/2015 RGM Engineering report provided by Robert G. Morgan, P.E. While Mr. Morgan was not available for consultation, Jenna Jakes, P.E. was interviewed by Pi-Tech staff to obtain further details regarding the conclusions and opinions outlined in the Baker Klein report. In summary, the conclusions outlined in the Baker Klein report suggest that a) the structure has reached the end of its service life, b) the level of deterioration evident in the structure precludes effective repairs, and c) the structure is not salvageable and should be replaced.

In contrast, the conclusions detailed in the RGM Engineering Report, which were based on a series of evaluations performed by RGM between 2012 and 2015, state that the repairs previously completed under the supervision of RGM and other firms are performing satisfactorily, and that all remaining deterioration may be repaired in similar fashion to extend

the service life of the building. As noted above, Mr. Morgan did not make himself available for consultation during our review of the report, so these conclusions are based on our interpretation of his report alone.

Finally, Pi-Tech staff completed a full independent visual survey and condition assessment of the subject structure between 02/23/2018 and 03/30/2018. Our survey of the substructure included visual observations of the original (1962) pile caps, precast double-tees, and precast concrete piles, both above and below the mean low water line; and limited visual observations of the 1988 construction via the accessible sections of the crawl space between the older and newer double-tees.

The attached report provides a detailed outline of our findings and conclusions regarding the contrasting opinions of the previous reports, and provides an independent opinion as to the future of the subject structure. In summary, our opinion regarding the condition of the substructure, and feasibility of ongoing repairs, aligns more closely to that of RGM Engineering, with some caveats. The following is a generalized outline of our conclusions:

- We are in agreement with RGM, and previous engineers, who have stated that the lowest level of precast double-tees (installed in 1962) do not provide any significant structural contribution to the superstructure. The superstructure (floor, walls and roof) of Brett's was constructed on a newer layer of precast double-tees, which were supported directly on the original perimeter pile caps. The Baker-Klein evaluation does not appear to have considered this fact in their assessment of the overall condition of the structure.
- While the lower layer of precast double-tees is in very poor condition – at least one panel has failed as of our most recent site visit, and will likely fall into the river soon – the newer upper layer of panels appears to be in sound condition, having been protected by the lower tees. Repair of these lower tee panels should be considered a lower priority than those specified in structural members.
- The repairs to pile caps along the central octagon (completed in 2006) and to the central octagon beams (completed in 2013) appear to be performing as expected. However, cracks have begun to form in most of these repairs. We are in general agreement with the conclusion of the Baker-Klein report that these cracks indicate ongoing corrosion of the embedded reinforcing bars. These cracks will continue to widen, and eventually require supplemental repairs. In general, repairs of the kind specified and completed under the supervision of RGM are structurally adequate, but rarely represent a permanent solution in such a harsh environment.
- Repairs similar to those specified by RGM are currently necessary in virtually all of the remaining pile caps. These repairs involve the removal of spalling concrete and corroded reinforcement, splicing in of new reinforcing bars, and placement of repair mortar to restore the previous profile of the pile cap. As noted above, these repairs

typically only serve to extend the life of the structure, and if not properly completed, will require additional repairs more quickly than new construction.

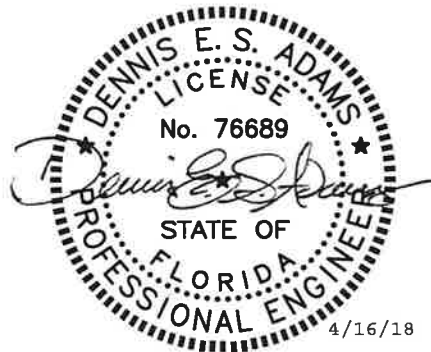
- Past repairs to the precast piles include jacketing and widening, and appear to be performing adequately on the whole. More recent scour and deterioration below the water line have resulted in the need for additional targeted repairs to approximately 15% of the piles at this time.

It is our overall opinion that the deterioration evident in the concrete substructure is extensive, but repairable. The majority of the repairs requiring the most immediate attention were observed in the perimeter pile caps. Typical repair specifications and details are provided in the attached report. We should note, however, that the repair methods available to address these deficiencies are relatively expensive, and will not result in a permanent solution. Given the currently observed rate of deterioration in the most recent repairs, we estimate that additional repairs of a similar nature will be required within 10 – 12 years of completion. The city and other related partners will need to determine whether the continued cost of regular inspections and repairs to the aging structure will be outweighed by the cost and advantages of new construction.

Please contact us with any questions or comments regarding this matter, and thank you for the opportunity to be of service.

Sincerely,

Pi-Tech, Inc.
FL COA #29606
Dennis E. S. Adams, P.E.
FL Registration # 76689





August 6, 2015

Mr. Michael Cornell
Project Manager – Construction / Special Projects
Passero Associates
13453 North Main Street, Suite 104
Jacksonville, FL 32218

RE: Structural Observation Report for Brett's Waterway Cafe: 1 South Front Street Fernandina Beach, FL 32034
(BKE Job No. 15-200)

Dear Mr. Cornell:

At your request, Baker Klein Engineering (BKE) made a site visit on Tuesday, July 28, 2015 at the above-referenced address. The site visit was to observe the condition of the structure and document any structural deficiencies for the purpose of evaluating the integrity of the structure and presenting the results in this report. The report outlines several types of conditions observed and describes the severity of each. In addition, photos (Appendix A) and a tabulation (Table 1) are included in which the applicable conditions described below and location (Appendix B) are correlated to each photo.

We would like to present this brief preface to assist in understanding the conditions described below: When reinforcing steel, structural steel, and/or prestressing strands are exposed to water, especially salt water, corrosion of the steel occurs at a relatively quick rate causing section loss of the steel which compromises the integrity of the structure. This can be extremely detrimental to the safety of the people utilizing the structure. Structures are designed to show visible signs of damage so people can take safety precautions prior to a catastrophic event occurring. *This structure is showing many of those signs and occupying a structure under these circumstances is not recommended.*

The following are the types of conditions observed:

- **Type A- Exposed Prestressing Strands of Double-Tee Beams:** There is significant unrepairable damage to the exposed prestressing strands due to corrosion. Many strands were completely severed and hanging down several feet from the bottom of the structure. The prestressing strands are the most critical element of the double-tee beam.
- **Type B- Corrosion of Steel Fasteners on Timber Structure:** The timber members of the structure are held together with steel fasteners and plates, which have significant section loss due to corrosion. At most locations where there is a plate used

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to attach the superstructure to the substructure, 100% of the cross-section has corroded away.

- **Type C- Damaged Bearings:** There appears to have been a previous attempt to repair damage to the bearings of the double-tee beams. There is significant corrosion around the repair with open cracks allowing for salt water intrusion which causes corrosion. The full extent of the damage to the prestressing strands at the ends of the beams is not visible due to the previous repair.
- **Type D- Cracked Pile Caps:** There are long cracks with exposed rebar along the lower sides and bottom of the concrete pile caps. The discoloration and crack propagation is indicative of corrosion of the critical rebar in the bottom of the caps.
- **Type E- Deterioration of Previous Concrete Repairs to Piles:** There is corrosion propagating from the top of several pile jackets. The full extent of the damage inside the pile jacket is not visible.
- **Type F- Deterioration of Previous Concrete Repairs to Caps:** There are spots of corrosion on the face of previously repaired caps. This indicates that there is rebar inside that has been actively continuing to deteriorate and that the repair was not adequate. Further, there are large cracks in the repair material extending from the bottom of the cap to the top of the face. This is suggestive of more severe damage underneath the repair material, reinforcing that the repair is not sufficient.
- **Type G- Deterioration of Previous Concrete Repairs to Flat Slab Deck:** There is discoloration indicating corrosion inside the openings in the deck for utilities. The full extent of the damage inside the openings is not visible. Large holes such as these in close proximity to salt water allow for salt water intrusion causing internal corrosion that proliferates from the inside and is not visible externally, which is dangerous. Further, there are several locations where the deck has exposed rebar that is corroded, also suggestive of more severe damage under the repair that has been actively deteriorating since the repair. Finally, there is even delamination of the repair material in some locations.
- **Type H- Water Damage from Open Joints:** Most open joints have extensive water damage with exposed rebar showing corrosion. There is discoloration indicating that the concrete is saturated and that the rebar inside the double-tee beam flange is also corroded. The full extent of the damage inside the joint is unknown due to limited visibility.
- **Type I- Severe Deflection of Double-T Beams:** There are double-tee beams deflecting an estimated 2"-3", which is irreversible and significantly beyond deflection limits required for a satisfactorily performing structure of this type. This is a severe structural deficiency and is an indication of dangerous conditions. Further, there appears to be water damage from an open joint at the locations of severe deflection. It cannot be determined from visual inspection whether these two items are related.
- **Type J- Spalling of Concrete Caps:** There are large corners of the bottom of caps that have spalled off, eliminating an estimated 15-20% of the cross-section. There is discoloration indicative of corrosion of the critical rebar in the bottom of the caps.
- **Type K- Spalling of Concrete Sheet Pile Wall Bulkhead:** There are large masses of concrete that have spalled off at the location of drainage pipes extending through the wall. There appears to be 70-80% section loss of the sheet pile and cap.
- **Type L- Corrosion of Rebar in Double-Tee Beam Flanges:** There are many double-tee beams with significant cross-section loss in the flanges where exposed, corroded rebar is visible.

As described previously, the primary concern is that the corrosion protection of the various types of steel used in this structure is not adequate. Corrosion protection is preventative in nature and is intended to avoid the conditions described herein. **The current condition of this structure is so deficient that it precludes the likelihood that repairs or corrosion protection measures could salvage the structural integrity if implemented at this point. In general, the majority of the damage observed is not reversible or repairable. We recommend that action be taken to make other arrangements for the occupied business being that the life of the supporting structure appears to have expired.**

The opinions stated in the report are based on limited visual observations only. No physical testing was performed and no calculations have been made to determine the adequacy of the structural system or its compliance with accepted code requirements.

This report does not express or imply any warranty of the structure but only addresses the condition of the portion which was readily accessible and observable at the time of inspection. No diving activities were performed; therefore, this report is only applicable to the visible portion of the supporting structure above the water elevation shown in the photographs.

Should you have any questions or need additional information, please call me directly at 904-356-8520.

Sincerely,

Jenna Jakes, PE
Senior Structural Engineer
FL License No. 75577



HISTORICAL STRUCTURAL
ANALYSIS / INSPECTION
REPORT FOR
CONCRETE / FOUNDATION
REPAIR

ON

BRETT'S WATERWAY CAFÉ

THE CITY OF
FERNANDINA BEACH, FLORIDA



Land Development-Permitting-Utilities

1928 River Lagoon Trace — St. Augustine, Florida — 32092
Phone: 904-814-7633

Robert G Morgen Jr. , P.E.
#58118

Introduction:

RGM Engineers, Inc. has been responsible for concrete repairs to the main structure under Brett's within the leased area since contracted in 2012. Prior to producing any design repair documentation, all supporting documents and inspection reports were thoroughly reviewed. All documents obtained are contained within this report.

At the request of the City of Fernandina Beach, RGM Engineers, Inc performed an inspection of Brett's Waterway Café. The inspection was to insure that previous repairs completed in 2013, along with the existing unrepaired structural members adjacent to the repairs were structurally sound.

Repair History:

Piling repair as requested in previous reports has been completed. These repairs were not part of RGM Engineers responsibility.

All reports of inspections by previous engineering companies, along with structural plans dated 1988, were reviewed and an engineered repair plan was developed. Construction of the beam repairs was provided by Southern Concrete Repair and started approx. November 2012 and finished July 2013. The repair process was lengthy and time consuming due to the weather and tides. RGM was on site to visually inspect every aspect of the repair to ensure the design engineering was being adhered to. All spalled concrete and unsuitable rebar was removed. The concrete and steel were replaced in accordance to the engineered plan.

Current Inspection Findings:

All of the beams repaired show no signs of deterioration. Photos are contained within this report of the current condition.

Outside of the repaired beams are concrete double "T" sections. These sections are corroded and spalling in the same manner that the repaired beams were. These concrete sections were constructed in 1962 per a previous report described. Considering the age of them, they are in excellent condition. As described in previous reports, these sections are not structural other than their own weight. The repair drawings engineered and previously permitted for the beams, can be applied to these sections. The supporting beams opposite of the repaired beams are in the same spalling condition and are in need of repair.

Conclusion:

In conclusion the repairs completed in 2012 / 2013 are all intact and provide the designed structural stability required to support the building above. The double "T" sections are in need of repair to support their own weight to ensure they do not fail and cause damage to structural members that actually carry loads. The beams that support the end of the "T" section opposite should be repaired as soon as feasible. There is no sign of any deflection in these beams as of the

date of this report. The spalling shown on the support beams is minimal at the moment. If not repaired in a timely manner the spalling will get worse and repairs get more complicated and therefore more costly.

It would be acceptable to identify and prioritize critical beams for repair. The double "T" sections should be cleaned and secured as soon as possible. The repairs can be constructed and phased over time.

The structure's foundation is structurally sound and can be repaired in the manner described above in this report and as described in all preceding reports.

Attachments:

1. Current pictures of recently repaired beams.
2. Structural plans dated 1988 for floor system of the restaurant.
3. Closeout inspection for the recent beam repair.
4. The engineered repair plan, along with the materials used, permitted
5. Letter from the City of Fernandina Beach concurring with the repair outline and responsible parties responsibilities.
6. Haskell company inspection report for repairs 2011
7. Recommendation letter and inspection report given to the City from Passero
8. Haskell company inspection report for repairs 2001



The Haskell Company
111 Riverside Avenue
Jacksonville, Florida 32202

tel 904 791-4500
fax 904 791-1699
www.haskell.com

INSPECTION REPORT

*Brett's Waterway Café
Fernandina Beach, Florida*

November 2, 2011

Mr. Bryan Simpson has asked Haskell to perform a structural review of the condition of the existing base structure of the Brett's Waterfront Café in Fernandina Beach. This review was prompted in response to a letter to Mr. Simpson from Glenn Semanisin, Facilities Director for the City of Fernandina Beach, dated September 16, 2010. In his letter Mr. Semanisin expressed concern about the integrity of the structure in light of observed deterioration of the concrete framing that supports the restaurant building.

Prior to visiting the site to inspect the structure, we were able to review previous documents relating to the condition of the building, including

- Construction drawings for The Restaurant at Fernandina Harbor and Harbor Market, Center Street Waterfront Group, Fernandina Beach, FL, prepared by David K. Coonrod and Associates Architects, dated October 17, 1988.
- Excerpt of the Lease Agreement between the City of Fernandina Beach and the Center Street Restaurant Group, Ltd., with annotation by Mr. Bryan Simpson.
- Inspection Report, Base Structure, Brett's Waterway Café, Fernandina Beach, Florida, prepared by The Haskell Company, dated February 23, 2000.
- Structural Analysis of Brett's Foundation, City of Fernandina Beach, Florida, prepared by Harbor Civil Services, Inc., dated October 28, 2004.
- Letter to Mr. Bryan Simpson, Centre Street Restaurant Group from Glenn Semanisin, P.E., Facilities Director, City of Fernandina Beach, dated September 16, 2010.

The original construction served as a base for a Welcome Center and consisted of the concrete piles, poured-in-place reinforced concrete pile caps and beams. A center octagon of poured-in-place reinforced concrete slabs and beams is surrounded by a perimeter of precast double tees with a concrete slab topping.

The 1988 renovation is supported on a secondary structure above the original Welcome Center structure. The secondary structure includes a concrete extension to the original beams and pile caps; the extension supports new precast double tees at the perimeter, and a new wood framed floor over the octagon.

FIELD INVESTIGATION

After reviewing the available documents we visited the building on Tuesday afternoon, October 19, 2010 to inspect the structure below the restaurant. At that time the following conditions were noted:

1. Repair work has been done to many of the precast piles that support the building structure. Extensive deterioration to the piles had been noted in both the 2000 and 2004 inspection reports cited above. Both reports included details for repair work on the piles. That work was completed in 2006 and appears to be in very good condition.
2. The lower sections of many of the pile caps had experienced some cracking and corrosion of the bottom reinforcing layer. This was noted in both of the previous reports, with recommendations for repairing the damage by removing the spalled concrete, cleaning the exposed reinforcing, and patching the concrete with new concrete or repair grout. This work was done in 2006 and is performing satisfactorily (see Appendix, photos #1 and #2).
3. The original octagon ring beams were poured monolithic with the pile caps and span between them to form the octagon; these beams have experienced significant cracking in the bottom of the beams and subsequent corrosion of the reinforcing steel (see Appendix photos #3, #4, and #5). These beams support both the original structure and the 1988 renovation, and should be restored per the repair procedures recommended (see Appendix for Beam Repair Procedure #1).
4. The concrete underside of one of the original cast in place beams that support the octagon slabs has undergone significant damage; the reinforcing steel has corroded and caused the concrete to spall off for a significant length of the beam (see Appendix photo #6). Although the original slab and damaged beam do not support the 1988 structure above, the beam should be repaired to prevent further deterioration (see Appendix for Beam Repair #2).
5. The double tees on the original structure have extensive damage at the bottom of the tee stems (see Appendix photos #7 and #8). The upper parts of the stems and the double tee slab soffits do not show any signs of distress. This deterioration was noted in both of the previous inspection reports, along with statements that these double tees do not support any of the 1988 structure above, and therefore do not affect the strength of the newer structure. If these double tees were to deteriorate to the point of failure, that failure could damage the remaining structure. We recommend that the damaged tee stems be cleaned and sealed to arrest further deterioration. The tees should be inspected annually, starting next September, and all loose material removed; if there is any indication of possible failure of a double tee unit, it should be removed.



6. In several locations cracks have developed several inches from the bottom of the perimeter beams, indicating that corrosion of the beam reinforcing has begun (see Appendix photos #9 and #10). The concrete below these cracks should be removed so that the reinforcing steel can be cleaned and coated. The beam should be restored following the repair procedures described for Beam Repair #1.
7. There is an existing fuel supply line that runs diagonally across the site directly below the building support framing (see Appendix photo #8). This pipeline should be relocated to the perimeter of the structure so that it cannot be damaged in the future by any loose concrete that might fall from the structure.

According to an excerpt of the lease document (see Appendix), the leased area includes only a portion of the base structure; that is the extent of the maintenance responsibility of Centre Street Restaurant Group. Items 1 through 4 are certainly within the lease area, whereas the City would be responsible for Items 6 and 7. The damaged double tees are part of both the areas under the lease and areas under the City's responsibility.

We feel that the damage indicated by the cracking in the bottom of the octagon ring beams and the perimeter beams, and the spalled concrete under the slab support beam do not pose any immediate danger, nor do they represent a reduction to the structural soundness of the building. We suggest that these repairs be done within the next three (3) months to protect the reinforcing steel and minimize further deterioration.



Bryan Simpson, Jr.
Center Street Restaurant Group, Ltd.
1061 Riverside Avenue, Jacksonville, FL 32204
Phone (904) 596-2171

March 2, 2000

Mr. Fred H. Hays
City Manager
City of Fernandina Beach
204 Ash Street, Box 668
Fernandina Beach, FL 32035

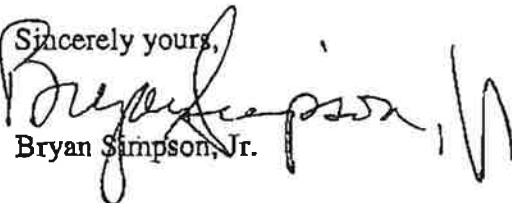
Dear Mr. Hays:

Attached please find a copy of the Inspection Report of the base structure supporting the Front & Center and Brett's Waterway Café building.

In my meeting with Joseph Varon, P.E., The Haskell Company, I was advised that while the problem areas need attention, there is no immediate risk of structural failure. Maintenance and repairs are recommended for the structure.

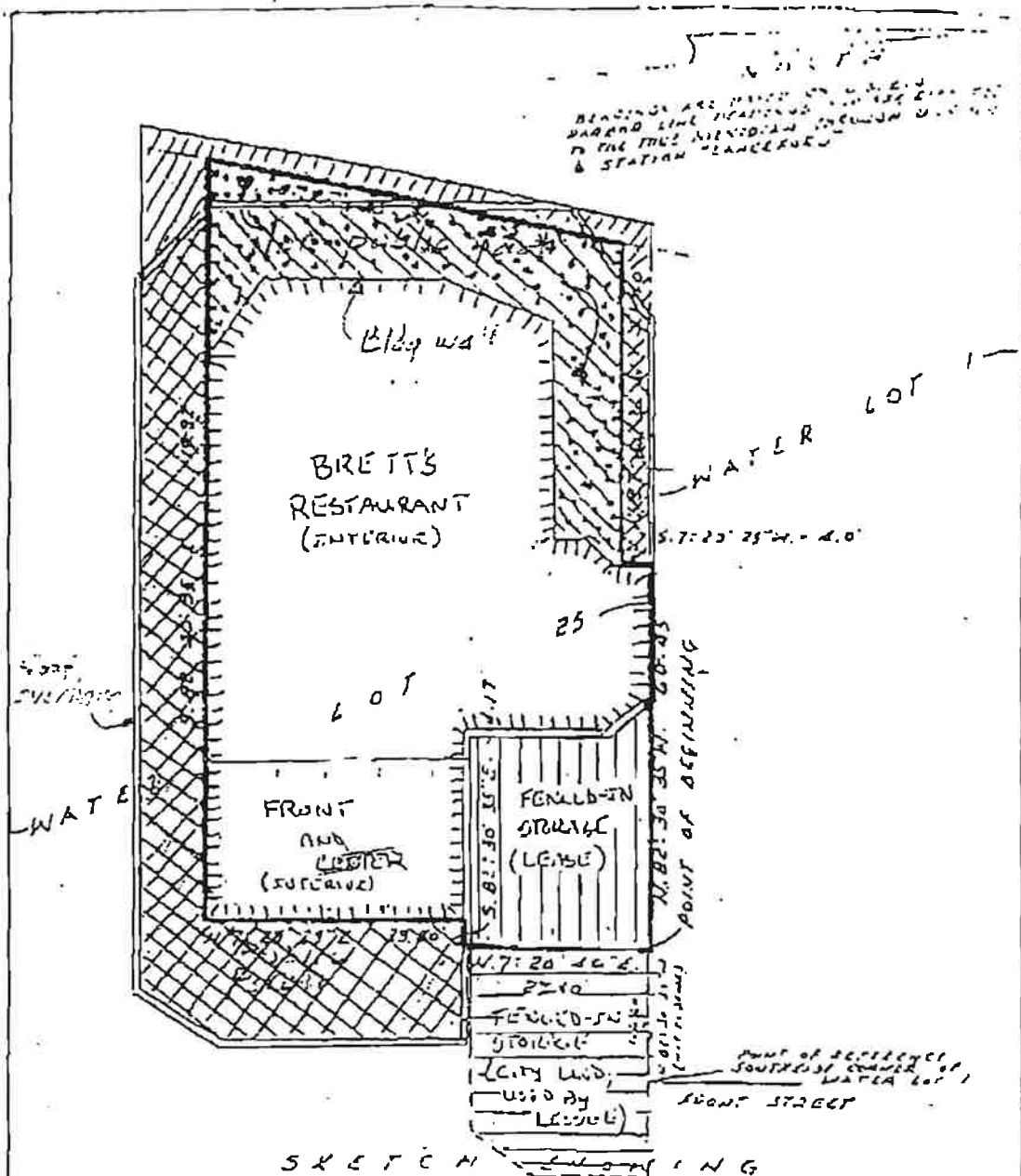
Please call me to schedule a meeting to discuss this structural problem, it's repair and maintenance, and several other lease related issues.

Sincerely yours,


Bryan Simpson, Jr.

Cc: Joseph M. Hixon
Coleman Langshaw, Marina Director
Wesley Poole, City Attorney

BS:kk



A PORTION OF WATER LOT 25, FERNANDINA BEACH, FLORIDA.

AS SHOWN ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA DAILY POST COMPANY IN 1857 AND LITHOGRAPHED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1891 AND 1893).

CITY OF FERNANDINA BEACH, FLORIDA.

THIS SKETCH DOES NOT PURPORT
TO REPRESENT A FIELD SURVEY

PREPARED BY

Vernon M. Drake
VERNON M. DRAKE P.S. & M. AS. 1936
VERNON M. DRAKE & ASSOC. INC.
P.O. BOX 401-5776 - MAY 204-151-0165
2800 200 - 103 SOUTH PONTA STREET
FERNANDINA BEACH, FLORIDA

SCALE: 1" = 25'
DATE: DECEMBER 2 1936

FILE NO A15-B1

*Lease Agreement, ...
Centre St. Restaurant Group, Ltd.*

servants, invitees, licensees, or concessionaires.

ARTICLE XIV Insurance Required

14.1 The Lessee shall maintain hazard and liability insurance with the City named as an additional insured and provide the City with certificates of insurance during the term of this Lease Agreement. The City has the right of approval of the insurance contracts which shall provide minimum liability coverage in amounts equal to those which would be commercially reasonable in the industry; and shall provide casualty and hazard insurance on the improvements in an amount equal to their fair market value.

14.2 Lessee shall provide, at Lessee's cost, general liability insurance coverage with single limits as may be reasonably required by the City (but not less than \$1,000,000), naming the City and persons claiming by, through or under the City as insureds.

ARTICLE XV Operational Requirements

15.1 The Lessee shall comply with the following operational requirements:

(a) To secure and maintain all licenses required and to pay when due all taxes and assessments which shall be imposed or assessed by governmental units in connection with the business or operation conducted, pursuant to the provisions of this agreement and to otherwise comply with all applicable taxes, ordinances, rules, regulations, or policies established by the City or any local, state or federal governmental unit or authority.

(b) To keep and maintain the buildings, piers, pier foundations, docks and structures located on the Lease Parcel clean, orderly, and in a good state of repair and free and clear of any obstruction, rubbish or litter, in accordance with Florida State Sanitation Laws and the laws, ordinances, rules, regulations or policies of any local, state or federal governmental body and in a structurally sound condition.

(c) To maintain good public relations, to conduct said facilities in a manner which is courteous and fair to the public and to be responsible to customers' requests and complaints.

(d) To pay all utilities, including water, sewer, garbage disposal fees and electrical charges in connection with the operation of the facilities.

(e) To install at its own expense all facilities and equipment, including

Joe - We are responsible only for the structural foundations within the Lease Parcel as shown on attached drawing. Any questions, please call Bryan Smith

INSPECTION REPORT

*Brett's Waterway Café
Fernandina Beach, Florida*

February 23, 2000

The Haskell Company undertook an investigation into the structural condition of the facility base structure, at the request of Bryan Simpson, to respond to a report prepared by ATM, Inc. for the City of Fernandina Beach, dated July 1999.

After reviewing that report and other available documents, such as previous inspections and the 1988 structural drawings for the re-structuring of the building, we conducted an inspection.

Findings and Recommendations:

- A. Except for a portion at the eastern end, the base structure is constructed in two layers:
 - 1. The original old base to the Welcome Center is constructed of concrete piling, concrete pile caps, the "teepee" octagon of reinforced concrete slab and beam and the perimeter of prestressed concrete double tees.
 - 2. The 1988 facility is supported on a secondary structure above the original consisting of concrete pile cap extensions and an upper layer of prestressed concrete double tees.
- B. According to an excerpt of a lease document (see Appendix), the leased area and, consequently, the extent of Mr. Simpson's maintenance responsibility, includes only a portion of this base structure. Interestingly, some structural members are part of both the areas under his lease and areas under City responsibility.

This inspection and report address both areas. Although we have tried to acknowledge the existence of the different areas, much of the information applies to both.
- C. At the southeast corner of the property, erosion and deterioration of the sidewalk and bulkhead were noted and are apparently a concern of the city. These are not a part of this structure and should have no effect on its structural integrity (see Appendix, photos #2 and #3).
- D. Except for a crack in the sidewalk and curb (see Appendix, photo #4) in the southeast area, there is no apparent distress, no visible deterioration and no reason to believe the secondary structure is of any concern. The sidewalk crack occurs at the transition between the portion of the base structure structured on the old base and the portion which was constructed in 1988/89. The crack needs cosmetic treatment only.

- E. The piling of the original structure is generally in good condition except for one area where localized damage or deterioration has taken place. This pile is on the perimeter of the structure typically in the area outside the lease line (see Appendix, photo #5).

A suggested repair procedure is included in the Appendix.

- F. The lower section of the concrete pile caps which are part of the original structure have a significant amount of corrosion and spalling longitudinally along the bottom (inside and outside) corners of the section (see Appendix, photos #6, #7 and #8). The central soffit of the cap and the reinforcing within still looks sound.

This condition applies to pile caps both inside and outside of the lease line.

We feel these pile caps do not pose any immediate danger but do require repair to minimize further deterioration. When repaired, the cap should serve satisfactorily. The repair procedure which is described more fully in the Appendix consists of removing loose/spalling concrete in both lower corners, removing rust from the reinforcing and applying a protective coating and grout to encase and protect the steel.

There are also some other intermittent cracks in the pile cap faces (see Appendix, photo #9). These should be injected with an epoxy grout.

It should be noted that since only the lower corner reinforcing has had active corrosion and since the pile cap has been augmented with the upper concrete extension during the re-structuring, the pile caps, when repaired, should be structurally sound.

- G. The poured-in-place octagonal concrete central slab and beam section of the original structure are generally in good shape. No major deterioration was noted, with only minor localized patching and/or injection recommended for added protection.

- H. The most significant deterioration has occurred to the lower parts of some of the prestressed double tee stems (see Appendix, photo #10). The upper parts of stems and the double tee slab soffits are not in disrepair.

Even though the affected stems are seriously damaged, they do not pose a danger to the strength of the structure since the upper double tees, added in the 1988/89 re-structuring, carry all the building loads. The lower double tees could probably be totally removed.

However, the small number of damaged stems and the difficulty in removing these double tees makes it impractical to recommend total removal.

We do recommend that all loose material (see Appendix, photo #11) be cut off during the pile cap repair processes and that the ~~tees~~ be inspected annually to continue to remove loose pieces.

It must be mentioned that, although the progressive failure of a double tee element doesn't, in itself, reduce the load carrying ability of the structure, we did question whether or not a lower double tee collapse could damage the remaining working components.

The ends of the lower double tees do not appear to be rigidly attached to the pile caps and should not damage the caps if they fail (see Appendix, photo #12). However, since there is a very remote possibility of a failing double tee to rotate and/or twist into the base structure, the annual inspection should investigate the potential of any impending collapse of an entire double tee unit. If it were found, a removal process would have to be devised.

The probability of such a collapse/rotation/twist scenario is made more unlikely because the water below this structure is shallow and the ground would limit the movement.

Finally, most of these double tees extend to both areas of the lease plan.

CHARLES GEORGE, P.E. CITY ENGINEER

1180 S 5TH STREET, FERNANDINA BEACH 32034

As a Civil/Structural Engineer and Manager I been involved in civil, structural marine, structural, and waterfront projects in South Carolina, Georgia, Florida, Alabama, North Carolina, Virginia, New York, and Connecticut. My thirty-five years of experience includes industrial, ports and facilities work for public & private, industrial, and commercial clients for coastal structural and civil engineering, commercial, marinas and marine facilities. This work consisted of the development of conceptual designs, facility analysis, feasibility studies, rehabilitation work, final design and project management, contract administration, construction, and program management.

EDUCATION

Bachelor of Civil Engineering, Georgia Southern University, 1982

PROFESSIONAL REGISTRATIONS

Registered Professional Engineer in Florida, Georgia, North Carolina

WORK EXPERIENCE

1982 -1987 Thomas & Hutton Engineering Co – Savannah, Georgia Civil Structural Engineer

1987-1997 Lockwood Greene Engineers – Savannah, Georgia, Civil/Structural Project Manager

1997-2017 Thomas & Hutton Engineering Co. – Principal, Structural and Marine Department Manager

2019-2020 Effingham County, Georgia – County Engineer/Director of Development Services

2020- Present City of Fernandina Beach, Florida – City Engineer

Partial Projects

PUBLIC/ MUNICIPAL PROJECTS

Project Manager Amelia River Waterfront Stabilization/Resiliency

Project- Project Manager for shoreline stabilization and seawall along City Waterfront

Project Manager City of Fernandina Beach Facilities Assessment Project

Project Manager for the development of an assessment study to determine remaining life span of the structures, repair requirements, issues, and potential modifications and replacement costs

Project Engineer and Manager for Effingham County, Georgia Transportation and Utility Master Plans and development of feasibility studies from county roadway improvements

Georgia Ports Authority, Savannah. GA

Project Manager and Program Director for various ports projects consisting of container berths, bulkheads, dredging operations, dock and railroad rehabilitation and maintenance, warehouses, including planning, design, and construction administration. Work also including modifications to existing wharfs for new crane upgrades.

Project Manager and liaison on the Savannah River Harbor Deepening Project for the Georgia Ports Authority in conjunction with the U.S. Army Corps of Engineers, consisting of deepening 42 miles of the Savannah River.

Chatham County Recycling Center Facility- Project Manager for the design and construction of a building structure for equipment and collection and storage of recyclable materials for Chatham County in bid solicitation, contract award and construction observation

Tybee Island, Georgia – Project Engineer and Manager for the beach renourishment project on Tybee Island, Georgia consisting of the off-shore dredging and beach placement of approx. 125,000 cy of beach quality sand

Chatham County Aquatic Center – Project Manager/Project Principal for the design and construction of the County's renovation of the existing Aquatic Center Roof Replacement, mechanical ventilation and de-humidification system upgrades and interior work

Georgia International Maritime Trade and Convention Center – Project Engineer and Manager for the miscellaneous civil and structural design including promenades, site design, dock facilities and access and parking areas

Savannah Fire Department Burn Building Evaluation – Project Manager for the evaluation and development of repairs to the existing multi-story concrete structure used for firefighting training

Tom Triplett Park – Chatham County – Project Manager and Structural Engineer for the County's Tom Triplett Park recreational facility including site design, landscape planning, pedestrian walkways and paths, dock facilities, pavilion and restroom facilities, parking areas and athletic field

Turner's Creek Boat Ramp Facility – Chatham County – Project Manager for the development of a new public boat ramp, dock, and restroom facility for Chatham County

Tybee Pier and Pavilion – Chatham County – Project Manager and Engineer for the Tybee Island Pier and Pavilion structure including conceptual design, planning estimating permitting, bid solicitation contract negotiations and construction monitoring

Bethel Road Public Park – New Hanover County, Wilmington, NC – Structural Project Manager for a new recreational facility including boat ramps, boardwalks, vehicular bridges and site design

Shem Creek Pedestrian Boardwalk and Pier – Mt Pleasant, SC – Project Manager/Engineer for the design and construction of several timber walkways and trails along the marsh on Shem Creek

Colonels Island Railroad Trestle Repair Modifications – Georgia Ports Authority – Brunswick, GA – Project Engineer for development of repairs of the existing creosote timber trestles over three waterways including design of new piles, caps, timber ties and steel frames.

Highway US 17 Overpass over Railroad – GDOT – Brunswick, GA – Project Engineer/Manager for the design of a new Georgia Department of Transportation 900 ft long by 40 ft wide vehicular concrete overpass bridge crossing both Norfolk Southern and CSX rail lines

Rushland Bridge – City of Charleston, SC – Project Engineer for the new concrete entrance bridge over a river providing public access to commercial and residential businesses

Chatham County Frank Spencer Recreational Park Modifications – Chatham County – Project Engineer for the assessment of the existing structures and trails and development of repairs and upgrades

Chatham County Soccer Field Maintenance Facility – Chatham County – Project Manager/Engineer for the design, permitting and construction of a new maintenance building to support the nine new county operated soccer fields

Chatham County Counter-Narcotics Facility Expansion – Chatham County – Project Manager for the design and construction of a new building to accommodate the operations and training of law enforcement specializing in Counter-Narcotics

Town of Hilton Head's Jarvis Creek Stormwater Pump Station – Structural Engineer for the design and construction observation of a new pile supported large scale concrete pump station facility

U. S. Army Corps of Engineers -ADAG Facility, Ft Bragg, NC – Structural Engineer for the design of 32 new steel framed buildings for various support activities including parachute training centers, operations building, aircraft training platforms and other miscellaneous structures for training of personnel

City of Tybee Island Removal of Derelict Groins and Development of New Dune Systems – Tybee Island, GA – Project Manager responsible for monitoring of contractor activities associated with the removal of 1940's vintage steel and concrete groin structures on the beach and the creation of new sand dunes for storm protection on the north end of the island

City of Tybee Island – South End Groin Construction – Project Manager during construction for the installation of 3 concrete groin structures to prevent further erosion of beach sand on the southern end of Tybee Island

City of St Marys, GA – Old Durango Mill Development Site – Project Engineer for the conceptual planning of a new commercial barge facility at the former Durango Mill site. Work involved assistance with remediation of the former industrial site, conceptual planning of waterfront and landside facilities and improvements and preliminary cost estimating

PRIVATE PROJECTS

Savannah Electric and Power Co., Savannah -Project Manager and Engineer for the design and construction of a new coal unloading berth and waterfront facility for Panamax class coal

Imperial Sugar Refinery Explosion Engineering Support-City, Georgia In February 2008 the Imperial Sugar Refinery had a tragic explosion causing extensive fires and sever damage to the facility. At the request of Chatham County I volunteered to assist the fire response teams to provide engineering assistance in determining safe accessible routes through the fire and damaged areas to search for potential survivors and then in the following days search and recovery of victims. In the aftermath my structural teams providing assistance to OSHA regulatory personnel with access to damaged areas and then subsequently assist in the facility re-build

Savannah Yacht Center, Savannah – Project Engineer and Manager of New Mega-yacht repair and Refit Facility consisting

of vessel transfer systems, dredge sediment disbursement systems, floating docks, dry dock repairs and associated support facilities

Windmill Harbor Navigation Lock Facility, Hilton Head, South Carolina - Project Manager and Engineer for the design of the inland marina including fixed piers, bulkhead, bridges, marina docks, approach channel, and lock structure for the inland harbor

Queens Harbour Navigational Lock Structure – Project Engineer for the design of a new navigation lock structure to provide for a tideless inland harbor in the residential community near Jacksonville Fla. Beach

Wexford Plantation Navigational Lock and Harbor, Hilton Head Island, South Carolina – Project Manager and Engineer for the design of the 2nd Yacht navigation lock structure and residential harbor on Hilton Head Island, South Carolina.

Charleston Harbor Patriots Point, Marina, Charleston, SC - Project Engineer for the repairs and renovations to the existing 300 slip marina at Patriots Point including dock evaluation and repairs, electrical system upgrades and dredging plans.

Intermarine USA, Savannah - Marine Structural Engineer and Project Manager for overall expansion of shipyard facility for the construction and outfitting of U.S. Navy Minehunter Class naval vessels and commercial vessels. Projects included new docking and waterfront facilities, repairs to waterfront bulkheads, drydock repairs and finger pier operations. Work was performed as design-build.

Newport News Shipbuilding and Dry Dock, Newport News, Virginia Structural Engineer for miscellaneous facility projects including new aircraft carrier outfitting pier, submarine pier, fender systems, mooring and breasting structures and equipment support structures.

Military Ocean Terminal, Sunny Point, NC Structural Engineer for the design of a new patrol boat berth at the Ammunition loading terminal on the Cape Fear River including fixed pierhead, floating docks, and marine hoist and repairs to existing ship berths

Colonial Terminals, Savannah, GA - Design Engineer for the new liquid bulk handling berth for Colonial Oil Industries on the Savannah River including a new bulkhead system and fixed

piers, and unloading systems.

KOCH Refining Co., Charleston, South Carolina - Project Manager for a new liquid bulk handling facility for KOCH Refining Company including dock, bulkhead, berthing structures, and fender systems.

KOCH Refining Co., East Coast, USA - Project Engineer for the inspection and evaluation of seven (7) existing fuel unloading and docking facilities for barge vessels from Florida to Maine. The facilities evaluated were: N. Charleston, SC, Richmond, VA, Newport News, VA, Gloucester City, NJ, Portland, ME, Savannah, GA, Jacksonville, FL

Military Ocean Terminal, Sunny Point NC - Structural Engineer and Project Manager for the rehabilitation of the existing concrete wharf for the loading of ammunition unto military cargo vessels serving the U.S. Fleet. Work consisted of the repair of the concrete support piles, crane runways, deck, and fender system

Thunderbolt Marine, Savannah Project Manager for the inspection, evaluation, design and development of repairs to existing steel sheet pile and concrete sheet pile bulkheads at Palmer Johnson Boat Repair facility and the maintenance dredging and disposal of 100,000 cy of hydraulically dredged sediments. Evaluation of exiting deteriorating structures including concrete, timber, and pile supported foundations for buildings and industrial structures over water.

Chatham Steel Corp. Warehouse Expansion – Florida, Georgia, Alabama, South Carolina, and North Carolina – Project Manager and Engineer for the design and permitting of warehouse and facility expansions at Chatham Steel facilities in the Southeastern United States. Work consisted of conceptual planning, permitting, estimating , bid award and construction monitoring

Christophe Harbour RO Facility, St Kitts, BWI – Structural Engineer for the new 2.0 mgd RO facility including tank and clear well foundation design

Southern LNG Facility – Elba Island, GA – Project Manager and Engineer for the design and permitting of new vessel berthing structures for large LNG vessels including dredging, docking structures, bulkheads and off loading facilities of LNG

Residential Development Projects – GA/SC – Project

Manager and Engineer for numerous residential and light commercial facilities consisting of site planning, final design and permitting along with construction observations. Facilities and communities include, but are not limited to: Palmetto Bluff, Landmar Properties, The Landings at Skidaway, Rayonier, Southbridge, Del Webb Sun City, Belfair, and Sea Island

Miscellaneous Marina Facilities – Southeast US

Project Manager for commercial marina facility post hurricane evaluations as well as marina expansions and maintenance projects including maintenance dredging projects

1985 Standard Unsafe Building Abatement Code

A large blue square with a textured, marbled appearance, serving as a background for the SBOCI logo.

SBOCI



STANDARD UNSAFE BUILDING ABATEMENT CODE 1985 EDITION



SEVENTH PRINTING

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**BY
SOUTHERN BUILDING CODE CONGRESS INTERNATIONAL, INC.
900 MONTCLAIR ROAD
BIRMINGHAM, ALABAMA 35213-1206
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PREFACE

This code was developed to provide a jurisdiction with a concise set of procedures to effect the elimination of unsafe buildings in a legal and timely manner. The authority having jurisdiction should carefully examine this code to determine compliance with existing local or state laws; any conflicts must be eliminated prior to adoption.

This code is applicable to all occupancies, but is not meant to be substituted for the Standard Housing Code.

This code is designed to work hand in hand with the Standard Building, Plumbing, Mechanical, Gas, Housing and Fire Prevention Codes.

101113001

	MULTIPLY	BY	TO GET
Length	inches	25.4	mm
	ft	0.3048	m
Area	sq in	645.16	mm ²
	sq ft	0.0929	m ²
Volume	cu in	0.01639	L
	cu ft	28.3169	L
	cu ft	0.02832	m ³
	gal	3.785	L
	gal	0.003785	m ³
Mass	lb	0.4536	kg
Mass/unit length	plf (lb/ft)	1.4882	kg/m
Mass/unit area	psf (lb/sq ft)	4.882	kg/m ²
Mass density	pcf (lb/cu ft)	16.02	kg/m ³
Force	lb	4.4482	N
Force/unit length	plf (lb/ft)	14.5939	N/m
Pressure, stress, modulus of elasticity	psi	6.895	kPa
	psf (lb/sq ft)	47.88	Pa
Second moment of area	in ⁴	416,231	mm ⁴
Section modulus	in ³	16,387.064	mm ³
Temperature	°F-32	5/9	°C
	(°F-32) + 273.15	5/9	K
Energy, work, quantity of heat	kWh	3.6	MJ
	Btu	1055	J
	ft • lb (force)	1.3558	J
Power	ton (refrig)	3.517	kW
	Btu/s	1.0543	kW
	hp (electric)	745.7	W
	Btu/h	0.2931	W
Thermal conductance (U value)	Btu/ft ² • h • °F	5.6783	W/m ² • K
Thermal resistance (R value)	ft ² • h • °F/Btu	0.1761	m ² • K/W
Flow	gpm	0.0631	L/s
	cfm	0.4719	L/s
Illuminance	footcandle (lm/sq ft)	10.76	lx (lux)
Velocity (speed)	mph	0.447	m/s
Plane angle	°(angle)	0.01745	rad

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701 GENERAL19

SUPPLEMENT
Flow Chart for the Use with Standard Unsafe Building Abatement Code.

CHAPTER 1

ADMINISTRATION

101 TITLE AND SCOPE

101.1 Title

The provisions included within the following chapters and sections shall constitute and be known and may be cited as “The Standard Unsafe Building Abatement Code,” hereinafter referred to as “this code.”

101.2 Code Remedial

This code is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof—which are public safety, health and general welfare—through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, demolition, use and occupancy of buildings, structures or premises.

101.3 Scope

The provisions of this code shall apply to all unsafe buildings or structures, as herein defined, and shall apply equally to new and existing conditions

101.4 Alterations, Repairs or Rehabilitation Work

101.4.1 Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the Standard Building Code provided that the alteration, repair or rehabilitation work conforms to the requirements of the Standard Building Code for new construction. The building official shall determine, subject to appeal to the Board of Adjustments and Appeals the extent, if any, to which the existing building shall be made to conform to the requirements of the Standard Building Code for new construction.

101.4.2 Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Section 202.

101.4.3 If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the Standard Building Code for the new occupancy classification as established by the building official

101.4.4 Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this code or in such manner as will not extend or increase an existing nonconformity or hazard; may be made with the same kind of materials as those of which the building is constructed; but not more than 25% of the roof covering of a building shall be replaced in any period of 12 months unless the entire roof covering is made to conform with the requirements of the Standard Building Code for new buildings.

101.5 Special Historic Buildings and Districts

The provisions of this code relating to the construction alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such building or structures are judged by the building official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts. The applicant must submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

101.6 Maintenance

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the Standard Building Code in a building when erected, altered or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings and structures.

102 ORGANIZATION

102.1 Enforcement Officer

The provisions of this code shall be enforced by the building official.

102.2 Restrictions on Employees

An officer or employee connected with the department, except one whose only connection is as a member of a board established by this act, shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefor, unless he is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interests of the department.

102.3 Records

The building official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

103 POWERS AND DUTIES OF THE BUILDING OFFICIAL

103.1 Right of Entry

103.1.1 The building official or his authorized representative may enter any building, structure or premises at all reasonable times to make an inspection or enforce any of the provisions of this code.

103.1.2 When entering a building, structure or premise that is occupied, the building official shall first identify himself, present proper credentials and request entry. If the building, structure or premise is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge of the building

and demand entry. If entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

103.1.3 No person, owner or occupant of any building or premise shall fail, after proper credentials are displayed, to permit entry into any building or onto any property by the building official or his authorized agent for the purpose of inspections pursuant to this code. Any person violating this section shall be prosecuted within the limits of the law as established by the proper governing authority.

103.2 Inspections

The building official, the fire official and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

103.3 Requirements Not Covered By Code

Any requirement necessary for the strength or stability of an existing or proposed building or structure, or for the safety or health of the occupants thereof, not specifically covered by this code, shall be determined by the building official.

103.4 Liability

Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of this code, acting for the applicable governing body in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this code shall be defended by the legal department of the applicable governing body until the final termination of the proceedings.

103.5 Reports

The building official shall annually submit a report to the chief administrator of the decisions rendered by the Board of Adjustments and Appeals during the preceding year. The report shall include a summary of the decisions of the Board of Adjustments and Appeals during said year.

104 VIOLATIONS AND PENALTIES

Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish or move any structure, or has erected, constructed, altered, repaired, moved or demolished a building or structure in violation of a detailed statement or drawing submitted and approved thereunder, shall be prosecuted within the limits provided by state or local law. Each such person shall be deemed guilty of a separate offense for any violation of any of the provisions of

this code, and upon conviction of any such violation such person shall be punished within the limits and as provided by state or local laws.

105 BOARD OF ADJUSTMENTS AND APPEALS

105.1 Appointment

A Board of Adjustments and Appeals shall be established for the express purpose of providing for the final interpretation of provisions of this code. The board shall consist of five members who are not employees of the jurisdiction having authority and shall be appointed by the chief appointing authority. The composition of the board shall be one engineer, one architect, and three members at large from the construction industry.

105.2 Term of Office

Of the members first appointed, two shall be appointed for a term of 1 year, two for a term of 2 years, one for a term of 3 years, and thereafter they shall be appointed for terms of 4 years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

105.3 Quorum

Three members of the board shall constitute a quorum. In varying the application of any provisions of this code or in modifying an order of the building official, affirmative votes of the majority present, but not less than three affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

105.4 Records

The building official shall be an ex-officio member of the board, act as secretary and shall make a detailed record of all its proceedings. The record shall set forth the reasons for the board's decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote.

105.5 Procedures

The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within 10 days after notice of appeal has been received.

106 VALIDITY

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this code.

CHAPTER 2

DEFINITIONS

201 GENERAL

201.1 Tense, Gender and Number

For the purpose of this code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as set forth in this section. Words used in the present tense include the future. Words in the masculine gender include the feminine and neuter. Words in the feminine and neuter gender include the masculine. The singular number includes the plural and the plural number includes the singular.

201.2 Words Not Defined

Words not defined herein shall have the meanings stated in the Standard Building Code, Standard Mechanical Code, Standard Plumbing Code, Standard Gas Code, Standard Housing Code or Standard Fire Prevention Code. Words not defined in the Standard Codes shall have the meanings stated in the Webster's Eighth New Collegiate Dictionary, as revised.

202 DEFINITIONS

APPLICABLE GOVERNING BODY — a city, county, state, state agency or other political government subdivision or entity authorized to administer and enforce the provisions of this code, as adopted or amended.

APPROVED — approved by the building official or other authority having jurisdiction.

BUILDING – any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50% of its perimeter. The term “building” shall be construed as if followed by the words “or part thereof.” For the purpose of this code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

BUILDING OFFICIAL — the officer or other designated authority charged with the administration and enforcement of this code, or his duly authorized representative.

CHIEF APPOINTING AUTHORITY — the person or persons designated by the laws of the local governing body as having authority to appoint persons to various boards.

DEPARTMENT — the building department or other agency charged with the enforcement of this code.

OFFICE OF THE RECORDER — that office, in the local governing body, responsible for recording deeds and other legal documents or actions.

OWNER — any person, agent, firm or corporation having a legal or equitable interest in the property.

STRUCTURE — that which is built or constructed.

UNSAFE BUILDING — any building or structure that has any of the following conditions, such that the life, health, property or safety of its occupants of the general public are endangered:

1. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
2. Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
3. The stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the stresses allowed in the Standard Building Code for new buildings.
4. The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement established by the Standard Building Code for new buildings.
5. Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Standard Building Code for new buildings.
6. If for any reason the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
7. The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
8. The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the Standard Codes or of a city, county or state law.
9. Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.
10. Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

CHAPTER 3

INSPECTION AND NOTICE OF NONCOMPLIANCE

301 ACTION REQUIRED

301.1 General

The building official shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe. After the building official has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he shall initiate proceedings to cause the abatement of the unsafe condition by repair, vacation or demolition or combination thereof.

302 NOTICE

302.1 Content

301.1.1 The building official shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following information:

1. The street address and legal description of the building, structure or premise.
2. A statement indicating the building or structure has been declared unsafe by the building official, and a detailed report documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this code.
3. A statement advising that if the following required action as determined by the building official is not commenced within or completed by the time specified, the building will be ordered vacated and posted to prevent further occupancy until the work is completed and the building official may cause the work to be done and all costs incurred charged against the property or the owner of record.

3.1. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within 60 days and continued to completion within such time as the building official determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the Standard Building Code, in accordance with 101.4.

3.2. If the building or structure is to be vacated, the notice shall indicate the time within which vacation is to be completed.

3.3. If the building or structure is to be demolished, the notice shall require that the premises be vacated within 60 days, that all required permits for demolition be secured and that the demolition be completed within such time as determined reasonable by the building official.

4. A statement advising that any person having any legal interest in the property may appeal the notice by the building official to the Board of Adjustment and Appeals; and that such appeal shall be in writing in the form specified in 401 and shall be filed with the building official within 30 days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.

302.1.2 The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the building official to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him.

302.1.3 The notice shall be served either personally or by certified mail, postage prepaid, return receipt requested, to each person at the address as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified or registered mail as herein described shall be effective on the date the notice was received as indicated on the return receipt.

302.1.4 Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

302.2 Recording of Notice

If the notice is not complied with nor an appeal filed within the allotted time, the building official shall file in the office of the recorder a certificate describing the property and certifying that the building or structure is unsafe and that the owner of record has been served. This certificate shall remain on file until such time as the conditions rendering the building or structure unsafe have been abated. At such time, the building official shall file a new certificate indicating that corrective action has been taken and the building or structure is no longer unsafe from that condition.

303 STANDARDS FOR COMPLIANCE

The following action shall be taken by the building official when ordering the repair, vacation or demolition of an unsafe building or structure.

1. The building shall be ordered repaired in accordance with the Standard Building Code or demolished at the option of the owner.
2. If the building or structure poses an immediate hazard to life or to the safety of the public it shall be ordered vacated immediately.

304 POSTING OF NOTICE TO VACATE

Every notice to vacate, in addition to complying with 302, shall be posted at each exit and entrance to the building or structure and shall state:

**THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY
HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.**

Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents to remove such notice without written permission of the building official, or for any person to enter the building except for the purpose of making the required repairs or of demolishing same.



CHAPTER 4

APPEALS

401 RIGHT OF APPEAL

401.1 Filing

Any person entitled to service in accordance with the provisions of Chapter 3 may appeal any action of the building official under this code to the Board of Adjustments and Appeals. Such appeal must be filed in writing with the building official within 30 days from the date of service and must contain at least the following information:

1. Identification of the building or structure concerned by street address or legal description.
2. A statement identifying the legal interest of each appellant.
3. A statement identifying the specific order or section being appealed.
4. A statement detailing the issues on which the appellant desires to be heard.
5. The legal signature of all appellants and their official mailing address.

401.2 Hearing

Upon receipt of an appeal, the board shall as soon as practicable fix a date, time and location for the hearing of the appeal. The hearing date shall not be more than 60 days from the date the appeal was filed with the building official. Written notice of the time and location of the hearing shall be delivered personally or mailed to each appellant at the address on the appeal by certified mail, postage prepaid and receipt requested.

402 FAILURE TO APPEAR

Failure of any person to appear at the hearing set in accordance with the provisions of this chapter shall constitute a waiver of his right to an administrative hearing on the notice.

403 SCOPE OF HEARING

The hearing shall offer the appellant reasonable opportunity to be heard on only those specific matters or issues raised by the appellant in his appeal. The appellant may appear at the hearing in person or through his attorney or other designated representative.

404 STAYING OF NOTICE UNDER APPEAL

Except for a vacation order issued in accordance with 303, enforcement of any notice issued by the building official under the provisions of this code shall be held in abeyance during the course of an appeal.

CHAPTER 5

RULES OF PROCEDURE FOR HEARING APPEALS

501 GENERAL

501.1 Hearing Examiners

The board itself may conduct the appeals hearing or at its discretion may appoint one or more hearing examiners to conduct the appeals hearings. The examiner shall exercise all powers relating to the conduct of hearings until a report is submitted by him to the board.

501.2 Reporting

A permanent record shall be made of all hearings and proceedings using the method of recording designated by the board. A transcript of the proceedings of all hearings shall, upon payment of the prescribed fees, be made available to any person on request.

501.3 Reasonable Dispatch

The board shall proceed with reasonable dispatch to conclude any matter before it, with due regard to the convenience and necessity of the parties involved.

501.4 Form of Notice

501.4.1 The hearing notice shall include but not be limited to the following information:

You are hereby notified that on the _____ day of 19.____ at _____ o'clock, at _____, a hearing will be held before _____ to consider the
THE BOARD OR NAME OF HEARING EXAMINER

appeal from the order of the building official regarding property located at _____. You may choose to be represented by counsel. You may present relevant evidence and will be given an opportunity to cross-examine all witnesses. You may request the issuance of subpoenas to compel witnesses to appear and/or for the production of other supporting data or documentation, by filling a written report with _____.

BOARD OR HEARING EXAMINER

501.4.2 The hearing notice shall be served personally or mailed as required in 302.1.3 at least 15 days prior to the hearing date.

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504 DECISION PROCEDURE

504.1 Board Hearing

When an appeal is heard before the board itself, any member who did not hear the evidence presented or has not read the entire record of the proceedings shall not vote or take part in the decision.

504.2 Hearing Before Examiner

504.2.1 When an appeal is heard before an examiner, the examiner shall within a reasonable time, not to exceed 30 days from the date the hearing is closed, submit in writing a report to the board. Such report shall summarize the evidence submitted and considered and state precisely the examiner's findings, conclusions and recommendations. The report shall also contain a proposed decision that may be adopted by the board. All such reports shall become matters of public record and shall be mailed to each party on the date they are filed with the board.

504.2.2 The board shall set a time, date and location to consider the examiner's report. Such date shall not exceed 30 days from the date of receipt of the hearing examiner's report. Each interested party shall be notified by mail at least 5 days prior to the meeting date by the manner prescribed in 302.1.3.

504.2.3 If the proposed decision is not adopted as provided in Section 504.2.4, the board may decide the appeal upon the entire record before it, with or without taking additional evidence; or the cause may be referred back to a hearing examiner to take additional evidence.

504.2.4 The board may adopt or reject the hearing examiner's proposed decision in whole or in part and may modify the proposed decision.

504.2.5 If the proposed decision is not adopted as provided in 504.2.4, the board may decide the appeal upon the entire record before it, with or without taking additional evidence; or the cause may be referred back to a hearing examiner for additional evidence.

504.2.6 The final decision of the board shall be in writing and shall contain all findings of fact and detailed requirements to be complied with. A copy of the decision shall be delivered to the appellant either personally or by certified mail, postage prepaid, return receipt requested.

504.2.7 The effective date of the board's final decision shall be as stated therein.

505 RECOURSE

If the appellant is aggrieved by the decision of the Board of Adjustments and Appeals, nothing in this code shall be construed to deprive him of seeking redress in the civil or other applicable court. Said appeal must be filed within 15 days from the effective date of the board's final decision.

CHAPTER 6

IMPLEMENTATION

601 COMPLIANCE

601.1 Failure To Respond

Any person who, after the order of the building official or the decision of the board becomes final, fails or refuses to respond to the direction of such order, shall be prosecuted to the extent provided for by law.

601.2 Failure To Commence Work

601.2.1 Whenever the required repair, vacation or demolition is not commenced within 30 days after the effective date of any order, the building, structure or premise shall be posted as follows:

UNSAFE BUILDING
DO NOT OCCUPY

It shall be punishable by law to occupy this
building or remove or deface this notice
(Specify the applicable local law and the penalty for violation thereof)
building official

City of _____

601.2.2 Subsequent to posting the building, the building official may cause the building to be repaired to the extent required to render it safe or if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premise. The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.

601.2.3 Any monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.

602 EXTENSION OF TIME

The building official may approve one or more extensions of time as he may determine to be reasonable to complete the required repair or demolition. Such requests for extensions shall be made in writing stating the reasons therefor. If the extensions of time, in total, exceed 120 days, they must also be approved by the board which may act without further public hearing.

603 INTERFERENCE

No person shall obstruct or interfere with the implementation of any action required by the final notice of the building official or the board. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by law.

604 PERFORMANCE OF WORK

The repair or demolition of an unsafe building as required in the notice by the building official or the final decision by the board shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this code and all other applicable codes and accepted engineering practice standards.

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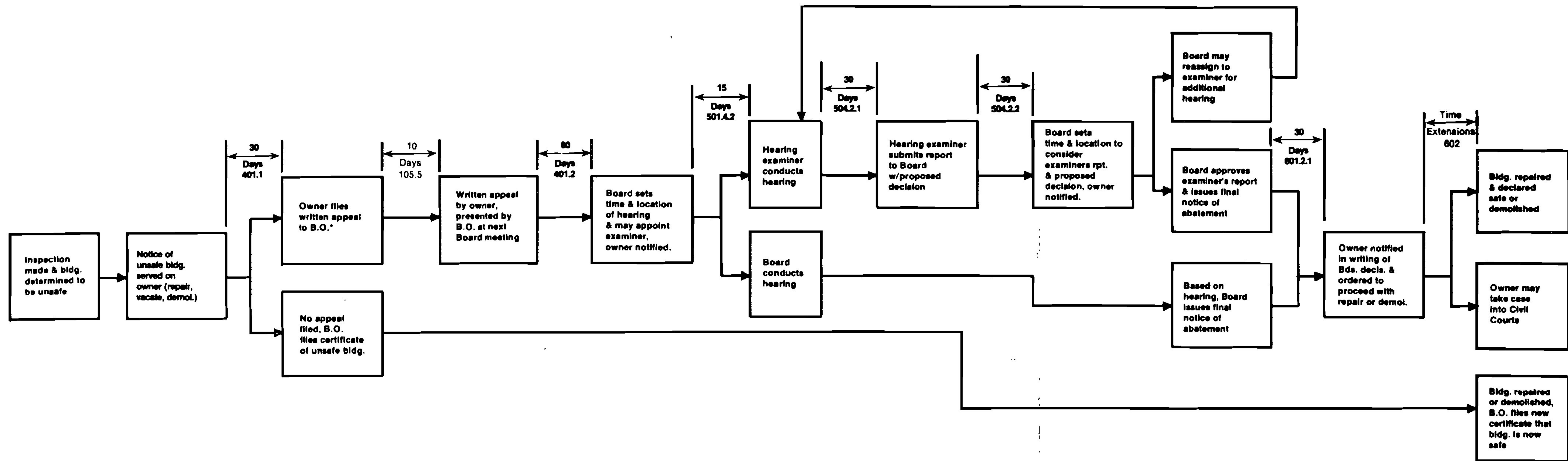
CHAPTER 7

RECOVERY OF COST OF REPAIR OR

DEMOLITION

701 GENERAL

Whenever a building or structure is repaired or demolished in accordance with the provisions of this code and the cost of such repair or demolition is borne by the city, county or state, procedures for the budgeting, expenditure and recovery of such funds shall be established.



*B.O. = Building Official

FLOW CHART FOR USE WITH "STANDARD UNSAFE BUILDING ABATEMENT CODE"

Note: This Chart is For Informational Purposes Only And Is Not Enforceable.