

**UNSAFE STRUCTURES BOARD HEARING**  
**MINUTES OF September 21<sup>st</sup>, 2022**

**Members Present:** James Starkweather, Vice Chair Carlos Naumann  
Lynn Matos Kevin Deeb  
Aymara D. Riley Marco Gorrin  
Abel Ramirez

**Excused Absent:** Jason B. Trauth, Chairperson  
Miguel Brizuela Adebayo Coker

**Staff:** Keoki Baron, Assistant County Attorney  
Andrea Gonzalez Mateo, Assistant County Attorney  
Jaime Gascon, Board and Code Administration Division Director  
Kathy Charles, Board Administrator  
Alba Urbina, Board Administration Specialist

**Court Reporter:-** Lorena Ramos, Miami Dade County Court Reporting Services – (Virtual)

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:44 P.M. on Wednesday, September 21<sup>st</sup>, 2022, on the 2<sup>nd</sup> Floor, Conference Rooms I & J, of the Herbert Saffir Permitting & Inspection Center, Department of Regulatory & Economic Resources located at 11805 SW 26<sup>th</sup> Street, Miami, Florida, 33175 and conducted with virtual meeting access using the Zoom Webinar Platform.

Mr. James Starkweather requested a motion to approve and accept the minutes of July 20<sup>th</sup>, 2022 for the Unsafe Structures Board Meeting. Mr. Kevin Deeb moved to accept the prior minutes of the Board meetings. Mr. Marco Gorrin seconded the motion.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Ms. Kathy Charles, Board Administrator, provided some general information on how the meeting would be conducted for the benefit of those attending virtually.

**Reasonable Opportunity to be Heard:** Ms. Charles announced an opportunity for the audience to address the Board on any matters of concern related to the Board's jurisdiction that was not scheduled on the agenda. She informed the Board that there were no individuals present who requested to be heard by the Board for the reasonable opportunity to be heard.

Vice Chairman James Starkweather asked Ms. Charles to announce the **withdrawals** and **deferrals** for the record.

Ms. Charles announced that the following Unincorporated Miami Dade County cases were entered as **Withdrawals by the Building Official:**

**Rescheduled July 20<sup>th</sup>, 2022 - Unincorporated Miami Dade County:**

DC20210210744U	14755 N Miami Avenue
DC20220212452U	18224 Mediterranean Blvd., #18224
DCF2019006649U	13246 SW 111 Terrace #13246
DCF2019006650U	13244 SW 111 Terrace #13244
DCF2019006651U	13236 SW 111 Terrace #13236
DCF2019006652U	13234 SW 111 Terrace #13234
DCF2019006653U	11116 SW 132 Place #11116
DCF2019006654U	11118 SW 132 Place #11118
DCF2019006655U	13255 SW 111 Terrace #13255
DCF2019006656U	13253 SW 111 Terrace #13253
DCF2019006657U	13243 SW 111 Terrace #13243
DCF2019006658U	13245 SW 111 Terrace #13245
DCF2019006659U	13235 SW 111 Terrace #13235
DCF2019006660U	13233 SW 111 Terrace #13233
DCF2019006661U	13225 SW 111 Terrace #13225

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DCF2019006662U	13223 SW 111 Terrace #13223
DCF2019006663U	13233 SW 110 Terrace #13233
DCF2019006664U	13235 SW 110 Terrace #13235
DCF2019006665U	13253 SW 110 Terrace #13253
DCF2019006666U	13255 SW 110 Terrace #13255
DCE2019006667U	13273 SW 110 Terrace #13273
DCF2019006668U	13275 SW 110 Terrace #13275
DCF2019006669U	11026 SW 132 Place #11026
DCF2019006670U	11028 SW 132 Place #11028
DCF2019006671U	13234 SW 110 Terrace #13234
DCF2019006672U	13236 SW 110 Terrace #13236
DCF2019006673U	13254 SW 110 Terrace #13254
DCF2019006674U	13256 SW 110 Terrace #13256
DCF2019006675U	11035 SW 132 Court #11035
DCF2019006676U	11033 SW 132 Court #11033
DCF2019006677U	11025 SW 132 Court #11025
DCF2019006678U	11023 SW 132 Court #11023
DCF2019006679U	11026 SW 132 Court #11026
DCF2019006680U	11024 SW 132 Court #11024
DCF2020008182U	15055 NW 7 Avenue #1

**Regular Scheduled September 21<sup>st</sup>, 2022 - Unincorporated Miami Dade County:**

DCF2020007661U 10723 SW 56 Street #1

Ms. Charles announced that the following Unincorporated Miami Dade County cases were entered as **Deferrals by the Building Official:**

**Rescheduled July 20<sup>th</sup>, 2022 - Unincorporated Miami Dade County:**

DCF2020007885U 1845 NW 65 Street #1

**Regular Scheduled September 21<sup>st</sup>, 2022 - Unincorporated Miami Dade County:**

DCF2020008096U 354 NE 167 Street #1

Vice Chairman James Starkweather, asked Ms. Charles to announce that the following cases were presented and entered as **Agreements by the Building Official:**

**Rescheduled July 20<sup>th</sup>, 2022 - Unincorporated Miami Dade County:**

DC20210211818U	2525 NW 62 Street
DC20220212422U	4001 NW 37 Avenue
DC20220212690U	5801 SW 137 Avenue
DC20220213010U	8350 NW 8 Street #1-2
DC20220213670U	1340 NW 95 Street #106
DC20220213672U	8205 SW 152 Avenue #8205
DCF2020008170U	928 NW 144 Street #1

**Regular Scheduled September 21<sup>st</sup>, 2022 - Unincorporated Miami Dade County:**

DC20210211908U	2100 Fisher Island Drive
DC20220213412U	961 NE 172 Street

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Ms. Charles announced that the following cases were entered as **No Contest/No Show by the Building Official:**

**Rescheduled July 20<sup>th</sup>, 2022 - Unincorporated Miami Dade County:**

DC20200202090U	1398 NW 79 Street OFFICE
DC20210211370U	2540 NW 74 Street
DC20220212426U	8465 SW 156 Place CLUBHOUSE
DC20220212437U	9956 SW 88 Street #9956
DC20220213029U	11901 SW 144 Court Bay#3
DCF2020007871U	3023 NW 62 Street #1
DCF2020007895U	8350 NW 14 Avenue #2
DCF2020007944U	7112 NW 27 Avenue #1
DCF2020007953U	2990 NW 79 Street #1
DCF2020008161U	12001 NW 27 Avenue #1

**Regular Scheduled September 21<sup>st</sup>, 2022 - Unincorporated Miami Dade County:**

DC20210211252U	7901 NW 67 Street
BC20210206434U	20901 SW 392 Street
DC20220214828U	10500 SW 108 Avenue BUILDING B
DCF2020007782U	2901 NW North River Drive #1
DCF2020007817U	5026 NW 23 Avenue #3

Vice Chairman James Starkweather informed everyone that the Board file jackets for the Agreements and No Contest/No Shows were being circulated and reviewed by the Board Members.

Mr. Starkweather requested a motion to uphold the decisions of the Building Official for the **Agreements and the No Contest/No Show cases**. Mr. Deeb moved to accept the decisions of the Building Official for the Agreements and the No Contest/No Show case. Mr. Ramirez seconded the motion.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

**Heard Case**

Ms. Charles then called forth the first case to be heard on record from the Unincorporated Miami Dade County.

**Unincorporated Miami Dade County:-**

**DC20210211348U                      3400 Rickenbacker CSWY Golden Dome**

Mr. Starkweather asked Mr. Spencer Errickson, Unsafe Structures Unit Supervisor, and all interested parties to be sworn in by the Court Reporter. The participants were sworn in at 2:13 P.M.

Mr. Errickson informed everyone that the Board file jacket was being circulated and reviewed by the Board Members and that he did not have a formal recommendation for this case.

Mr. Starkweather then recognized Mr. Robert Fine, Attorney for the Property Owner, for his presentation.

Mr. Fine provided the Board and update on the actions taken by the owners since the deferral of the case to begin the engineering review of the property and to determine the how best to bring any items into compliance. Mr. Fine requested that they be allowed 180 days to submit applications for permits as the property owners had hired new engineers to assess the extent of the repairs needed for the structure.

Mr. Ramirez asked Mr. Fine if the Dome was in use.

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Cont... DC20210211348U, 3400 Rickenbacker CSWY Golden Dome

Mr. Fine stated that that it was currently in use but that the areas where the spalding damage was discovered were barricaded. He clarified that the public has no access to areas where damage was observed.

Mr. Gorrin asked Mr. Fine what was used as barricades to prevent the public from accessing the areas with damage.

Mr. Patrick Pearson, General Manager, stated that barricades made of PVC pipe were built and installed to cordon off the specific area. He also clarified that there was surveillance in place to ensure that there is no trespassing into the areas with damage.

Mr. Fine stated that they have been working with Mr. Rojas, Unincorporated Building Official, to make sure the property was up to compliance. He also stated that County inspectors visited the property to assess progress.

Ms. Riley asked why the property owners need more time that was requested as the case had already been deferred.

Mr. Fine stated that they had to fire the last contracting company recently, as they were not working at the standards needed and expected. He further clarified that they were in the process of hiring new engineers and this resulted in the need to ensure that they provided the realistic compliance timeframes ahead of the completion of the engineering review.

Ed Hernandez, Miami Dade County Parks and Recreation Open Spaces, stated that the County owns the land but that the land was the subject of long-term lease to previous owners and now was newly leased this year to the current owners of the structures. He also clarified that Miami Dade County does not maintain or operate the property and facility.

After some deliberations, Ms. Riley proposed for consideration the following ruling for case DC20210211348U located at 3400 Rickenbacker CSWY Golden Dome: Reports must be submitted to the Unsafe Structures Unit for approval within ninety (90) days from today. Structure must be repaired or completed with Engineer's Certification and Architect/Engineer's sealed plans. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted first to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor pursuant to section 10-5(2) of the Miami Dade County code within one hundred eighty (180) days from today. The completion or repair of said structure(s) shall conform to the Florida Building Code unless application is made pursuant to the provision of section 8-11(g) of the code of Miami Dade County and shall be completed within three hundred sixty-five (365) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure(s) shall be demolished by the enforcing municipality as soon as possible.

Mr. Starkweather moved for the Board to accept Ms. Riley's recommended timeframes as the ruling for this case. Mr. Naumann seconded the motion.

***The motion passed unanimously.***

*(For a verbatim version, please refer to the transcripts)*

Ms. Charles then called forth the second case to be heard on record from the Unincorporated Miami Dade County.

### **Unincorporated Miami Dade County:**

**DC20210211387U**

**3400 Rickenbacker CSWY Whale Bowl**

Mr. Errickson informed everyone that the Board file jacket was being circulated and reviewed by the Board Members and that he did not have a formal recommendation for this case as well.

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Cont... DC20210211387U, 3400-Rickenbacker CSWY Whale Dome

Mr. Starkweather then recognized Mr. Robert Fine, Attorney for the Property Owner, for his presentation.

Mr. Fine stated that this property was very unique and as such had many challenges that stemmed in part from the specific requirements that were needed for the care of Lolita, the whale which has inhabited the water basin area. He stated that Lolita's health had deteriorated and that there were no plans for her to perform. Mr. Fine explained that no repairs can be made to the Whale Bowl as any vibrations and debris would further affect Lolita's already fragile health. The pool part of the structure can be maintained to allow Lolita to continue to reside there permanently. However, the grandstands cannot be maintained in their current condition and has been permanently closed off to the public. Mr. Fine requested that there only be monitoring of the structure to identify if there is any

damage or deterioration. He indicated that the owners would propose that if the Whale Bowl were to no longer be a home to Lolita, then at that time a timeframe of ninety (90) days be requested to demolish the structure. Mr. Fine clarified that the safety of Staff was the Property Owner's priority and as such an egress area would be erected to allow staff to access safely care for Lolita and exit the area safely as well in the case of an emergency.

Mr. Gorrin asked how the structure was allowed to deteriorate to this extent.

Mr. Fine clarified that the new owners have only owned the facilities for the past six months and asked Mr. Hernandez to clarify on behalf of the County.

Mr. Hernandez stated that he could not speak to why the deterioration was so extensive as he had only been with the Department for a few years. He stated that these are unique circumstances and that the County, and the Property Owners were trying to come up with a solution to a difficult situation, while trying to move forward with safety as the focus.

After some deliberations, Mr. Starkweather proposed for consideration the following ruling for case DC20210211387U located at 3400 Rickenbacker CSWY Whale Dome: Structure (A) must be repaired or completed with Engineer's Certification and Architect/Engineer's sealed plans. A building permit must be obtained for items to be completed. The permit documents shall be submitted first to the Unsafe Structures Unit for approval. The building permit documents (for proposed structural egress passage), and application must be submitted by a licensed contractor pursuant to section 10-5(2) of the Miami Dade County code within thirty (30) days from today. The completion of said structure (structural egress passage) shall conform to the Florida Building Code unless application is made pursuant to the provision of section 8-11(g) of the code of Miami Dade County and shall be completed within one hundred twenty (120) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure(s) shall be demolished by the enforcing municipality as soon as possible.

Mr. Starkweather moved for the Board to accept his recommended timeframes as the ruling for this case. Mr. Ramirez seconded the motion.

***The motion passed by vote of 6 to 1. (Ms. Riley opposed.)***

*(For a verbatim version, please refer to the transcripts)*

Ms. Charles then called forth the third case to be heard on record from the Unincorporated Miami Dade County.

**Unincorporated Miami Dade County:**

**DC20210211907U**

**2000 Fisher Island Drive**

Mr. Starkweather asked Mr. Spencer Errickson, Unsafe Structures Unit Supervisor, and all interested parties to be sworn in by the Court Reporter. The participants were sworn in at 3:45 P.M.

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Cont... DC20210211907U, 2000 Fisher Island Drive

Mr. Errickson informed everyone that the Board file jacket was being circulated and reviewed by the Board Members. Mr. Errickson stated that this property was converted residential to commercial use. He stated his recommendation for the record as follows: Structure (A) must be repaired or completed with Engineer's Certification and Architect/Engineer's sealed plans. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted first to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor pursuant to section 10-5(2) of the Miami Dade County code within one hundred twenty (120) days from today.

The completion or repair of said structure(s) shall conform to the Florida Building Code unless application is made pursuant to the provision of section 8-11(g) of the code of Miami Dade County and shall be completed

within one hundred eighty (180) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure(s) shall be demolished by the enforcing municipality as soon as possible.

Mr. Starkweather recognized Mr. Jason Gillard, Attorney for the Condo Association, for his presentation.

Mr. Gillard agreed to the timeframes recommended by Mr. Errickson.

Mr. Starkweather recognized Ms. Amanda Hand, Attorney for the Unit owner, for her presentation.

Ms. Hand stated that the roof has extensive damage and that there currently are many roof leaks and the owner actually has aluminum pans catching water in section of the Unit. Ms. Hand entered photographs of the damage to the Board for their review. Ms. Charles stated that these photographs would be marked as "Exhibit 1". Ms. Hand stated that there are no contractors on site that they were aware of and that the Association was claiming that the work was done. Ms. Hand requested thirty (30) days for the permits and sixty (60) days to complete the repairs.

After some deliberations, Ms. Riley proposed for consideration the following ruling for case *DC20210211907U* located at *2000 Fisher Island Drive*: Structure (A) must be repaired or completed with Engineer's Certification and Architect/Engineer's sealed plans. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted first to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor pursuant to section 10-5(2) of the Miami Dade County code within one hundred twenty (120) days from today.

The completion or repair of said structure(s) shall conform to the Florida Building Code unless application is made pursuant to the provision of section 8-11(g) of the code of Miami Dade County and shall be completed within ninety (90) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure(s) shall be demolished by the enforcing municipality as soon as possible.

The completion of the related rooftop repairs shall conform to the Florida Building Code unless application is made pursuant to the provision of section 8-11(g) of the code of Miami Dade County and shall be completed within one hundred twenty (120) days from today. Completion shall be determined when a final inspection approval is obtained on the building permit.

Mr. Starkweather moved for the Board to accept Ms. Riley's recommended timeframes as the ruling for this case. Mr. Naumann seconded the motion.

***The motion passed unanimously.***

*(For a verbatim version, please refer to the transcripts)*

Ms. Charles then called forth the last case to be heard on record from the City of Miami Beach.

City of Miami Beach: (Extension of Time Request)  
MB2022-003 6770 Indian Creek Drive

Mr. Starkweather informed everyone that the Board file jacket was being circulated and reviewed by the Board.

Ms. Starkweather recognized Ms. Carolina Sznajderman Sheir, Attorney for the Condo Association, to make her presentation.

Ms. Sheir stated that the engineers hired stated that the estimated timeframes to complete the repairs are one hundred eighty (180) days. She clarified that many repairs were already completed. She was advised that the bulk of the work pending was electrical in nature.

Ms. Starkweather recognized Mr. Steve Rothstein, Deputy City Attorney for Miami Beach, to make his presentation.

Cont... MB2022-003, 6770 Indian Creek Drive

Mr. Rothstein stated that the Building Official did not agree with the longer timelines requested as an extension of time case. The City of Miami Beach was recommending ninety (90) days to complete repairs.

Ms. Riley suggested that the Board accept the requested timeframes by the Condo Association, given the progress proffered by the party.

Mr. Starkweather moved for the Board to accept Ms. Riley's recommended timeframes as the ruling for this case. Mr. Gorrin seconded the motion.

**The motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

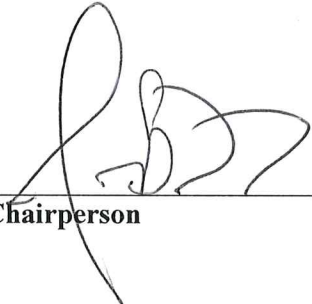
There being no further business, a motion was made by Ms. Riley and seconded by Mr. Gorrin to adjourn the meeting at 4:34 P.M.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Prepared by:

  
\_\_\_\_\_  
Board Administration Specialist

  
\_\_\_\_\_  
Chairperson

Date:

10/19/22  
\_\_\_\_\_