

City of Coral Gables City Commission Meeting
Agenda Item G-7
April 26, 2022
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Vince Lago
Vice Mayor Michael Mena
Commissioner Rhonda Anderson
Commissioner Jorge Fors
Commissioner Kirk Menendez

City Staff

City Manager, Peter Iglesias
City Attorney, Miriam Ramos
City Clerk, Billy Urquia
Deputy City Attorney, Cristina Suarez
Development Services Director, Suramy Cabrera

Public Speaker(s)

Mr. Mendez

Agenda Item G-7 [Start: 5:05 p.m.]

Discussion regarding the property located at 827 Ortega Avenue
(Sponsored by Mayor Lago)

Mayor Lago: Moving onto G-7. Madam City Attorney, can you provide me with an update in regard to where we're at with Ortega, 827 Ortega.

City Attorney Ramos: Yes. We have the Deputy City Attorney and Suramy Cabrera to walk you through.

Deputy City Attorney Suarez: Good afternoon, Mayor and Commissioners, Cristina Suarez, Deputy City Attorney. So, the owner's current deadline to obtain a permit to correct the violation is May 16th, and the owner in going through the process of developing plans to construct an addition and fix the property. It was discovered in a survey that the house encroaches into, the current house encroaches into the setback. And so, instead of designing around that, the owner has decided to proceed with a total demolition. The owner already had a permit in hand for partial

City Commission Meeting
April 26, 2022

demolition, which had included demolition of the roof. So, he has started on that, and he has done, I believe everything he can with respect to that permit and he is, I believe getting his total demolition permit will be eminent any day now. I believe he was ready yesterday. There's a minor issue with the contractor and that's why he doesn't have that permit as of yesterday. The owner understands that to pass final inspection on the total demolition permit will require that he sawed and removed the construction fence, he understands that, until that will correct all the violations and close the Code Enforcement case. And he can take whatever time he needs to get his plans for his new house. I do believe the owner might be on Zoom.

Mayor Lago: Perfectly fine.

Deputy City Attorney Suarez: His name is Leonardo Mendez, Mr. Clerk, I don't know if he's on.

City Clerk Urquia: He's on.

Mayor Lago: Before we talk to Mr. Mendez, how long has Mr. Mendez owned this property for?

Deputy City Attorney Suarez: My understanding is since late February of 21.

Mayor Lago: Of 21 – so we're going over a year and three months now. Is he local or does he live outside of Miami?

Deputy City Attorney Suarez: We should ask him. My understanding is that he's not local. I think he lives in Maryland.

Mayor Lago: Okay. So, this is a property that from the plans that I saw, anybody who knows a little bit about Coral Gables, not a lot, just a tad bit, knows that that property would never be approved in the City of Coral Gables. First, its three stories in a residential neighborhood, pretty simple, right, not going to be approved. Number two, you cannot have a property that is setback to setback, literally the guy's a box. Every square inch of the property he built. Correct me if I'm wrong, if I'm misspeaking. I barely saw any green space there.

Deputy City Attorney Suarez: Just so I can be clear though, my understanding is those were the plans that were rejected, prepared by an architect he initially hired. He has since hired a different architect.

Mayor Lago: So, he is the person that paid for that architect. You can't plead ignorance and blame somebody else. You paid that person to do a job for you, you should have known what the zoning code is, even though that guy is a professional. Where was that person, that architect from? Was he a Coral Gables architect, Miami-Dade County architect, or did he think that he could design something from Maryland and then pop it into the City of Coral Gables and be approved? This is the problem that we're having, and I'm using this as an example, okay. How much Code Enforcement violations does this property have currently?

Deputy City Attorney Suarez: Currently there is an agreed order with the deadlines.

*City Commission Meeting
April 26, 2022*

Mayor Lago: But how long was that agreed order for?

Deputy City Attorney Suarez: That order was entered in March of this year.

Mayor Lago: So, from February of the year before, the property was in that state from February to March.

Deputy City Attorney Suarez: In the interim it went to the Construction Regulation Board as an unsafe structure proceeding.

Mayor Lago: And what did the Construction – did they cut a deal?

Deputy City Attorney Suarez: There were three hearings in front of the Construction Regulation Board and ultimately the Construction Regulation Board allowed him time to submit permits to correct the violations and to build his addition, they gave him the time to do that, but they didn't impose a deadline on the tail end to actually obtain the permit and complete the construction. So, we took it back and then the Construction Regulation Board did impose that deadline.

Mayor Lago: Let's stop there. Do you see the problem there, that's the problem? The problem is that we're not instituting deadline. You see how, and again, please I'm not taking it out on you, just want you to understand or this gentleman from Maryland. If you notice, I just talked to Mr. Diaz and Melissa and I said, I would like to address the following issues with parks, Mr. Clerk, they need three months, give them four months. I would like an update in four months through the Manager. Always through the Manager, give him time. That's with city employees. I have zero patients and zero tolerance for somebody who comes into the city, zero, zero, if I spoke a different language I would say it, zero tolerance for somebody who comes into this community and decides that they are going to spend a year and leave a house that way, and then hire an architect that doesn't know the city code, submit a document here, submit documents for review that are look like it belong in another city. I don't want to name that city, because I don't want to be disrespectful, but they don't even belong in the City of Coral Gables, number one. They are not aesthetic; number two, they don't even comply with the zoning code, they don't comply with the setbacks, they don't comply with the green space requirements. So, while the whole time the entire neighborhood has to live with a house in that shape. I don't think it's appropriate. I don't think it's appropriate and I think that we have to figure out a way to make sure that this doesn't happen again. If somebody goes to the Construction Regulation Board, the Construction Regulation Board needs to tell them, needs to put it into an order, you have four months to provide these documents, if not we will start fining you.

Deputy City Attorney Suarez: And there was a deadline, Mayor. There was a deadline, he complied with that deadline. He submitted plans...

Mayor Lago: What was the deadline?

Deputy City Attorney Suarez: By August – that ordered was entered by CRB, I believe it was May 10th and he submitted plans by August of 2021, and those plans were on the rejected shelf in December of 2021.

Mayor Lago: That's perfectly fine.

Commissioner Fors: So, the plans for the three stories complied with the deadline?

Deputy City Attorney Suarez: The submittal deadline, correct. Again, he can speak for himself.

Mayor Lago: I don't need to speak with him. I'm speaking with you. I think that we're like, are we on the side of the residents or are we on the side of somebody who doesn't live in this community? So, I need to understand what we're doing here. I'm advocating for the residents, okay. From the last time I drove by the site, there is no port-o-potty on the site. This is what I do for a living. I'm in construction. There's got to be a port-o-potty on the site. I don't see a port-o-potty on the site. Why isn't there? Where are they going to the bathroom? Are they going to the bathroom inside the house, are they going to the bathroom across the street, are they defecating on the neighbor's yard? Where are they going to the bathroom? The cars, the trucks that are there are working on Saturdays on the exterior of the house. They are not allowed to. I wrote that piece of legislation. I know it very well. They are not allowed to work on Saturdays. They are there working on Saturdays. There is a reason why this is going on, because there is unsupervised construction from a person or an entity that owns this property, that doesn't live in Miami. So, what I'm getting back to is, did he submit plans? – 100 percent, that's great. I can submit plans too. Here, I submit this. Their plans are not going to get approved. So, we continue with a vicious cycle, a vicious cycle that we're in. There has to be enforcement. We have to tell him look, if this is an investment for this person, we need to make sure that they are hit with a \$500 fine every single day, after we've given him the allotted time to submit documents that are viable that are going to be approved. We are blessed to have the best Building Department in the State of Florida. When you submit a document, you should be able to know immediately if a 96-story building is going to be approved on a lot that only allows 12. It's not. So, you're talking about a person who has now, for a year and three months been involved in a development on a property where a whole community has been held hostage, and to me, that's unacceptable, unacceptable. I'm more than willing to listen to the gentleman and what he has to say, but it comes to a point where if he's going to live in that house, the residents are going to ask him, hey, he hasn't even started construction on the house. He's got to tear it down and then build it. Three years from now, since the inception of the project is when he's going to move into the house. During that time people have lived with a house that nobody touched, workers demolishing the house, multiple issues with neighbors, and now plans are going to be submitted, construction is going to start; construction is probably going to last a year with the current situation that we're having. I just don't think it's the best foot forward for the city. I think we have to step in, and we have to hold people more accountable and start fining them. Let me give you an example. I lived a block away from my house that was collapsing on itself, you're very familiar with the house. Madam City Attorney, how long did that house take to come into compliance?

City Attorney Ramos: You're talking about Mr. ___ house.
City Commission Meeting
April 26, 2022

Mayor Lago: Yes.

City Attorney Ramos: Ultimately it was declared an unsafe structure. It took many years, actually.

Deputy City Attorney Suarez: I don't remember how long, but the city ultimately did...

City Attorney Ramos: I know that when I got here, that was already going on, and it was demolished after Craig left, so it took several years.

Mayor Lago: So, I'm telling you this, because we held that neighborhood hostage. Every time that I would walk out of my house, and I would walk down on the corner and walk down the neighboring streets, somebody would come to me, hey Vince, I need to talk to you. What's up? Have you seen this house? I'm like, yes, you'd walk in, and it was two beautiful house and the sandwich in the middle was a house that was collapsing on itself, and the guy was living in the house. So, there has to be more that we can do than just allow a neighborhood to be overtaken by one person's inability or interest to get up and address the issue. Mr. Manager, I'm more than willing to work with anybody. I just can't, because the moment that you live next to something like this, I understand how tough it is. Is there a port-o-potty on site?

Deputy City Attorney Suarez: I don't know.

Development Services Director Cabrera: I don't know. Suramy Cabrera, Development Services Director, and I will follow up to see if there is a port-o-potty on the project. As for deadlines, I understand the frustration with Code Enforcement Board, when we have expired permits and we take the property owners. The Code Enforcement Board, we have been implementing deadlines, not just to obtain a permit, because people would just come into compliance, obtain a permit, and just keep it open forever. So, we are negotiating, obtaining and finalizing the work on the Code Enforcement Board. I'm going to look into it, but in cases like this, we don't have a lot of cases like this, by the way with the Construction Regulation Board, but that we always provide a definitive deadline of when they have to complete the work and not just when they have to submit a permit. I will take care of that.

Mayor Lago: Listen, again, this is not an indictment on your effort.

Development Services Director Cabrera: No, and I understand.

Mayor Lago: I tell you all the time, listen, proud of what your department is doing. You guys are doing great work. You guys are shorthanded. We are in the middle of construction on 427, thousands of expired permits that are now down to twenty (20) or fifteen (15).

City Manager Iglesias: Seven thousand (7,000), Mayor.

Mayor Lago: Seven thousand (7,000), okay. This is not an indictment on staff. This is just the fact that we have our hands tied and if I'm not going to get cooperation from an owner, we have to stop
City Commission Meeting
April 26, 2022

being nice, because nobody deserves to live like this, nobody deserves. I deal with the residents continuously, they call me, and I'm ineffective when I can't address this issue for a year and three months. Imagine living next to somebody and telling the client, excuse me, the resident, I'm sorry, can't do anything about it, sorry, you know.

Commissioner Anderson: This existed while I was canvassing.

Mayor Lago: And then they tell you, hey, but we submitted plans. You pull the plans, you look at them, and you're like, is this South Beach? This is not South Beach. This is Coral Gables. There are standards here. But guess what, they met the requirement and now the clock starts again, they didn't get fined. Nothing to do with staff, just me being frustrated and having to deal with all the residents, just like all of you do, and I want to see this fixed. Thank God this gentleman is demolishing the house, taking the fence down and putting some grass. That will at least alleviate the residents until construction is started. Mr. Clerk.

City Clerk Urquia: The gentleman is on Zoom, sir. Mr. Mendez.

Mayor Lago: Mr. Mendez the floor is yours.

Mr. Mendez: Yes. I would like to say that if the plans were so insufficient why were they approved for preliminary back in August of 2021 by your staff?

Mayor Lago: Perfect.

Development Services Director Cabrera: Not aware they were approved, but if he received a preliminary approval then it was only an aesthetic review by the Board of Architects, but I'm not sure, I don't know the details.

Mayor Lago: Anybody know the details? Okay. So, if you received a preliminary approval then why haven't you then moved along in the process?

Mr. Mendez: We did. We submitted for final approval and that's when all the comments came up, and then I fired our architect and hired a new one when I realized in December that he wasn't going to be able to get me a set of plans that would be approved.

Mayor Lago: So, to make a long story short. You're demolishing a structure you could have demolished a year and three months ago, based on an eight-inch encroachment on a setback, which wasn't your fault, obviously you bought the property like that. You don't think it would have been better, I know hindsight is 20/20, but you don't think it would have been better when you bought the property to demolish the house at that point, instead of going on through this entire year and three months. I mean, it has to be clear. You have to also understand, as the owner of the property that the people living adjacent to this house, they are living next to a nightmare.

Mr. Mendez: I do understand, and I have done everything in my power to address the situation.

*City Commission Meeting
April 26, 2022*

Mayor Lago: I think the residents in that neighborhood have a really different opinion of whether you've done everything in your power. The job site is subpar, in my opinion. There has been issues with your employees, you've worked on Saturdays, and I'm in the business of construction. If I ran my job site the way you run your job site, trust me, I'll get half of my contracts taken away from me.

Mr. Mendez: Mr. Mayor, it's not a job site as of yet. I've been waiting for approval, so the plans I submitted back in August, I didn't have a final review until December.

Mayor Lago: You've had people working on there, demolition; you've had people on the job site.

Mr. Mendez: Recently.

Mayor Lago: Excuse me?

Mr. Mendez: Once I found out that the house had to be completely demolished, yes, that has been as of...

Mayor Lago: But you started demolition on the roof.

Mr. Mendez: Yes, last week.

Mayor Lago: So, you have a job site; you have an active job site then.

Mr. Mendez: Correct – yes.

Mayor Lago: You told me a few seconds ago, you don't have an active job site. Now you do have an active job site. So, what is it? You have an active job site, do you have a port-o-potty on the job site, yes or no. No, you don't. No, you don't, because I drove by. You don't have one. So, my point is, that's a violation. You should have a port-o-potty in your job site. How are your workers going to the bathroom? Are they defecating in the neighbor's yard, are they going to the bathroom on the street, are they going on a tree? Just tell me. I need to understand that. Are they going to the convenient store down the street? Where are they going to the bathroom? – because I know that I don't get away with not having a bathroom on the job site.

Mr. Mendez: I understand Mr. Mayor.

Mayor Lago: Listen, I know you're from a little bit outside of Coral Gables and I want to tell you something, we do things a little bit differently here, okay. We welcome you to the City of Coral Gables, but I will not accept under any circumstances that you run a job site from Maryland and turn your back on the job site. This has to be your number one priority here in the city. I need you to step up and I need you to talk to the residents and make sure that the neighbors are happy, because at the end of the day, I'm not your project manager or your superintendent. I don't work for you. I work for the city. I work for the residents. And if you're trying to come to the city and build a beautiful house for either yourself or for spec, because you want to sell it, make sure you

*City Commission Meeting
April 26, 2022*

have somebody on that job who is running it for you and who can pick up after your job site ends, that your job is locked up, that your job smells appropriately, that it's not a nuisance in this neighborhood, because people live in this neighborhood, and we in the city we have high standards, and we hope that you will follow those standards.

Mr. Mendez: That's what I've been trying to do.

Mayor Lago: Anything else? Alright. I guess that solves that. Thank you very much. Again staff, I appreciate it.

[Note: Item was resumed a few minutes later]

Mayor Lago: Before we adjourn the meeting, can we circle back because I know Doug is here, Doug came back and I want to make sure that if Mr. Mendez is still on the phone, he has every right to answer what Mr. Doug has to say.

City Clerk Urquia: He is on the phone, sir.

Mayor Lago: He is, okay. Perfect. Good.

Development Services Director Cabrera: Okay. So, I was just told that the BOA preliminary was rejected. It was for an interior and exterior renovation, Douglas? The scope was much different than what it is today.

Mayor Lago: So, what have we got?

Development Services Director Cabrera: So, we are showing in the city records is that the BOA preliminary was rejected.

Mayor Lago: Okay. So, what the gentleman just said, I want to put it on the record, because a lot of things are said on the record when you clarify things – you can throw anything on the wall, and it will stick. So, his preliminary approval says right now in the computer, it was denied, correct, because that was my understanding too, because I saw the design. I know that the BOA would never approve that project. Mr. Mendez would you like to say something?

Mr. Mendez: Actually, if I understand it correctly, I wouldn't have been able to submit for a final approval unless my preliminary plans had been approved.

Mayor Lago: You have staff right here telling you right now, you don't have a preliminary approval.

Mr. Mendez: If I heard her correctly, she said November, that's when it was...

Development Services Director Cabrera: I don't want to put Douglas on the spot because he's been here for a couple of months, and this is a complicated one. So, I'll go on the record, but according
City Commission Meeting
April 26, 2022

to the staff who just looked this up, it said it didn't go to board, Juan, who is the City Architect looked at it and rejected it to go to the Board of Architects.

Mayor Lago: You've got it Mr. Mendez, right. So, you don't have a preliminary approval. It was reviewed by the City Architect, and it was denied.

Mr. Mendez: I don't know when it was denied.

Mayor Lago: You want her to tell you. I can tell you again, we're here. They are here right in front of you. You know what day it was denied by Mr. Riesco?

Development Services Director Cabrera: November 17, 2021? I don't want to go on the record with this, giving dates. I do know that from what I've been told, it was the City Architect and that he rejected it. The exact date, I don't want to go on the record without getting that information for you.

Mayor Lago: So, Mr. Mendez, you have all the information there. So, you said you had a preliminary approval, you don't have a preliminary approval. You don't have a port-o...

Mr. Mendez: Forgive me, but I submitted for final approval on August 23rd. I submitted for preliminary in July of last year, and I wouldn't have been able to submit for final unless the preliminary had been approved, or at least it was until November, because my submittals, I have dates on them and I have the plans that I picked up from the City of Coral Gables that has a stamp on it and a signature that says that it was approved.

Development Services Director Cabrera: I understand, but we need to remember that this project originally was a one-story renovation work and then it became a two-story addition. Yes, you know, yes, you may have gotten a preliminary approval for a one-story renovation, but not for the two-story home.

Mayor Lago: Mr. Mendez, correct, Mr. Mendez look, Ms. Cabrera just clearly explained what happened to you. You possibly got a preliminary approval for a one-story renovation of an existing home and then you came back, and you wanted to build a two-story home.

Mr. Mendez: That's also incorrect.

Mayor Lago: Your preliminary approval for a one-story does not apply to your new project, anybody knows that in construction.

Mr. Mendez: I have plans that I picked up from the city and yes, they did.

Mayor Lago: But that's not the case. So, my point is that we've been going back and forth, we've been going back and forth.

Mr. Mendez: [Inaudible]
City Commission Meeting
April 26, 2022

Mayor Lago: We've been going back and forth for a long time. We've given you significant leeway. I'm going to get to the bottom of this with staff, through the Manager. I'm going to review the documents myself with the Manager to understand, and Ms. Cabrera and the City Attorney to understand where we stand right now with your plans. But I'm asking you, if you have a demolition permit, please get your demolition permit completed, demolish the building, if that's what your intent is, demolish the building.

Mr. Mendez: Let me clarify something. My initial intent was to put a second-floor addition. There was never a third floor, it was a roof terrace.

Mayor Lago: You're not allowed a roof terrace.

Mr. Mendez: It makes no sense for me to try and save the existing structure that's there, so I am going to demolish the rest of it, and build a new home on the lot, yes.

Mayor Lago: Are you allowed a third-floor roof terrace on the property?

Mr. Mendez: Well, if I was not allowed, I don't know how the reviewer missed that with the set that was provided for preliminary review.

Development Services Director Cabrera: What I show for preliminary approval was a one-story interior renovation. That's what I show as a preliminary approval.

Mayor Lago: What we have on the record, as per Ms. Cabrera and with staff is that you have a preliminary approval for a one-story interior renovation. You can repeat and say two-story and all that stuff, but that's what we have here in the books, and I'm going to review it myself, okay. You are not going to be granted a third-story roof-top terrace. This is not Coconut Grove, okay.

Mr. Mendez: I have a number here that you guys can refer to, AB-2107-8042, and this was filed on, I believe its July 23, 2021, no July 20, 2021, and it doesn't say here, but my architect does have the plans that were submitted.

Mayor Lago: My advice to you is that you finish with your demolition, if that's your intent, sod the site, please do not work on demolishing the building on Saturdays, its not allowed in the code, you will get fined. Please make sure that your fence is up. Make sure that your green dust barrier is up. Make sure that you don't treck garbage and debris down the street while you work. Make sure that you have any trees adjacent to your property, protect it. Make sure that you are considerate from Maryland on the neighborhood that you're building on, where you are making an investment.

Mr. Mendez: I am. It's not an investment.

Mayor Lago: No, you're not.

Mr. Mendez: It's my future home.
City Commission Meeting
April 26, 2022

Mayor Lago: Listen, no, you're not, because I've been dealing with the residents and the residents are irate about the current state of your building, and by the way, if you look at the rest of the Commission, they are all nodding their heads. So, my advice is that you hire a project manager, a superintendent and you get somebody down here who is accountable to make sure that your project move forward. Thank you very much. I appreciate you.