

**City of Coral Gables City Commission Meeting  
Agenda Item H-2  
January 8, 2019  
City Commission Chambers  
405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Raul Valdes-Fauli  
Vice Mayor Vince Lago  
Commissioner Pat Keon  
Commissioner Michael Mena  
Commissioner Frank Quesada**

**City Staff**

**City Manager, Peter Iglesias  
City Attorney, Miriam Ramos  
City Clerk, Billy Urquia  
Planning and Zoning Director, Ramon Trias**

**Public Speaker(s)**

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Agenda Item H-2 [11:15 a.m.]  
A discussion regarding tree houses.  
(Sponsored by Vice Mayor Lago)

Mayor Valdes-Fauli: Okay. We have an 11:30, a time certain, when our State Attorney is coming. But do you want to bring an issue up?

Vice Mayor Lago: No, let's do H-2. We'll do H-2 right now. The...

Mayor Valdes-Fauli: Perfect. No, no, perfect.

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City Commission Meeting  
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Agenda Item H-2 - Discussion regarding tree houses.

Vice Mayor Lago: Is she here or no?

Mayor Valdes-Fauli: No, no, she isn't.

Commissioner Mena: She was here a second ago.

Mayor Valdes-Fauli: Hers is in 15 minutes.

Commissioner Mena: No. You're talking about (INAUDIBLE).

Vice Mayor Lago: No, no. I'm talking about the State Attorney.

Commissioner Mena: Oh.

Mayor Valdes-Fauli: Go ahead.

Vice Mayor Lago: Perfect. So, this is a very simple discussion. I think that it's one that probably everybody here has been reached out to at one time or another. It's in reference to tree houses and play structures. So, I imagine that staff has probably briefed you on the difference between a treehouse and a play structure.

Commissioner Quesada: The tree palace.

Vice Mayor Lago: Yes. So, we have -- I was at a birthday party this weekend a few blocks away from here, and I want to be very discreet. And, I know that everybody here has probably done this before or seen this before. Residents have been putting up play structures for their children, their grandchildren and some of them are on the setback. Most of them are on a setback. They're elaborate, beautiful structures that the children love. I don't have one in my

backyard, but I'm thinking about putting one. And due to setbacks, certain people like myself would be forced to put those structures within the setback. They're all over the city. One individual was caught putting a beautiful treehouse, even though the actual structure does not touch the tree. It just wraps around it. It's a beautiful structure, as our City Manager can attest, structurally, aesthetically. It's gone through a pretty extensive review throughout the City of Coral Gables since a complaint came in. I don't want to go really into detail in regards to how the complaint came in. I think our colleagues are aware of it. But, the adjacent neighbor has a play structure that's on the setback also. So, it was a call into Code Enforcement. What I'd like to do is I'd like to clarify this ambiguous kind of conflict that we have in the Code. And, I think it's a situation that pits neighbors against neighbors. And, the people who are caught in the middle are the children and the grandchildren, which I think is a shame. What I'd like to see -- if my colleagues are willing to approve it -- is that we -- that the City become involved in allowing these structures, which have no harm as long as they're, you know, aesthetically pleasing, as long as they're built within a certain confine or box or magnitude -- maybe that's the more appropriate word -- where we start allowing these play structures -- which are already all over the city. They're all over the city and they're on the setbacks and they're well-constructed. Some of them cost thousands upon thousands of dollars. And, I think that we need to find a way or a mechanism to approve them moving forward, so that people don't feel the need to do it under the cover of darkness and have an issue with their neighbors.

Commissioner Keon: Can I ask you one question?

Vice Mayor Lago: Of course.

Commissioner Keon: When you talk about the setback, it's the back setback?

Vice Mayor Lago: Yeah, the back setback.

Commissioner Keon: I'm assuming it's a back or a side setback...

Vice Mayor Lago: Yeah.

Commissioner Keon: In your backyard.

Vice Mayor Lago: Yeah.

Commissioner Mena: Right.

City Attorney Ramos: So, in order to frame the conversation, I think it's important for Ramon to explain to us that play equipment, like swings that may have a little house attached are permitted in the City. They just can't be placed in the setback, so that's one thing to consider for the Commission.

Vice Mayor Lago: Well, that's the key. That's the key. And I want to -- and you said it so eloquently, but I want to make sure that we harp on that one point.

Commissioner Mena: Yeah. That's absurd to me.

Vice Mayor Lago: Okay, so we have ten -- for example, my house has a ten-foot setback. I would have to put -- I wouldn't have a place to put the swing set.

Commissioner Mena: Climb out my window into the swing set.

Vice Mayor Lago: I would have to climb out my window into it. So, it's a situation that forces people -- and if you would see, I have pictures of it. I just don't want to show you the swing set. The play structure that I saw this weekend was beautiful, you know, and it was a great structure. They probably spent \$5,000 on the structure.

Mayor Valdes-Fauli: Yeah, but let me say something here. And, I have no objection to your suggestion that we review our Code, no objection. But people, who do things illegally, also should not be rewarded by our changing our Code. And you say it's all over the city. I don't think it's all over the city, but it has happened and I have seen it. And if we think that we're going to change our Code, then let's do it because it makes sense, and not because there are people parking their fire trucks or their pickup trucks in front of their houses and therefore we should change it because of that. I am for looking at the situation, but not because there are a lot of people violating our laws.

Vice Mayor Lago: Mayor...

Commissioner Mena: I think a lot of people don't even realize that...

Vice Mayor Lago: They don't realize it. That was my point.

Commissioner Mena: Yeah.

Vice Mayor Lago: That was my point. And I -- and Commissioner Mena makes it -- you know, corrects my statement. My point was -- and I'm sorry to interrupt you -- is...

Commissioner Mena: No, no.

Vice Mayor Lago: That it's not an issue about whether it's right or wrong. We know it's wrong, but a lot of individuals put these structures up and they have no clue.

Mayor Valdes-Fauli: And maybe it's time for us to say we should change this. Why don't we have staff make a recommendation...?

Vice Mayor Lago: And this is my last comment.

Mayor Valdes-Fauli: And, have a public hearing where people will opine whether they want this or not.

Vice Mayor Lago: And my last comment was a very simple one. I'm not asking for it to be allowed in the front of homes, visible from the street, you know. I want to treat this very similar to the way we treated the artificial grass. For a long time, it was kind of known that people were installing this in areas where grass wouldn't grow. It was a mud pit and people were left with no other option. So, this is happening and it doesn't make it correct. You're 100 percent right. But we need to find a resolution for this.

City Attorney Ramos: If I might.

Mayor Valdes-Fauli: I agree with you.

City Attorney Ramos: There's two buckets. So, one bucket is these play structures, which are permitted. The question is where. That's one thing you should be considering or that Commissioner Lago would consider -- Vice Mayor. The second bucket is treehouses. There is no allowance for treehouses in our Code. So, if we want to look at allowing treehouses -- not premade structures that you buy and you assemble in your home, but rather, a tree house that's built around a tree, that is not permitted right now in the Code, so that's another thing to look at; whether we want to do it, what parameters we would place and where they would be allowed.

Commissioner Mena: It's not expressly precluded, though, either.

Vice Mayor Lago: Yeah, it's not.

Planning and Zoning Director Trias: Mayor, if...

Mayor Valdes-Fauli: Why don't we have...?

City Attorney Ramos: Correct.

Mayor Valdes-Fauli: Staff make a recommendation and then we will dedicate...

Planning and Zoning Director Trias: The...

Mayor Valdes-Fauli: The attention that this deserves, but thank you for bringing it up. Yeah, alright.

Planning and Zoning Director Trias: Very good.

Mayor Valdes-Fauli: Thank you.

Vice Mayor Lago: Well, what do you want to do? What do you think we should do?

Planning and Zoning Director Trias: No. The only thing is that, as the City Attorney mentioned, there's a distinction between the pre-engineered structures that are probably the ones you saw, which are some you buy and they're not regulated through building permits.

Vice Mayor Lago: Yes.

Planning and Zoning Director Trias: Okay, and something you do, a custom design situation because of the conditions of the site. Those are very different. And, what happens is that there's no way to provide a building permit for a treehouse based on the regulations that we have. So, the other issue is, of course, if you want to place it where the tree is, the tree may be on the setback, but that is the condition that we have now. The last time this issue was dealt with by the

Commission was in 1976 and they did exactly what you suggested, which is they sent it to the Planning and Zoning Board for a recommendation and then they came up with some regulations.

Vice Mayor Lago: So, let's remand it back to the Planning and Zoning, but I want to make sure that in reference to the case or any cases that we have pending right now with play structures or treehouses...

Planning and Zoning Director Trias: Yes.

Vice Mayor Lago: Have...

Planning and Zoning Director Trias: The second thing...

Vice Mayor Lago: Have become a Code issue...

Planning and Zoning Director Trias: Yeah.

Vice Mayor Lago: Become a Code Enforcement issue because one neighbor has turned in another neighbor, which by the way, to me, it's -- and I'm going to put it on the record and maybe I should be careful. But, you know this came to us today because that one neighbor who has, by the way, a play structure on the setback went to speak to the resident who was building this treehouse, which, by the way, doesn't touch the tree. It wraps around the tree. And asked them to build the same structure for them. When they denied it and they said no -- this individual is doing it as a gift for a friend of theirs, because they're in the construction and engineering business -- this person called the City of Coral Gables and called Code Enforcement. And that, to me, is not neighborly, in my opinion.

Planning and Zoning Director Trias: The second item that the Commission did in 1976 was to -- not to have any Code Enforcement action until the recommendation was back from the Planning and Zoning Board. They took those two actions. I think that makes sense.

Vice Mayor Lago: I don't want -- I want to make sure Code Enforcement doesn't take any action and that we -- on this resident.

Mayor Valdes-Fauli: Right.

City Attorney Ramos: So, I think a motion -- well, on the resident or in general?

Vice Mayor Lago: General, in general.

City Attorney Ramos: Is it a moratorium on...

Vice Mayor Lago: It's in general.

City Attorney Ramos: Enforcement.

Vice Mayor Lago: Yes.

City Attorney Ramos: Okay.

Planning and Zoning Director Trias: Yeah, until you get a chance to review the issues. And, I think the process of going through the Planning and Zoning Board makes sense to me and then we're able to discuss it more generally.

City Attorney Ramos: So, what I'm hearing is a resolution directing...

Vice Mayor Lago: Yes.

City Attorney Ramos: Staff to send this to Planning and Zoning for language on both items.

Mayor Valdes-Fauli: Right.

Planning and Zoning Director Trias: Yes.

City Attorney Ramos: And a moratorium on enforcement in the meantime.

City Manager Iglesias: Enforcement as long -- I would like to say enforcement as long as it's not visible from the front of the street.

Vice Mayor Lago: A hundred percent.

Mayor Valdes-Fauli: Alright.

Planning and Zoning Director Trias: But then enforcement...

Mayor Valdes-Fauli: All those in favor, say "aye." I mean, is there a motion?

Planning and Zoning Director Trias: Until the recommendation is back.

City Attorney Ramos: And bring the recommendation back, yes.

Vice Mayor Lago: Yes.

Commissioner Keon: I make the motion.

Commissioner Mena: I second.

Vice Mayor Lago: Second.

Mayor Valdes-Fauli: Second. Will you call the roll, please?

Commissioner Mena: Yes.

Commissioner Quesada: Yes.

Commissioner Keon: Yes.

Vice Mayor Lago: Yes.

Mayor Valdes-Fauli: Yes.

(Vote: 5-0)

Mayor Valdes-Fauli: Thank you very much. And, that was very timely and very good to bring it up. Not yet.

Vice Mayor Lago: Seven minutes, not bad.

Mayor Valdes-Fauli: Not bad.

Vice Mayor Lago: Not bad.

Mayor Valdes-Fauli: I'm surprised.