



US 2022-001
November 16, 2022

Historical Resources &
Cultural Arts

2327 SALZEDO STREET
CORAL GABLES
FLORIDA 33134

☎ 305-460-5093
✉ hist@coralgables.com

**STAFF REPORT
UNSAFE STRUCTURE
ON THE PROPERTY AT
134 FLORIDA AVENUE
A CONTRIBUTING RESOURCE WITHIN THE NATIONAL AND LOCAL
REGISTER
“MACFARLANE HOMESTEAD SUBDIVISION HISTORIC DISTRICT”**

- Proposal:** A Resolution recommending that the owner of 134 Florida Avenue, a Contributing Resource within the National and Local Register MacFarlane Homestead Subdivision Historic District, work with the Historic Preservation Office to restore and repair the structure or, if it is determined to be unsafe by the Building Official, demolish the structure and build a wood frame replica with salvaged material.
- Owner:** 134 Florida, LLC, c/o Alex Pavlovsky
- Folio Number:** 03-4120-006-0990
- Legal Description:** Lot 16, Block 1-A, MacFarlane Homestead Subdivision according to the Plat thereof, as recorded in Plat Book 5, at Page 81 of the Public Records of Miami-Dade County, Florida.
- Site Characteristics:** The property is located on the south side of Florida Avenue between Jefferson Street and Brooker Street. The lot dimensions of the large corner double lot are approximately 50 feet by 90 feet.

BACKGROUND/EXISTING CONDITIONS

The one-story wood frame structure, built in 1926, is a contributing resource within the Local and National Register MacFarlane Homestead Subdivision Historic District.

In March 2021, the property, which was in poor condition, was purchased by Anthony Vinciguerra who intended to restore the structure and slightly extend the existing rear addition. According to Mr. Vinciguerra, he could not find a qualified contractor willing to take on the project due to the condition and small size of the structure. A contractor and a structural engineer stated most of the structure would have to be replaced and demolition would be the best option (Attachment A).

On April 1, 2022, the site was visited by Peter J. Iglesias, P.E., City Manager, Suramy Cabrera, P.E., Development Services Department/Building Director, Warren Adams,

Historic Preservation Officer, and Alexander L. Palenzuela, P.A. (the City's Code Enforcement Special Counsel) to determine the condition of the structure and the available options. Also in attendance were Mr. Vinciguerra and his Realtor as, depending on the options available, he was considering selling the property. It was determined the property was in an advanced state of deterioration with much of the structure and exterior materials requiring replacement and would be difficult to save. Mr. Vinciguerra was informed that, if the structure were to be demolished, it must be replaced with an exact wood frame replica of the existing structure incorporating any features and materials that could be salvaged. It was agreed that the rear addition could be slightly larger than the existing. The replacement structure would be based on measured drawings prepared in 2015. Mr. Vinciguerra agreed to this.

Mr. Vinciguerra was provided with a Compliance Agreement which provided a schedule for applying for permits. He responded by informing the City he had an interested purchaser for the property. In June 2022, the property was sold to Miami20th Investments, LLC and a Compliance Agreement was executed on September 2, 2022 (Attachment B). Ownership of the property has since transferred to 134 Florida, LLC, c/o Alex Pavlovsky. Online records indicate Miami20th Investments, LLC may be associated with 134 Florida, LLC.

In September 2022, the current owner was contacted regarding outstanding code violations on the property for demolition by neglect and violations of the City's minimum housing code. It was also noted that work was being undertaken without permits or a Certificate of Appropriateness. Since then, work has continued on the property without permits or a Certificate of Appropriateness despite visits by Code Enforcement and the Police Department. Several red tags have been removed from the site and work has continued. On October 10, 2022, a Cease and Desist and a demand letter were issued by the City Attorney's Office and the Law Office of Alexander L. Palenzuela, P.A. (Attachment C). On November 1, 2022, Suramy Cabrera, P.E., Development Services Department/Building declared the structure unsafe (Attachment D).



134 Florida Ave, (April 1, 2022)



134 Florida Ave. (April 1, 2022)

STAFF OBSERVATIONS

134 Florida Avenue is a contributing resource within the Local and National Register MacFarlane Homestead Subdivision Historic District. The structure is in poor condition and has been declared as unsafe.

Per Section 8-116 Unsafe structures of the City Code:

In the event the Building Official determines that any structure within a designated historic landmark or historic landmark district is unsafe pursuant to the applicable building code adopted by the City, he/she shall immediately notify the Historic Preservation Board with copies of such findings. Where reasonably feasible within applicable laws and regulations the building official shall endeavor to have the structure repaired rather than demolished and shall take into consideration any comments and recommendations by the board. The board may take appropriate actions to effect and accomplish preservation of such structure including negotiations with the owner and other interested parties, provided that such actions do not interfere with procedures in the Florida Building Code.

STAFF CONCLUSION

Although previous opinions indicate the structure has structural issues and should be demolished, the actions of the current owner suggest it may be possible to repair. However, the current owner has made no contact with the Historic Preservation Office or made any attempt to apply for the required approvals. Further, work has continued on the structure despite visits from Code Enforcement and the Police Department. The Historic Preservation Office supports the restoration of the structure, if this can be done appropriately and if all work complies with Code requirements. However, if this cannot be achieved and the structure is demolished, a wood frame replica incorporating salvaged material, which may include a slightly larger than existing rear addition, should be built on the site.

Therefore, Historical Resources Department Staff requests the following:

A Resolution recommending that the owner of 134 Florida Avenue, a Contributing Resource within the National and Local Register MacFarlane Homestead Subdivision Historic District, work with the Historic Preservation Office to restore and repair the structure or, if it is determined to be unsafe by the Building Official, demolish the structure and build a wood frame replica with salvaged material.

Respectfully submitted,



Warren Adams
Historic Preservation Officer

Attachment A



December 6, 2021

Anthony Vinciguerra
134 Florida Avenue
Coral Gables, FL 33133

Sub: Historical Restoration

Dear Mr. Vinciguerra:

Thank you for considering us for your historical restoration project located at 134 Florida Avenue, Coral Gables, FL 33133. After careful review of the plans you provided and a thorough site inspection, we suggest that you attempt to request approval for a complete demolition of the existing structure and rebuilding it from scratch to match the historical aesthetic.

The condition of the existing home is uninhabitable and may actually warrant condemning. The floor is sagging in multiple places, leading us to believe that there is significant deterioration of the structure supporting it (whether it be floor joists or the foundations themselves. Both the floors and the walls have large holes to the exterior that have opened as a result of years of neglect and rot. The roof structure is likewise sagging and most likely has compromised structural integrity as a result of the same neglect and potential unaddressed termite infestation.

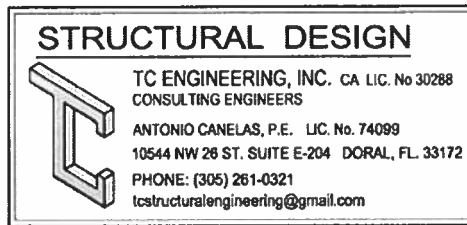
Constructing what is shown in the plans would require a complete rebuild of the home piece by piece, in any event. Therefore, we strongly recommend requesting a complete demolition and rebuild. You will end up with a more structurally sound building, more cost effective construction, more timely completion schedule, and a more seamless aesthetic.

If you should have any questions or require additional information regarding this matter, please contact our office.

Respectfully Submitted,
Kozo Construction

A handwritten signature in black ink, appearing to be "Felipe Fernandez", written over a circular stamp or seal.

Felipe Fernandez, P.E.
President



STRUCTURAL INSPECTION REPORT

Review Commenced

Date: **10.19.2021**

Signature: _____

Review Completed:

Print Name: Antonio Canelas P.E.

Date: **10.19.2021**

Title: **Professional Engineer**

REFERENCE: Inspection about Structural Conditions of a residence.

Property of: Mr. Anthony Vinciguerra.

134 Florida Ave.

Coral Gables, FL 33133

Mr. Vinciguerra

As requested by you a structural field inspection of the property located at the above referenced address, was completed. The purpose of this inspection, was to assess the current state of the residence. The structural evaluation and professional analysis are based on visual observation of the exposed shell elements. The structural components concealed behind the stucco or wood columns can't be observed or validated. The inspection completed by the engineer led to the conclusions presented below.

Observations.

- In general the structural shell of the house is in very bad conditions. Can be observed severe damage to the shell elements all around the property.
- Water intrusion damage is observed in some roof areas. In many places can be observed the ceilings damaged. Also water filtration on the floor and partitions walls around the kitchen area and the bathroom area by problems w/ the pipes of the house that are in very bad conditions too.
- The house is infested by termites. It was observed in many places traces of termites. For example wood ceiling joists, wood joist or rafters, wood floors planks, wood floor joists, exterior wood panels and windows and doors wood framings.
- As results of the termites infection, the water intrusion and the aging of the house, the stability and carrying capacity of some structural wood elements were affected and the deterioration can continue increasing.
- Some previous repairs were done without comply with the minimum code requirements.

134 FLORIDA AVE.



- Some exterior windows are in very bad conditions. Some metal frames are rusted and some glass panel are cracked. Also, there are some windows missing.
- The exterior wall wood panels and the floor wood joists are not braced at ground floor. In others words, the house doesn't have a mechanical connection to transmit and guarantee a lateral stability. In some places the house is resting un blocks without any connection to a footing into the grade.

Recommendations:

1- We strongly recommend to cover the whole house with a tent and fumigate in order to eliminate any possibility of alive termites, and avoid any future deterioration of the existing wood joists, sheathing (floor and roof) and the existing wood partitions.

2-All the structural elements that has been damaged in more than 25 % of its cross section area (wood joist, wood studs, wood beams) must be immediately replaced. The wood floor and subfloor, and maybe a significant portion of the wood joists, at ground floor and roof, need to be replaced.

3-Of course, all the exterior windows and wood panels that are not there, most be re-built and reinstalled.

4-We strongly recommend to brace the house to the foundation. Replace the CMU block pedestals that are without any connection to the foundation and the ground floor, by concrete pedestals (attached to the foundation and the ground floor wood joists) w/ some connectors, in order to control the lateral stability of the house.

Conclusions.

More than 75 % of the house structure must be repaired. It is our opinion, that the cost of the necessary works in this property, to restore the structural integrity of the house, can be the similar as the total cost of a new construction.

If you should have any questions regarding this matter, please do not hesitate to contact us.


"As a routine matter, in order to avoid possible misunderstanding, nothing in this report should be construed directly or indirectly as a guarantee for any portion of the structure. To the best of my knowledge and ability, this report represents an accurate appraisal of the present condition of the building based upon careful evaluation of observed conditions, to the extent reasonably possible".

Respectfully

Antonio Canelas, P.E.

134 FLORIDA AVE.

STRUCTURAL DESIGN



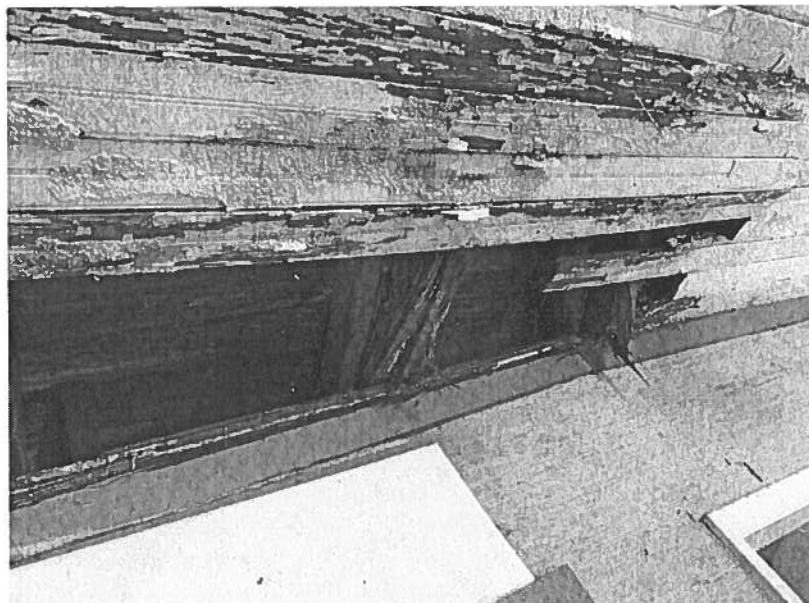
TC ENGINEERING, INC. CA LIC. No 30288
CONSULTING ENGINEERS
ANTONIO CANELAS, P.E. LIC. No. 74099
10544 NW 26 ST. SUITE E-204 DORAL, FL. 33172
PHONE: (305) 261-0321
tcstructuralengineering@gmail.com

See Attached some Pictures.



Picture 1

Area of the house very damaged. Broken joists and termite infection

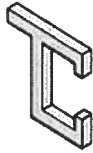


Picture 2

Wood ceiling rotten by water filtration

134 FLORIDA AVE.

STRUCTURAL DESIGN



TC ENGINEERING, INC. CA LIC. No 30288
CONSULTING ENGINEERS

ANTONIO CANELAS, P.E. LIC. No. 74099
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tcstructuralengineering@gmail.com



Picture #3

Severe damage on the exterior wood panels walls (back of the house)



Picture #4

Another exterior wall area in bad conditions

134 FLORIDA AVE.

STRUCTURAL DESIGN



TC ENGINEERING, INC. CA LIC. No 30288
CONSULTING ENGINEERS
ANTONIO CANELAS, P.E. LIC. No. 74099
10544 NW 28 ST. SUITE E-204 DORAL, FL. 33172
PHONE: (305) 261-0321
tcstructuralengineering@gmail.com



Picture #5

A/C unit not properly encased into the windows. The windows is damaged



Picture #6

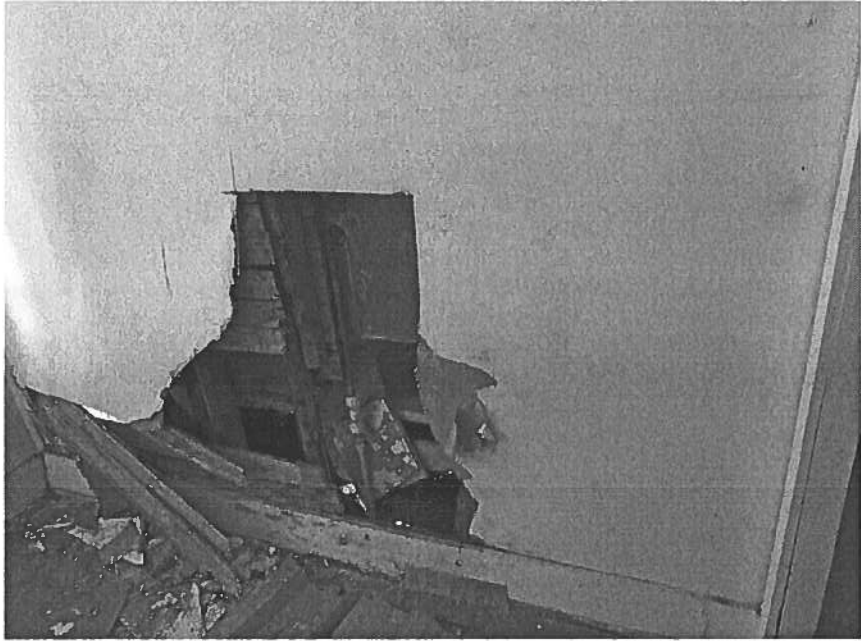
Interior of the house

134 FLORIDA AVE.

STRUCTURAL DESIGN



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Picture #7
Wood partition rotten inside the house.



Picture #8
The house is on a crawl space supported by block pedestal without any structural connection

134 FLORIDA AVE.

STRUCTURAL DESIGN



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tcstructuralengineering@gmail.com



Picture #9 Another support example.



Picture #10 The wood floor is rotten in some areas.

Attachment B

Owner: Miami20th Investments LLC
Code Enforcement Case Number(s): n/a
Property Address: 134 Florida Ave
Date: August 2, 2022
September

COMPLIANCE AGREEMENT

1. **PARTIES.** The Parties to this Compliance Agreement are Miami20th Investments LLC (“Owner”) and the City of Coral Gables, a Florida municipal corporation, by and through its Department of Development Services (“City”).

2. **VIOLATIONS AND LIENS.** The Parties stipulate and agree that they have entered into this Agreement for the purposes of resolving the violations of the City Code (i.e. demolition by neglect of an historic structure), in lieu of bringing code enforcement cases. The Parties acknowledge that the violations have yet to be corrected. As such, the City may pursue further enforcement action to address the violations. The Parties recognize that there no code enforcement fines and no special assessments for lot clearing liens and or solid waste charges as of the date of this Agreement. Moreover, the Parties desire to resolve all matters amicably.

3. **WARRANTY OF OWNERSHIP.** The Owner swears, affirms, and warrants to the City that it is the current Owner of 134 Florida Avenue, Coral Gables, Florida (“Property”). Furthermore, the Owner understands that this Agreement is predicated on the warranties made by the Owner. If the same prove false or inaccurate, the City may cancel and void this Agreement and pursue code enforcement action.

4. **CORRECTIVE ACTION REQUIRED.** Furthermore, the Owner agrees to bring the Property into full compliance with the City Code as well as all City regulations as follows:

- a. within 30 days from the date of this Agreement, the Owner shall apply for any and all required development approvals, including, but not limited to, building permits for reconstruction of the historic single-family home on the Property in compliance with all applicable codes (“Permits”);
- b. the Owner shall obtain the Permits within 60 days of the date that the application is complete and filed and, in any event, no later than 90 days from the date of this Agreement.
- c. the Owner shall make substantial progress on the Permits every 30 days thereafter; and
- d. the Property shall pass final inspection on the Permits within 365 days of the date of this Agreement.

The Owner understands that, in order to bring the Property into compliance, he must remedy the violations described above in a manner determined to be acceptable by the City Development Services Director. The City Development Services Director and the City Attorney have the authority to extend any and all time deadlines contained herein.

5. **EXTENSIONS.** As long as the Owner complies with this Agreement, the City agrees to forego any code enforcement action until the date the violations are corrected. In the event the

Owner breaches this Agreement, the City shall pursue any and all code enforcement action. The City, in its sole discretion, may extend any of the above deadlines if it finds good cause beyond the control of the Owner and that the Owner acted in good faith and exercised due diligence in its efforts to obtain all required Permits, to correct all code violations, and to request an extension of any deadlines, as applicable. Good cause to obtain an extension shall include the time required for the City to review the application for Permits, the plans, and any revisions (collectively referred to as "Plans"), but only for the number of days the Plans have been submitted for review. Any additional time granted due to the City's review shall be computed from the date the Plans are submitted until the date the City notifies the Owner that the Plans are ready to be picked up for any required revisions or that the Permits are ready to be picked up. Once any of the Permits have been issued, the request for an extension shall indicate the permit number, date, and trade of any approved inspection. Should the Owner fail to comply with this Agreement, the City will no longer grant extensions for good cause and the City may enter an agreed Code Enforcement Board order ("Agreed CEB Order") against the Owner without the need for the issuance of a notice of violations. The City may also record the lien created by the Agreed CEB Order naming the Owner as a respondent. Fines of \$150 per day in the Agreed CEB Order shall run prospectively from the date of the non-compliance with this Agreement.

6. BREACH OF THIS AGREEMENT. Should the Owner fail to comply with this Agreement, the City will no longer grant extensions for good cause. The City may also pursue any of its legal remedies regarding the fines and violations, including, but not limited to, a foreclosure on the City's liens and an injunction action.

7. LIENS AGAINST PROPERTY. All Parties to this Agreement recognize and agree that any code enforcement fines pursuant to this Agreement shall constitute liens against the property and shall accrue daily, with interest, as applicable, until the terms and conditions contained herein are complied with fully and the Owner passes final inspection on the Permits. Moreover, the Parties to this Agreement recognize and agree that nothing in this Agreement shall constitute or be construed as a waiver by the City of its right to further fine and/or lien the Property, including, but not limited to, by bringing code enforcement actions against the Owner or a subsequent owner of the Property, in the event of a breach of this Agreement.

8. ADDITIONAL RESPONSIBILITY OF OWNER. The Owner, moreover, acknowledges and agrees that he shall remain responsible for and shall promptly pay any other liens or amounts due to the City, including, but not limited to, solid waste fees, sanitary lot clearing liens, alarm fees, and special assessments (such as local improvement liens of the City), which have accrued or may hereafter accrue. The Owner also agrees to maintain the Property in compliance with the City Code and to promptly correct any new violations of the City code, upon written notice by the City, that may arise during the term of this Agreement.

9. INFORMATION REGARDING COMPLIANCE. The Owner agrees to provide, within 48 hours of the request, any information that the City requests in order to determine the status of compliance with this Agreement.

10. AMENDMENTS AND/OR MODIFICATIONS: Any amendments and/or modifications to this Agreement shall be made in writing. The Parties have not entered into any agreement, other than as set forth herein.

11. APPLICABLE LAW. This Agreement shall be governed by the laws of the State of Florida and venue for any litigation hereunder shall be in Miami-Dade County, Florida.

12. INVALIDITY OF PROVISION. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision, to persons or circumstances, other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

13. WAIVER OF TRIAL BY JURY. IT IS MUTUALLY AGREED BY AND BETWEEN THE RESPECTIVE PARTIES THAT THEY HEREBY WAIVE TRIAL BY JURY IN ANY ACTION, PROCEEDING, OR COUNTERCLAIM BROUGHT BY ANY OF THE PARTIES HERETO AGAINST THE OTHER ON ANY MATTERS ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT.

14. EXECUTION OF THIS AGREEMENT. This Agreement may be signed and delivered in counterparts. A scanned and emailed, or other electronic signature or image of a signature, shall have the same effect as an original ink signature and shall be binding, even if the signature is not yet witnessed or notarized.

15. DATE OF AGREEMENT. The date of this Agreement is the date that the last signatory signs it.

WHEREFORE, the Parties, where applicable through their respective undersigned representatives, have executed this Agreement on the date indicated below.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGES TO FOLLOW]

FOR THE OWNER:

WITNESSES:

Stephen Arslanian

Print Name: Stephen Arslanian

Fanny Astudillo

Print Name: Fanny Astudillo

Owner's address for service of all code enforcement notices by the City:
Miami20th Investments, LLC
c/o Konstantin Pavlovsky
Registered Agent
168 La Quinta Court
Holmdel, NJ 07733

OWNER:

Miami20th Investments, LLC

By:

Konstantin Pavlovsky
Konstantin Pavlovsky

Date: 8/31/22

ACKNOWLEDGMENTS

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

THE FOREGOING INSTRUMENT was acknowledged before me by means of [] physical presence or [] online notarization, on this 31st day of August, 2022, by Konstantin Pavlovsky, as Managing Member of Miami20th Investments, LLC, which is the owner of the Property, and who is personally known to me or _____ who has produced _____ (type of identification) as identification.

My Commission Expires:

April 14th, 2026

Stephen Arslanian
Signature of Notary Public, State of Florida

Stephen Arslanian
Printed Name of Notary Public



STEPHEN ARSLANIAN
Commission # HH 263132
Expires April 14, 2026

FOR THE CITY:

Antoine Loar
Interim Code Enforcement Manager
405 Biltmore Way
Coral Gables, Florida 33134

Antoine Loar

Date: 09/01/2022

Cristina M. Suarez
Deputy City Attorney & City Prosecutor
405 Biltmore Way, 2nd Floor
Coral Gables, Florida 33134

Cristina M. Suarez

Date: 9/2/2022

Attachment C

Law Office of
Alexander L. Palenzuela, P.A.
1200 Brickell Avenue, Suite 1950
Miami, FL 33131-3298
Tel: (305) 333-0467
alp@alp-law.com

October 10, 2022

***Posted at the Property and
Sent via First Class Mail***

134 Florida, LLC
c/o Alex Pavlovsky
Registered Agent
168 La Quinta Ct
Holmdel, NJ 07733-2536

**Re: Notice of violations and further enforcement action regarding real property
located at 134 Florida Avenue, Coral Gables, FL 33133-4860 ("Property")**

Dear Mr. Pavlovsky:

This office represents the City of Coral Gables, Florida ("City"). You are the listed as the owner of the Property in the office of the Property Appraiser and in the Public Records of Miami-Dade County.

As such, the City has brought or is bringing code enforcement actions against you for failure to maintain the Property. In spite of the City's efforts, the Property remains in violation of the City Code and constitutes a public nuisance. Specifically, the Property is in violation of the City Code for reasons including, but not limited to, those set forth in the list of violations attached to the attached cease and desist letter ("Violations").

You are hereby notified that the City will file a lawsuit or otherwise pursue further enforcement action, which may include any or all of the following: 1) an injunction requiring that the responsible parties maintain the Property in compliance with the City Code; 2) the appointment of a receiver at the expense of the responsible parties; 3) foreclosure on the City's code enforcement and special assessments liens, if any; 4) forfeiture pursuant to applicable law; 5) the issuance of a code enforcement citation imposing a fine of \$500 per day, as stated in the attached cease and desist letter, pursuant to §§ 2-252 (e)(1) and 2-254 of the City Code; or 6) an unsafe structures proceeding, as applicable. Please be advised that the City's code enforcement liens attach to all non-exempt real and personal property of the violator(s) named in the code enforcement order and that the City will seek its attorneys' fees and costs.

Since the violations pertain to the failure to maintain a structure that has been designated a Local Historic Landmark, please be advised that:

- **You may be subject to substantial fines that may not be mitigated.**
- **You may also be required to repair or restore the historic structure.**
- **If the historic structure is allowed to deteriorate to the point where it must be demolished:**

Mr. Alex Pavlovsky
October 10, 2022
Page 2 of 2

- **the City Code requires that you replace the structure with a similar historically-appropriate structure; and**
- **the property will no longer qualify for an historic preservation tax exemption.**

Should you wish to bring this property into compliance voluntarily and possibly avoid further enforcement action, you must contact me within seven days of the date of this letter. Please provide a plan of action and a timeline, including how you intend to obtain any necessary development approvals and commence and complete the work to correct the Violations.

Please govern yourself accordingly.

Very truly yours,



Alexander L. Palenzuela

cc: Miriam Soler Ramos, Esq., B.C.S., City Attorney

THE CITY OF CORAL GABLES



The City Beautiful

OFFICE OF
THE CITY ATTORNEY

CITY HALL 405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134

October 10, 2022

***Posted at the Property and
Sent via First Class Mail***

134 Florida, LLC
c/o Alex Pavlovsky
Registered Agent
168 La Quinta Ct
Holmdel, NJ 07733-2536

**Re: Cease and desist demand regarding violations of the City Code at the premises
located at 134 Florida Avenue, Coral Gables, FL 33133-4860 ("Property")**

Dear Mr. Pavlovsky:

This office represents the City of Coral Gables ("City"). You are hereby notified, as set forth below, that you are in violation of the City Code and other applicable law for failure to register and maintain a vacant and abandoned single-family home on the Property, which has been designated a Local Historic Landmark ("Structure"), has violations of the City Code, and is unsafe.

Violations of the City Code

An inspection of the premises and review of City records, conducted on or about July 25, 2022, revealed that you committed the violations of the City Code set forth in the attached List of Violations ("Violations").

In order to correct these Violations, you must take the corrective action described in the attached List of Violations, within seven days of the date of this letter.

Cease and Desist Order

In light of the Violations, we hereby demand, pursuant to §§ 2-252(e)(11) and 2-254 of the City Code, that you correct all of the above-described violations within seven days of the date of this letter. Failure to comply with this cease and desist letter shall result in the issuance of an additional code enforcement citation punishable by a fine of \$500 per day.

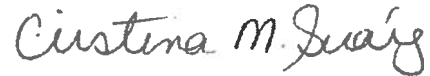
Please note that, if you do not correct the Violations, the City will have no choice but to pursue further enforcement action, which may also include, but is not limited to, corrective action, including an action for a court injunction, the appointment of a receiver, or forfeiture; additional code enforcement actions, fines, and liens, including assessment liens; and foreclosure on any City

Mr. Alex Pavlovsky
October 10, 2022
Page 2 of 4

liens; including any applicable attorneys' fees and costs. Please contact me no later than seven days of the date of this letter, to confirm that you will correct the remaining violations.

Nothing herein is intended to be a waiver of any of the City's rights and remedies which are expressly reserved, including, but not limited to, the right to issue citations for violations of additional provisions of the City Code.

Sincerely,



Cristina M. Suárez
Deputy City Attorney and
City Prosecutor

cc: Miriam Soler Ramos, Esq., B.C.S., City Attorney
Gus Ceballos, Esq., B.C.S., Assistant City Attorney
Suramy Cabrera, P.E., Development Services Department/Building Director
Douglas A. Ramirez, M.S., P.E., Deputy Director for Development Services
Antoine Loar, Code Enforcement Manager

List of Violations for 134 Florida Ave

	Code Sections	Description of Violation	Corrective Action Required
1.	Sections 34-202 and 34-203 of the City Code	Failure to maintain (as set forth herein) and register vacant property on www.ProChamps.com	Register the property as vacant and apply for, obtain, and pass final inspection on all required permits to maintain the property
2.	Section 105-26 of the City Code and Section 105.1 of the Florida Building Code and Section 14-202.7(A)(1) of the City Zoning Code	Replacement of wood siding without the necessary development approvals, including, but not limited to, building permits	Apply for, obtain, and pass final inspection on all required after-the-fact development approvals, including, but not limited to, building permits, to legalize or remove all work done without a permit, as applicable
3.	Sections 248, 249, 250, 252, 253, 255, 275, 278, and 281 of Chapter 105, Minimum Housing Code, of the City Code	Failure to maintain the structure by allowing: walls, floors, porch, and roof to fall into disrepair, some siding is loose; roof is not weathertight, windows are damaged and porch window is boarded; structural supports, walls, and roof are not sound; front steps are dirty; and house has termite infestation (see engineer's Structural Inspection Report of 10-19-21)	Clean, repair, and maintain the structure on the property and apply for, obtain, and pass final inspection all required development approvals, including, but not limited to, building permits, to repair and maintain the structure; including, but not limited to, any required color palette approval to paint the structures
4.	Subsections 8-108(b), (c), (d), (e), (f), (g), and (i) of the City Zoning Code	Demolition by neglect of an historic structure; as set forth above and as applicable; b. Deteriorated or inadequate foundations; c. Defective or deteriorated flooring or floor supports or any structural members of insufficient size or strength to carry imposed loads with safety; d. Deteriorated walls or other vertical structural supports, or members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;	Repair, and preserve the historic structure and apply for, obtain, and pass final inspection on all required development approvals, including, but not limited to, building permits

		<p>e. Structural members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;</p> <p>f. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or missing windows or doors;</p> <p>g. Defective or insufficient weather protection which jeopardizes the integrity of exterior or interior walls, roofs or foundations, including lack of paint or weathering due to lack of paint or other protective covering; and</p> <p>i. Any fault or defect in the property that renders it structurally unsafe or not properly watertight</p>	
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Attachment D



CITY OF CORAL GABLES
Development Services Department

CITY HALL 405 BILTMORE WAY
CORAL GABLES FL 33134

November 1, 2022

*Sent via first class and
certified mail,
return receipt number:*

7021 1970 0000 4015 5288

134 Florida, LLC
c/o Alex Pavlovsky
Registered Agent
168 La Quinta Ct.
Holmdel, NJ 07733

Re: Notice of Unsafe Structure, Notice to Vacate, and Notice of Emergency Action to secure the historic single-family home ("Structure") located at 134 Florida Ave, Coral Gables, Florida ("Property")

Dear Property Owner:

After an inspection of the Property, the undersigned has decided to hereby declare the Structure unsafe, as provided in Article III, Chapter 105 of the City of Coral Gables Code, entitled "Unsafe Structures". The Structure is declared unsafe because it is in violation of the following subsections of Section 105-89 of the City Code, entitled "Physical criteria for unsafe structures":

Sec. 105-89. Physical criteria for unsafe structures.

A structure shall be considered unsafe if it meets any of the following criteria:

- (1) The structure or its electrical, gas, mechanical, or plumbing system is unsafe; dangerous; unsanitary; does not provide adequate egress; constitutes a fire or windstorm hazard; is otherwise dangerous to human life; by reason of illegal or improper use, occupancy or maintenance, constitutes a hazard to safety or health or public nuisance; or has been substantially damaged by the elements, fire, explosion, or otherwise.
- (2) The structure constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

- (10) A structure shall be presumed to be unsafe if one or more of the following criteria applies:
- a. There is falling-away, hanging, or loose siding, blocks, bricks, or other building material.
 - b. The structure or its structural parts are deteriorated.
 - d. There is an unusual sagging or leaning out of plumb or square of the structure and such effect is caused by deterioration or over-stressing.
 - h. The structure is in violation of the minimum housing code of article V of this chapter.
 - i. The construction of the structure or the construction or installation of systems or components within the structure has been commenced or completed without a permit or all of the required inspections or where the permit has expired prior to the required final inspections and the issuance of a certificate of occupancy or certificate of completion.
 - j. The structure is vacant and abandoned and is not covered at the doors or windows or is covered with materials not previously approved by the building official.
 - l. The structure or part thereof meets any of the physical criteria of an unsafe structure set forth above and has not been repaired and brought into compliance with the applicable codes following the expiration of a reasonable notice period.

Specifically, you have performed renovations without the necessary development approvals, including, but not limited to, building permits (“Permits”) as follows: On or about July 25, 2022, you replaced wood siding on the rear of the Structure without a permit and the City posted the first stop work order on September 21, 2022. You illegally removed the stop work order and replaced the front door without a permit and the City posted the second stop work order, on October 19, 2022. You illegally removed the stop work order and replaced the subfloor under the front door without a permit and the City posted a third stop work order, on October 28, 2022. You illegally removed the stop work order and the City posted a fourth stop work order later the same day. You illegally removed the stop work order and the City posted a fifth stop work order on October 31, 2022. Police were summoned to the Property on September 24, 2022 and October 28, 2022. Each time the police came, the workers, who could be heard working inside the Structure, refused to open the door.

In addition, you are in violation of the Sections 248, 249, 250, 252, 253, 255, 275, 278, and 281 of Chapter 105, Minimum Housing Code, of the City Code, and Section 105-89 of the City Code as follows: Failure to maintain the structure by allowing: walls, floors, porch, and roof to fall into disrepair, some siding is loose; roof is not weathertight, windows are damaged and porch window is boarded; structural supports, walls, and roof are not sound; front steps are dirty; and house has termite infestation (see engineer’s Structural Inspection Report of 10-19-21).

Because the Structure is historic, you shall apply for, obtain, and pass final inspection on all Permits to demolish and reconstruct the Structure and you shall take into

consideration any comments and recommendations by the Historic Preservation Board (“Required Action”).

Pursuant to Section 105-94 of the City Code, entitled “Abatement required”, all unsafe structures or systems are declared illegal and shall be vacated and the unsafe condition shall be abated by repair, rehabilitation, or demolition. Therefore, you must apply for, obtain, and pass final inspection on all required development approvals, including, but not limited to, building permits, to bring the structure into compliance with the applicable codes.

Please be advised that, due to the health and safety hazards in the Structure, the City hereby declares the Structure unsafe and is taking emergency action, pursuant to Section 105-96 of the City Code, to immediately secure the Structure by installing a fence around the perimeter of the Property (“Emergency Action”). **Additionally, the City is requesting that Florida Power & Light and the Miami-Dade Water and Sewer Department, without any further notice, immediately disconnect the power and water to the Structure.** The City may impose a special assessment lien on the Property for the costs of the corrective Emergency Action, pursuant to Section 105-98 of the City Code.

Please note that it shall be unlawful for any person, firm, or corporation or their agents to remove this notice without written permission from the Building Official, or for any person to enter the Structure, except for the purpose of correcting the violations, after the required Permits have been issued.

You may also immediately contact me to make arrangements to undertake the Emergency Action yourself. Otherwise, you have the right to appeal this decision to the City’s Construction Regulation Board (“Board”). Filing an appeal will not prevent the City from taking the Emergency Action, but the Board shall decide whether you can be held responsible for the costs of the Emergency Action.

Your cooperation in this matter is greatly appreciated.

Sincerely,



Suramy Cabrera, P.E.,
Development Services Department/Building Director

cc: Peter J. Iglesias, P.E., City Manager
Miriam Soler Ramos, Esq., B.C.S., City Attorney
Cristina M. Suarez, Deputy City Attorney and City Prosecutor
Manuel Z. Lopez, P.E., Deputy Building Official
Warren Adams, Historical Resources and Cultural Arts Director
Rudy G. Perez, Chief Plumbing Official
Gerardo Moreno, Chief Electrical Official

Construction Regulation Board File