

**PROPOSED RESOLUTION TERM SHEET AS BETWEEN  
THE CITY OF CORAL GABLES ("CITY") AND THE GEORGE RESIDENCES, LLC  
("OWNER") PURSUANT TO SECTION 14-214 OF THE ZONING CODE**

**Pertinent Facts**

- This dispute concerns The George Project Located at 717, 729, 737 and 741 Valencia Avenue and its Tree Mitigation Plan.
- The Project is comprised of thirteen (13) residential town home units under forty-four (44) feet height, within three (3) stories.
- The Project was approved by the City Commission on July 9, 2024 via Resolution No. 2024-154. Resolution Condition 3(c) required the applicant to:

.... coordinate with Public Works on the feasibility of the relocation of the 6 mature oak trees and 2 additional mature trees. The Applicant shall prepare tree relocation plan or, in the event that one or more trees cannot be relocated, mitigation measures shall be proposed which improve tree canopy in the neighborhood surrounding the project site. The Tree Relocation/ Mitigation Plan shall be reviewed and approved by the City Commission prior to permit issuance for vertical construction. The Applicant shall also be responsible for canopy mitigation payments for any loss of tree canopy. All collected tree canopy mitigation funds shall be allocated toward providing new shade trees on Valencia, Biltmore Court, Cardena, and Biltmore Way.

- On February 14, 2025 the Owner proposed its Tree Relocation and Mitigation Plan comprised of a Landscape Plan and legend depicting the Applicant's proposal to: (a) remove six (6) oak trees; (b) relocate one (1) gumbo limbo tree; and (c) plant eight (8) new 35-foot tall oak trees along the Granada Golf Course at an estimated cost of \$356,000 to the Applicant. Because this cost amount is greater than the calculated mitigation fee of \$351,845, the resulting freestanding mitigation is \$0.00.
- The item was scheduled to be heard by the City Commission on March 11, 2025, and in advance of this City Commission Meeting, the Owner met with City Officials and Staff.
- On March 10, 2025 the Owner proposed: (1) agreement to relocate one of the six oak trees (tree No. 41, a large live oak tree) involving a complex multi-part process of moving four existing oak trees located in a City traffic triangle and bump out, and then relocating the large oak tree to the traffic triangle; and the gumbo limbo tree will also be relocated;

(2) a calculated mitigation fee in the amount of \$215,000 as set out in a signed and sealed Landscape Plan and confirmed by City Staff; (3) the planting of six (6) live oak trees measuring a minimum of twenty to twenty-two (20-22) feet in height along the right-of-way along the front of the Project; (4) the planting of fifty-eight (58) trees on the project site measuring at least twelve (12) feet tall; and (5) the planting of three hundred thirty-one (331) shrubs on the Project site and adjacent right-of-way.

- The Correspondence of March 11, 2025 included several professional arborist reports including the report of a respected arborist who summarized his findings including that (a) correspondence from Florida Power and Light confirmed that power lines needed for oak tree relocation are not able to be de-energized; (b) relocation of the oak trees will require more than 25% of the tree canopy of the subject trees posing great risk of pathogen entry into the trees' vascular system, thereby threatening the survivability of the trees; and (c) concluding that "tree location to another site is not feasible." (Report by Jeff Shimonski of Tropical Designs of Florida, dated August 10, 2024).
- At the City Commission Meeting of March 11, 2025, the City Commission voted on a Resolution requiring the Owner to hold a public Sunshine meeting on the tree mitigation plan, and for the Item to be re-heard at the May 20, 2025 City Commission Meeting.
- On April 8, 2025, the Owner submitted an Application for relief from Inordinate Burden with a detailed letter and exhibits, as contemplated by Section 14-215 of the City Zoning Code. Included with this package was a recent Arborist report concluding that the six oak trees on the site are not good candidates for relocation due to species, age, size, health and condition and location.

### **Relevant Legal Authorities**

- Section 14-214 of the City Zoning Code was adopted by the City for the purpose of avoiding costly and time-consuming litigation that will work to the detriment of both the City, the community and the Owner.
- The City Code provides certain factors to be evaluated by the tree preservation agency prior to the issuance of a tree permit. *See* §82-30(b), (c) and (d), City Code. The foregoing factors set out detailed requirements and factors to be considered to (1) preserve the existing specimen tree; (2) modify the existing specimen tree; (3) relocate the existing specimen tree; and (4) remove the existing specimen tree. *Id.*

## **Proposed Terms**

### **Option #1:**

**Plant:** The Owner will plant six (6) new oak trees along the Project frontage as submitted and depicted in the attached signed and sealed Landscape Plan dated April 2, 2025.

**Pay:** The Owner will pay mitigation in the amount of \$245,000 under the Code methodology as set out in the attached signed and sealed Landscape Plan dated April 2, 2025.

**Relocate:** The Owner will relocate the gumbo limbo tree.

**Remove:** The Owner will remove six (6) oak trees on the site.

**Permit:** The City will issue vertical permit upon bond acceptance for the tree permit.

### **Option #2:**

**Plant:** The Owner will plant six (6) new oak trees along the Project frontage as submitted and depicted in the attached signed and sealed Landscape Plan dated April 2, 2025.

**Pay:** The Owner will escrow the mitigation in the amount of \$245,000 under the Code methodology as set out in the attached signed and sealed Landscape Plan dated April 2, 2025.

**Relocate:** The Owner will relocate the gumbo limbo tree and the Owner will relocate the oak tree (#41) to a City-owned property within 30 days. The City will identify the City-owned property receiving the oak tree (#41) within 10 days. If the City fails to identify the City-owned property within the 10 days or remove the oak tree (#41) within 30 days, the Owner will remove oak tree (#41). Because the relocation of the oak tree (#41) is contrary to the professional determination of the arborists who have evaluated the situation, the City will bear all responsibility for the health, viability, and outcome for relocating the oak tree (#41). The Owner and the City will use the mitigation payment to relocate and maintain the oak tree (#41).

**Remove:** The Owner will remove the five (5) oak trees on the site.

**Permit:** The City will issue vertical permit upon bond acceptance for the tree permit.