

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2014-200**

RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, DIRECTING STAFF TO REQUIRE TREE SURVEYS AND TREE PROTECTION MEASURES UPON APPLICATIONS FOR DEVELOPMENT REVIEW COMMITTEE AND BOARD OF ARCHITECTS, WHERE APPLICABLE; DIRECTING STAFF TO PROPOSE AMENDMENT TO THE CITY CODE ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City desires to maintain its extensive tree coverage and beautiful specimen trees as they enhance quality of life and serve as an important heritage of the City; and

**WHEREAS**, the current City Code has extensive regulations on the protection of trees during the construction phase and applicants are required to apply for separate tree permit to the Public Service Division; and

**WHEREAS**, there have been occurrences when site and building plans have been reviewed by the City and the site plan or architectural design did not take into full consideration the location of specimen trees; and

**WHEREAS**, when specimen trees exist on a site, it is the City's desire to have a greater emphasis on tree protection and preservation, and not on tree removal, during the design phase of commercial and residential projects, while respecting property rights;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES THAT:**

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

**SECTION 2.** The City Commission directs the Development Services Department to now require tree surveys and tree protection measures be made part of applications for Development Review Committee and Board of Architects so that all specimen trees on site and in the public right-of-way can be evaluated and reasonably incorporated into the design of residential and commercial structures and site plans.

**SECTION 3.** The City Commission formally directs staff to propose the necessary changes to the City Code to formalize this process.

herein.

**SECTION 4.** That this Resolution shall become effective upon the date of its adoption

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF SEPTEMBER, A.D., 2014.

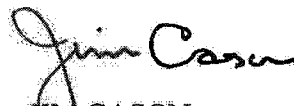
(Moved: Lago / Seconded: Quesada)

(Yeas: Quesada, Keon, Kerdyk, Lago, Cason)

(Unanimous: 5-0 Vote)

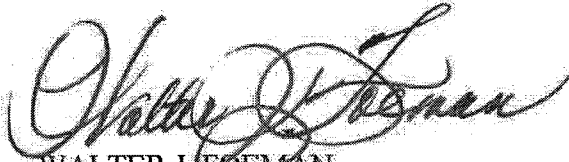
(Agenda Item: F-2)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY

**City of Coral Gables City Commission  
September 23, 2014  
City Commission Chambers  
405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason  
Vice Mayor William H. Kerdyk, Jr.  
Commissioner Patricia Keon  
Commissioner Vince Lago  
Commissioner Frank Quesada**

**City Staff**

**Acting Interim City Manager, Cynthia Birdsill  
City Attorney, Craig E. Leen  
City Clerk, Walter J. Foeman  
Deputy City Clerk, Billy Urquia  
Assistant Development Services Director, Charles Wu**

**Public Speakers:**

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[Start: 02:07:20 PM]

F-2.

RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, DIRECTING STAFF TO REQUIRE TREE SURVEYS AND TREE PROTECTION MEASURES UPON APPLICATIONS FOR DEVELOPMENT REVIEW COMMITTEE AND BOARD OF ARCHITECTS, WHERE APPLICABLE; DIRECTING STAFF TO PROPOSE AMENDMENT TO THE CITY CODE ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Cason: OK, we are picking up now with Agenda Item F-2, which is Commissioner Keon's item. This is a resolution of the City Commission of Coral Gables, directing staff to require tree surveys and tree protection measures upon application for Development and Review Committee and Board of Architects, where applicable; directing staff to propose amendment to the City Code

accordingly, and providing for an effective date. Who from the City staff is going to present this?

Acting Interim City Manager Birdsill: Charles Wu.

Charles Wu: Thank you, Madame Manager, Mayor. This is a request by Commissioner Keon, and it's to reflect and fill in the gap of a current process. We have a separate tree removal permit according to our City Code, and we have a separate building permit process; goes through our length architectural review process, which is the Board of Architects. You see time and time again that people design structures, design the site not having any wherewithal about it, existing trees on the property, and we come in and we see designs before the Board of Architects that doesn't have any information on existing trees and that seems to be a gap in how we accept applications. Commissioner Keon suggests, and we agree, that when they apply for a DRC, Development Review Committee, or a Board of Architects application, that should have some information where the trees are. So, hence, we are requiring a tree survey by practice now, even though it's not a requirement. Most of the folks understand the reason why this is coming about. But it also require tree protection measures so when they apply for a building permit to the design review, we can ask them how they're going to protect these trees they show in the plans. It does add additional burden on the applicant, but we want to have all the information in front of us when we review the architecture.

Vice Mayor Kerdyk: Very good idea.

Mayor Cason: And this refers principally to specimen trees which are defined in the Code, right?

Mr. Wu: Specimen trees are 18 inches or wider, but an applicant will require tree removal permit for any trees. We just have a special attention to specimen trees.

Mayor Cason: How are we going to educate homeowners that may just have a skinny palm and not go into all the expense of doing this. Is there a way to? How are we going to avoid unnecessary...?

Mr. Wu: We'll work with our Public Services Director to see what trees they should be looking out for, but the key is to understand from a tree service standpoint to identify all the trees on the property. We also see surveys that have trees on the property, but they're not trees on the swales, and that is a burden sometimes because they think that the trees on the swales are City trees, and we see driveways come in where they want to take down a mature tree. The building's already built, designs already approved, oops, we have a driveway where the tree has to go, and that becomes way after the fact when they bring that process way in front. First of all, the tree survey will show all the trees, palms, smaller trees, large trees, and we will talk to the applicant what is your idea do you want to preserve the trees, remove the trees, and subsequently, we're going to bring forth as part of this resolution to direct staff to change the Code to close these gaps.

Mayor Cason: Well, I think we know the particular cases brought this to our attention, which is very clear. I just hope there's a way that we don't add a burden to people that have some trees that clearly are not specimen trees. I don't know how that will be done.

Mr. Wu: I don't think that's a problem today, because once we identify the specimen trees, we can work with the applicants. These are the trees; what is he plan on doing? And we have no problem removing them; other than, if you removing them, they have to replace the tree coverage down the line.

Mayor Cason: So you'll help them out so they don't...

Mr. Wu: Yes.

Mayor Cason: ...have to go spend thousands of dollars on a tree survey and turned out, he didn't need to do it?

Mr. Wu: Yes.

Mayor Cason: OK.

Commissioner Keon: Excuse me, Mayor. I think that we already, at some point, required that any trees that are removed on the lots are supposed to have to have a permit to remove trees or to relocate trees or you have the obligation if you do, to replant trees, but I think often in the construction process particularly when people are demolishing existing buildings, or whatever, to build, the trees get taken out before we ever get a chance to ever even look at them, so I mean, what type of a tree? Do you have to go to some certified arborist or something to get a tree surveyed? What is required now of somebody when they, the site plan when they provide a survey?

Mr. Wu: Sure. There are two things that can be done. Sometimes we rely on a surveyor that we believe some are more accurate, because they go out and they locate the tree specimen on the survey, and they also give indication to the degree they can, what kind of tree, the size of the tree, and they go get out all information on a tabular form. And when there's a hardship, the County Code also allows the property owner to come in and tell us what trees they can mark up on the survey, and we use that as evidence that they can tell us what trees exist or not, so they use both methods. One thing I will clarify in one of the statements earlier is when they want to replace an existing tree, they can. When they want to remove a tree, they can replace the tree. Our Code's lax on the method of how to replace that trees being removed. And when we come back with a codification fix, we will include the methodology and the measurement of how to replace that tree in terms of coverage.

Commissioner Keon: OK. So we need to do that?

Mr. Wu: Sorry?

Commissioner Keon: We need to do that?

Mr. Wu: Yes, we need to do that.

Commissioner Keon: OK.

Mr. Wu: And also, we'd like to share with you, we thinking about, in the worst, worst-case scenario, where they have to remove the tree, there's no place to replant the tree on the property, a payment in lieu of, and we'd like to establish a tree fund so the City can use that money in the tree fund to replant trees on the swales, on the parks, and the right-of-way. So that's a preview.

Mayor Cason: OK. It sounds like a good resolution. I just try to make it as easy in doing the surveying and not as expensive. Anything you can do.

Mr. Wu: It is not. And when people go for a new survey we as to please include the tree information on the survey. That's not extra work, they are doing it anyway.

Mayor Cason: OK. All right, do we have a motion on F-2?

Commissioner Lago: We need a motion?

Mayor Cason: It's a resolution, yeah. So who made the motion?

Commissioner Keon: It's a resolution.

Commissioner Lago: I'll make the motion.

Commissioner Quesada: Second.

Mayor Cason: Commissioner Lago made the motion; Commissioner Quesada seconds it. City Clerk.

Commissioner Quesada: Yes.

Commissioner Keon: Yes.

Vice Mayor Kerdyk: Yes.

Commissioner Lago: Yes.

Mayor Cason: Yes.



**City of Coral Gables City Commission Meeting**  
**Agenda Item F-4**  
**November 18, 2014**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason**

**Vice Mayor William H. Kerdyk, Jr.**

**Commissioner Pat Keon**

**Commissioner Vince Lago**

**Commissioner Frank Quesada**

**City Staff**

**Interim City Manager, Carmen Olazabal**

**City Attorney, Craig E. Leen**

**City Clerk, Walter J. Foeman**

**Deputy City Clerk, Billy Urquia**

**Assistant Development Services Director, Charles Wu**

**Public Speaker(s)**

**Melody Roadman, Coral Gables Resident**

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Agenda Item F-4 [Start: 2: p.m.]

Discussion regarding implementation of tree protection measures.

Commissioner Keon

Mayor Cason: Let's do F-4, a discussion regarding implementation of tree protection measures.

Commissioner Quesada: I'm sorry, just to be clear. Cindy, you guys just make a copy of the comments for each one of us?

Ms. Birdsill: Yes. Mike is running down to make the copies.

Commissioner Quesada: Perfect. He can get them in Craig's office, it's probably closer.

Mayor Cason: Alright, who's going to do F-4?

Commissioner Keon: Maybe Brook can help us and Ramon. It deals really with permitting. I'd like you to all meet Melody Roadman, she contacted us, all of us with regard to the house that is being built on Castaneda and it also has some bearing large oak trees. You know this is an issue that's going to continue to surface for us, because there are no or there are so few empty lots in the City, so what we are going to see is redevelopment, people are buying property, their homes where their land value they are going to knock them down, demolish them and then they want to rebuild; and these are lots that have long established trees and vegetation on them that we have made a decision about protecting in our Zoning Code and in our City Code, we reference these specimen trees and we reference the need to show them on a survey and I think...

City Attorney Leen: As I recall, we passed a resolution, you passed a resolution. The Code provisions are still coming up.

Interim City Manager Olazabal: Correct. This is to provide a little bit of a reference, we are giving you the tree protection measures are in place existing ones, a copy of the resolution that was in place which established the survey being requested at the Board of Architects level, and then in addition to that we are working on additional regulations to try to make it stronger, the tree protection measures stronger, and Charles will talk about that, but I don't want to interrupt you. I know you have more to say.

Commissioner Keon: What I'd like you to address also Charles as you speak, is where in the process, where do we begin when looking at trees with regard to the developed on a piece of property?

Mayor Cason: And did this particular case fall again in between, in the gap between when the Board of Architects had information...

Mr. Wu: Yes.

Mayor Cason: So this is one of those anomalies that's sort of left over business, we may have a couple other ones, but...

Mr. Wu: Assistant Director Charles Wu, Development Services. Talk about the process – you approved in September a resolution requiring two things now in terms of the process, you required a tree survey and a tree protection plan as part of the Board of Architect Development Review Committee.

Vice Mayor Kerdyk: Let me ask you a question. Tree survey – that is certified by a surveyor, the tree survey?- is it certified?

Mr. Wu: That's a good question. There is a nuance; we work with applicants. Some surveys have boundary surveys, some surveys have tree information. For those who do not have tree information we ask them to give us the information either by going on the property and writing on the survey the tree information, i.e. species, size and type and buttress that with photographs as part of the application. It's a hardship to have someone go back to redo a survey just because it's lacking trees.

Vice Mayor Kerdyk: OK. So the question to you is, so you have the survey that shows the trees, that's one; and you have a document that does not show the trees so then you ask them to go back in and show the trees, correct?

Mr. Wu: Show the trees, correct.

Vice Mayor Kerdyk: OK. So then to get that back do you go back and visit that site and make sure that they have put the trees in the right places and identified the right trees?

Mr. Wu: We do not have the staff to do that because we have the volume of Board of Architects every Thursday.

Vice Mayor Kerdyk: OK. I thought that was how you were going to answer the question. So then let's talk about surveys – a survey is certified that means that somebody is putting their name on the survey saying, I certify that this is the way its set up on the piece of property, this is where the trees are. Is it possible that we can just make it a requirement that a survey be certified with trees allocated on the survey instead of the second example?

Mr. Wu: You can require it; it's going to be a hardship for everyone.

Vice Mayor Kerdyk: It's a hardship but this is a material issue.

Commissioner Keon: Right. I think you want specimen trees certified on...

Mr. Wu: We ask for all trees because all trees have to be indicated to keep it....we request a tree permit if you want to remove even a non-specimen tree.

Commissioner Keon: OK.

Vice Mayor Kerdyk: My feeling is how much is it going to cost for a survey? Frank, you do surveys all the time - \$1,000?- \$500? OK \$500 to \$1,000, OK to do something like that. That's just the cost of business in doing business in the City of Coral Gables.

Mayor Cason: What you don't want is a developer saying, trust me. We have to have somebody that is accountable that the trees is where they say they are, which are specimen trees?- which are not?- which are protected?

Commissioner Lago: I'll give you an example because we are talking about the cost of doing business in the City of Coral Gables going up. I was dealing with a resident the other day that they are doing an addition to their home. The addition is nowhere near the setback; they still have to get a survey. I mean to me, \$800 for a survey its embarrassing, I think I sent it over to the City Manager or I think Craig was helping me out on that issue, this person had to spend \$800 and they are doing an addition to a living room, which is probably 25 feet from the setback.

Mayor Cason: That's what you want to be able to avoid, those sorts of...

Commissioner Lago: And they can't commence construction until they show that survey, because what they do is, the way that we are unclear as a City, by the way, is that they dig the ditch and before you can lay your rebar or pour your foundation you have to show a, my verbiage is incorrect but it's like a ditch survey or some sort of survey that maybe someone from Public Works or someone from the permitting department can show that right there is a cost of doing business which is absolutely ridiculous. That's something that I want to address in the near future, kind of like what we are trying to address with the dumpsters before and kind of like with this issue.

Commissioner Keon: [Inaudible]

Mr. Wu: For the ones that I've seen recently for the sizable projects do have surveys with tree information on it, that's quite comprehensive. For the ones that are not decent size properties or measure redevelopment does not have those resources. So if it's a policy of the Commission and the Mayor to just requiring updated surveys for every case, we would be glad to implement that.

Mayor Cason: How many do you get?- how many do you get in a year would you say?

Mr. Wu: Actually it involves AC installations, because that requires survey updates, manual expansions, anything that deals with digging something in the ground that has a....setbacks require a survey.

Mayor Cason: So hundreds?

Mr. Wu: I will say easily we encounter maybe 10 projects, 20 projects a week that will involve surveys.

Mayor Cason: 500 a year maybe?

Commissioner Lago: I think I'm going to open up a survey company.

Commissioner Keon: You should be a land surveyor [Laughter]

Commissioner Lago: Right.

Vice Mayor Kerdyk: I think that's substantial. We are focusing on just the big thing where they are knocking down a building and then we are asking for the survey, but actually when you just mentioned that you could say, hey you need a tree survey just for that addition. How do you know you are not taking out an oak to do the addition?

Commissioner Lago: But they have to do it no matter what. I wish we had somebody, I wish we had Bill Minor here. Basically, you have to have a survey anyways if you are going to build a structure on an existing piece of property, so there are less and less empty lots; you probably know the ones kind of on one hand. So the issue is, they've got to get a survey anyways.

Vice Mayor Kerdyk: Right.

Mayor Cason: Of course no matter how old it is – I have a survey...

Commissioner Lago: No, no. You can't...

Commissioner Keon: It should be within five years, isn't it?

Commissioner Lago: You have to provide a survey; I think it's six months.

Mr. Wu: We accept surveys no more than five years...

Commissioner Lago: Five years?

Mr. Wu: ...with an affidavit showing that there are no major improvements that will affect the survey, because we've been getting complaints that sometimes the cost of the survey exceeds the cost of the work.

Mayor Cason: I notice for example, on South Greenway where I walk around all the time, there is a house that's been renovated and there is a huge oak tree and they changed out the septic field in the front and the driveway and I saw bulldozers bulldozing tree roots all over the place, and it was like three feet from the side of the oak tree. I wonder if that tree was on the survey or was considered when the permit was given for the renovation, because it sure looked like it did some damage to me.

Mr. Wu: Well the irony is the project that I brought up here, discussion here, did have a survey and did have the tree information on it, it was a certified survey and it was missing a major tree.

Commissioner Keon: And was missing a major tree.

Mr. Wu: By a certified surveyor. So we had the information, it was until our Public Service Director went to the site as part of this review process and realized, wait a minute, the second biggest tree on the property is not on the certified survey. So...

Commissioner Keon: Were they instructed...?- did they just draw in the trees afterwards?- or were they instructed when they got a survey that the survey had to include the trees on it and the stamp on there includes – I mean you can get a survey and then you draw in...

Mr. Wu: I couldn't tell you. I know we are increasingly getting surveys with tree information on it, so I think word is getting out there that if you do a survey in Coral Gables you should put the tree information.

Commissioner Keon: OK. But we should probably change our requirement that when you are required to have a survey, it needs to include trees on the property.

Mr. Wu: Yes. The word is out there and...

Commissioner Keon: But our rules need to also reflect that, so not just a practice, it is also -- it is in our regulations.

Commissioner Lago: Maybe it can be, if we are going to maintain that you have to have a survey even if you are building an addition, it's nowhere near the setback, and maybe it just can be an addition to adding tree specimens on that survey.

Commissioner Keon: Yes.

Commissioner Lago: If you are going to get a survey anyways for the new building structure, you might as well show where the trees are.

Commissioner Keon: Your name and address.

Ms. Roadman: My name is Melody Roadman, I live at 6455 Castaneda Street, right next door to the property we are currently addressing, 6505 Castaneda Street and I do not understand why on the website it says as of September 23<sup>rd</sup> a tree survey must be submitted with the plans that go before the Board of Architects. So if that's on the website now, why are we – I don't know the difference between a survey and a tree survey. It says specifically on your website, a tree survey is now required to be submitted when you submit your plans before the Board of Architects.

Vice Mayor Kerdyk: But a tree survey could be, I went out and surveyed my property or tree survey could be somebody's stamp.

Commissioner Keon: There is a difference.

Vice Mayor Kerdyk: There is a difference.

Commissioner Keon: There is a difference between it being certified by a professional and putting their stamp on it that says, you know when they do the survey of your land, you are paying a professional to do the survey, and to indicate all of the...

Commissioner Lago: Signed and sealed document.

Commissioner Keon: A signed and sealed document as opposed to – no, what they are saying by survey, unless they are indicating that it is a professional survey that is signed, sealed, documented, whatever, you take the regular land survey you have and you walk out and then you draw in the trees, that's the difference.

Mayor Cason: Because we had a discussion on when we were doing the lot split on Granada. I mean we were asking what's a specimen tree?- none of us knew. We found out later on that its 18 inches, but we also know what trees are protected and are native and non-native, a lot of that information homeowners don't know, we didn't even know it. If a person just goes out and self-certify that there is a tree or it looks like a palm tree to me or something else, I'm not sure that's very helpful, but more than that cost a lot of money.

Interim City Manager Olazabal: Right. Well the other thing is there are some plans that have already been submitted to the Board of Architects and are going through the process and in this particular case, I'm sure exactly when it was submitted, but it might have gone through the Board of Architects prior to the date September 23<sup>rd</sup> when it was required, so what we are doing with the cases that are kind of in the process is we are adding a review, a Public Service Department review where they review the survey, look for the trees and see – go to the site prior to permitting the process, and that's kind of what we are doing with 6505 Castaneda at this point, where I guess we are in communication with the Public Service Director, right?

Mr. Wu: Yes.

Interim City Manager Olazabal:...to figure out how we can address the issue that this tree was apparently not initially on the survey, but it is there and how we take it into account.

Mr. Wu: We passed out the survey of the property, I don't know if all of you got it, and behind it is the proposed new house, and this is as complex as Lisbon if not more complex. They have a number of mature trees on the front; it is their attempt, like in the Lisbon case to preserve the major trees on the property. The issue is whether they go far enough to protect those trees and that is the process we are at now. A permit has not been issued for this project yet. We visited the site with Jane Tompkins, Public Services Director as well as Troy Springmyer, with the developer and the contractor; five, six of us were on the site for at least two hours, walked through the entire property and as you can surmise as you saw in the Lisbon case, it's very difficult to see on a 2-D rendering how a 3-D project is impacted by the limbs on the trees going every which way. So until we allow the old project to be demolished and then we field survey the new house on the property and go out with a pole showing 20 feet, 25 feet, we don't know how precisely how the new project will impact other than a guessing game saying, that might be in the way, it might not be in the way; we think it is in the way, we show on the plan they are trying to protect it, but those are the things that cannot be resolved until we go through this process.

Commissioner Keon: Until the demolishing takes place?

Mr. Wu: And we field survey, we agreed to do all that, we agree to relook and reposition the drain field, just like in the Lisbon case, so at least they are talking to us, they know they'll have to go through some changes and we have told people they don't want to be in a similar process like in the Lisbon case getting stuck through some kind of appellate appeal process. So far they are working with us and the goal, we all agree with the resident, is to preserve as many trees as we can. It does come down to can we preserve all the trees in a reasonable development.



Mayor Cason: Also when you do demolition, are we careful about the trees, because you can come in with a bulldozer and dig down, I mean the roots could be right under the foundation, but when you come in with a bulldozer and you decide to put a much higher building, you may end up killing all the roots before you even get to the others.

Mr. Wu: That's a good point. We talked through that on the property actually, and if you see on the survey, the only area where we feel sure that it's not disturbed is really the driveway where it's safe to say there are no roots intruding into the driveway. So we asked the contractor and he's agreed to this and we will watch it, that any demolition activity will go through only through the driveway. They are doing extensive tree protection fences around the entire front property and to the side, so that's supposed to go up very shortly.

Commissioner Keon: Are there tree protection fences in place now around these trees?

Mr. Wu: There are orange barriers and we asked them to put up more permanent protection fences.

Commissioner Keon: OK. Now it's my understanding that this project received preliminary approval at the Board of Architects, is that right?

Mr. Wu: As well as final.

Commissioner Keon: OK. And that was prior to them providing an accurate tree survey, is that right?

Mr. Wu: No. We do have a tree survey.

Commissioner Keon: Now. OK.

Ms. Roadman: Now. It wasn't given when they got the approval.

Mayor Cason: It fell between the cracks.

Commissioner Keon: It fell between the cracks. Will this have to go back to the Board of Architects again?- or no?

Mr. Wu: No.

Commissioner Keon: OK.

Mr. Wu: Only if there is a design change that warrants a BOA review and it may well end up that way until we see how the two-story affects the existing trees.

Commissioner Keon: OK. So then will it have to go back to the Board of Architects?- or you will deal with it administratively?

Mr. Wu: It's already approved for final approval.

Interim City Manager Olazabal: If they make changes to the outside they have to move the façade, or they have to do significant changes that affect the appearance of the house, they will have to go before the Board of Architects again.

Commissioner Keon: OK.

Interim City Manager Olazabal: If the issues can be resolved by making sure that the driveway is done in a sand basement so that the roots – you know things of that nature that doesn't affect the aesthetics it won't go back to the Board of Architects.

Commissioner Keon: I see. OK.

Mayor Cason: And be careful when they do the demolition because, as I say, the case that I brought up on South Greenway, it was a driveway and there were roots sticking up all over the place because they came in with the bulldozer and went down deeper than the original and that's where all the roots were because there wasn't many areas that didn't have cement and it was right underneath and they killed them all. So it needs to – I guess the point is moving forward, these are a couple of occasions that fell in between, but we certainly want these specimen trees preserved. If they can't be preserved sometimes they can be moved, we've been told that that's possible.

Mr. Wu: And we are working on it, if it cannot be moved it can be mitigated, so that's the comprehensive co-change package we are ready for you in the very near future.

Commissioner Keon: OK.

Mr. Wu: We have a comprehensive update on a tree protection ordinance.

Mayor Cason: So you'll be coming to us then for that.

Commissioner Keon: OK. So it's coming back to us. But we want to make sure then that's why I'm asking you here today, are we catching those ones that are falling between the tracking...

Mr. Wu: We can do better – because for example, the resolution you had passed, how we can improve it is that we should ask up front the tree disposition plan.

Commissioner Keon: OK.

Mr. Wu: What happens is we have a tiny...tree survey here and we have a large proposed plan and I have to sit down and try to surmise, this is a protected tree and where is it on the big plan and it's a guessing game. What the tree protection plan does, it links the two saying, based on the new plan these are the trees existing that I'm going to save, these are the trees we are going to move, and these are the trees we are going to dispose of, so at a quick glance I can say, wait a minute, this tree is too big, it should not move, this tree is an obnoxious tree, you can take it out. You can move this five more feet that way, it makes the time more productive. So a tree disposition plan is 100 percent improves our process.

Commissioner Keon: And also with your Board of Architects there was a discussion about having an arborist on your Board of Architects, is that right?- or no?

Mr. Wu: We would like, sharing with the City Manager, an option of having a landscape architect, which is allowed by the Zoning Code today. Today we have seven architects, licensed architects on the Board; we do not have someone with landscape expertise. I tried to fill in from an architecture background, but I'm not very good at it, but what will help is, from a design perspective at the Board design level, when they start talking about, oh we have a specimen tree here and the house is proposed five feet away, Mr. Landscape Architect, is this adequate?- and after that you'll say, wait a minute, you can just shift things around, here's what we have to design even better up front, as opposed to way in the back here, where you are trying to catch it in the process.

Commissioner Keon: OK.

Mayor Cason: Anything else Pat, that you need that you want on the discussion?

Commissioner Keon: No. It's going to come back to us?

Vice Mayor Kerdyk: I have one other addition to that if it's OK. I was talking to Brook outside and we were talking about the penalty for somebody cutting down a tree and/or cutting limbs off that were significant and I think there is a plan to possibly increase that fine. Right now I

currently think it's \$500, Brook are we looking at that?- is that what you were telling me?- Yes. OK. Next time you update us just tell us where we are as far as that goes.

Mr. Wu: Yes, we will put together a package for you.

City Attorney Leen: Actually I wanted to comment on that. There are a lot of tools we have now regarding protecting trees, including the one that we did today, the Division 17, that's always available.

Vice Mayor Kerdyk: Right.

City Attorney Leen: We also have the variance procedure; I guess it's viewed as a hardship. I've seen staff in action on a property recently where they have one of these tree surveys, and we were able to work it out so that we could save a ficus tree, as I recall, so was it a ficus tree Charles?

Mr. Wu: Yes, it was a ficus tree on a prominent corner.

City Attorney Leen: And we were able to use these new tools that we are really looking for in the Code to implement. The one issue I wanted to raise though is the same issue you just raised. I do think our Code is little weak on penalties. So for example, if someone goes out in the public right of way and cuts down a public tree, which is government property for the benefit of everybody, what I've been advising and I think what staff is looking at now and this will probably be part of the package, maybe we should treat that as a crime, maybe we should treat that as something that should go to the police, and if it doesn't, we should at least look at it as an irreparable Code Enforcement violation, which allows for fines much larger than \$500.

Mayor Cason: Why don't you put that into this whole discussion, a complete package, so we can cover all the deficiencies and how we protect trees? List the mitigation if it can't be saved, options of moving.

Mr. Wu: Yes. We do have all that listed out.

Mayor Cason: OK.

Commissioner Keon: So it's coming back to us.

Mayor Cason: Carmen, you have another?

Interim City Manager Olazabal: Yes. Just a minor item. We are also trying to work on some guidelines as to what type of protection would be adequate for a certain type of specimen tree and all that, so that we can use that to inform applicants of what is expected, but also to provide a little bit of guidance of what's expected so that they come with proposals that encourage tree protection. So we'll try to make that part of the same package that you receive.

Mayor Cason: OK. Thank you.

Commissioner Keon: And you'll get in touch with them during the demolition process the trees are protected?

Mr. Wu: Yes. We will work with Public Service and Code Enforcement because they are the eyes and ears every day to make sure that they are not doing anything that violates our demolition plan.

Mayor Cason: Thank you very much.

Commissioner Keon: And who is Mrs. Roadman to get in touch with if...

Mr. Wu: She contacts me whenever she has a problem and I will direct Code Enforcement accordingly.

Commissioner Keon: And you have Mrs. Roadman's number, yes?- OK. So are you comfortable that it is being acted on?

Mrs. Roadman: I'll just be curious to know the tree missing from the survey is the one that...

Mr. Wu: You have a copy of the reduce plans?

Mrs. Roadman: Pardon me?

Mr. Wu: Would you like a copy of the...

Mrs. Roadman: I would love one. Thank you. I just think that we need to tighten up.

Commissioner Keon: I think that we are.

Mayor Cason: So do we. So do we and that's why we are going to do it.

Commissioner Keon: And you know we are really much reliant on neighbors at this time to tell us what's happening in their neighborhoods for right now. So thank you for talking to us.

[End: 2:54:45 p.m.]

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2015-152**

A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, DIRECTING STAFF TO REQUIRE TREE SURVEYS AND TREE PROTECTION MEASURES BE A PART OF THE APPLICATIONS FOR DEMOLITIONS, DEVELOPMENT REVIEW COMMITTEE AND BOARD OF ARCHITECTS, WHERE APPLICABLE; DIRECTING STAFF TO PROPOSE AMENDMENT TO THE CITY CODE ACCORDINGLY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City desires to maintain its extensive tree coverage and beautiful specimen trees, as they enhance quality of life and serve as an important heritage of the City; and

**WHEREAS**, the current City Code has extensive regulations on the protection of trees during the construction phase and applicants are required to apply for separate tree permit to the Public Service Division; and

**WHEREAS**, there have been occurrences when site and building plans have been reviewed by the City and the site plan or architectural design did not take into full consideration the location of specimen trees; and

**WHEREAS**, there have been occurrences when demolition permits did not take into full consideration the location and protection of specimen trees in the vicinity of construction work; and

**WHEREAS**, when specimen trees exist on a site, it is the City's desire to have a greater emphasis on tree protection and preservation, and not on tree removal, during the design and construction phase of commercial and residential projects, while respecting property rights;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES THAT:**

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of the Resolution upon adoption hereof.

**SECTION 2.** The City Commission does hereby direct the Development Services Director to now require tree surveys and tree protection measures be made part of the applications for demolition permits, Development Review Committee and Board of Architects, where applicable, so that all specimen trees on site and in the public right-of-way can be (1) evaluated and reasonably incorporated into the design of residential and commercial structures and site plans; and (2) appropriately protected during construction activity.

**SECTION 3.** The City Commission formally directs staff to propose the necessary changes to the City Code to formalize this process.

**SECTION 4.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS SEVENTH DAY OF JULY, A.D., 2015.  
(Moved: Keon / Seconded Lago)  
(Yeas: Lago, Quesada, Slesnick, Keon, Cason)  
(Unanimous: 5-0 Vote)  
(Agenda Item: H-1)

APPROVED:



JIM CASON  
MAYOR

ATTEST:



WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



CRAIG E. LEEN  
CITY ATTORNEY



**City of Coral Gables City Commission Meeting**  
**Agenda Item H-1**  
**July 7, 2015**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

**Mayor Jim Cason**  
**Commissioner Pat Keon**  
**Commissioner Vince Lago**  
**Vice Mayor Frank Quesada**  
**Commissioner Jeannett Slesnick**

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**City Attorney, Craig E. Leen**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**  
**Assistant Development Services Director, Charles Wu**

**Public Speaker(s)**

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Agenda Item H-1 [2:01:20 p.m.]

Resolution of the City Commission of Coral Gables, Florida, directing staff to require tree surveys and tree protection measures be a part of the applications for demolitions, Development Review Committee and Board of Architects, where applicable; directing staff to propose amendment to the City Code accordingly and providing for an effective date.

Mayor Cason: Alright, let's move to H-1.

City Manager Swanson-Rivenbark: And for H-1, I'm going to call up – this is a follow up to what your requests were by making sure that in the Development Review Committee we understand where trees are that could later be impacted. You didn't want them to be finding out when they are waiting for their permit that they are not going to get a tree removal permit. Is Jane here? So what I can do – you've expressed frustration that sometimes a developer or a homeowner will be going through the permitting process and only at the last minute do they

learn that the tree that they had slated for removal will not be approved. So you've asked us to revise our process so a tree survey is placed in the original part of the Development Review Committee, so the property owner is informed if there is going to be an issue, we can negotiate that. Charles can you speak on this item H-1?

Mr. Wu: Charles Wu, Assistant Development Services Director. As you may recall, you last directed staff upon if there is an application for the Board of Architects and Development Review Committee, you'd like to see two things, a tree survey and a tree protection plan. What we have questioned staff is that upon demolitions as well because we might see a gap in the system that someone just demolish a house without a new building permit we might have some trees that need to be protected as well. So we'd like to request your approval to amend the resolution you approved last time to include the demolition component as part of that review. It's just to add the word demolition into the resolution.

Commissioner Keon: I'll move it.

Commissioner Lago: I'll second the motion.

Mayor Cason: Commissioner Keon makes the motion.

City Attorney Leen: May I have one caveat. I would like to even though you don't need to amend the resolution. It has recently come up with these abandoned properties. I would like there to be a little flexibility for staff, the City Manager or myself or acting together, that when we are expediting a demolition to meet your requirements, and we go and take a look at it or we are reasonably certain that it wouldn't affect the trees, that we don't delay the process by requiring a tree survey in those instances. These are specialized demolitions though that is being done pursuant to this process, so it's not going to be typical, but I just wanted to raise that because I didn't want that to ever delay us being able to demolish a property. As long as there is that understanding the Commission is OK with it that you don't need to amend this.

Mayor Cason: Alright, so we have a motion from Commissioner Keon and Commissioner Lago seconds, City Clerk.

Commissioner Lago: Yes

Vice Mayor Quesada: Yes

Commissioner Slesnick: Yes

Commissioner Keon: Yes

Mayor Cason: Yes

(Vote: 5-0)

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City Commission Meeting

July 7, 2015

Agenda Item H-1 - Resolution directing staff to require

Tree surveys and tree protection measures be a part of applications

[End: 2:04:20 p.m.]



**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2017-45**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA AMENDING THE CITY CODE, CHAPTER 82, ENTITLED "VEGETATION"; TO INCLUDE ADDITIONAL MEASURES TO REVIEW AND PROTECT TREES; TO SET PROCEDURES TO EVALUATE TREE PROTECTION AND REMOVAL; TO SET AN APPEALS PROCESS FOR A TREE PERMIT DENIAL; TO ESTABLISH A TREE TRUST FUND FOR THE PURPOSES OF MAINTAINING AND INCREASING THE CITY TREE CANOPY FROM TREE MITIGATION FUND FEES; AND OTHER MEASURES AS DEEMED AS NECESSARY FOR THE PRESERVATION AND ENHANCEMENT OF THE CITY'S TREE COVERAGE; PROVIDING FOR REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City desires to maintain its extensive tree coverage and beautiful specimen trees as they enhance quality of life and serve as an important heritage of the City; and

**WHEREAS**, in 1976 both the City Commission of Coral Gables and the State of Florida designated Coral Way as an historic canopied roadway in an effort to preserve its appearance as an iconic tree-lined roadway of huge specimen live oak trees and an number of historic structures; and

**WHEREAS**, the City is a designated Tree City USA since 1985, reflecting the City's commitment to maintain and further enhance its existing tree coverage; and

**WHEREAS**, the City Commission has initiated a two-year comprehensive citywide Tree Succession Program that will eventually plant 3,000 trees and palms in residential areas throughout the City, reconfirming its commitment to further increase its tree coverage; and

**WHEREAS**, when specimen trees exist on a site, it is the City's desire to have a greater emphasis on tree protection and preservation, and not on tree removal, during site development, while respecting property rights; and

**WHEREAS**, high temperatures in the City, especially during the summer months emphasize the importance of tree canopy, and the shade provided by trees in the City serve the health, welfare, and safety of the public; and

**WHEREAS**, the regulations added and amended herein seek to protect the City's tree canopy for the public health, safety, and welfare, and the regulations regarding mitigation determinations shall be interpreted so as to preserve the tree canopy and the shade it provides; and

**WHEREAS**, on September 23, 2014, the City Commission adopted Resolution 2014-200 that required tree surveys and tree protection measures as part of certain development applications and directed staff to amend the City Code that will offer greater protection for existing specimen trees on private and public property;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** Chapter 82 “Vegetation” Article II. “Standards for Removal and Relocation of Trees” of the Official Code of the City of Coral Gables is hereby amended in Attachment A, with deletions are indicated by ~~strike through~~ and insertions indicated by underline.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 6.** If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** This Ordinance shall become effective upon its passage and adoption herein.

PASSED AND ADOPTED THIS FIFTH DAY OF DECEMBER, A.D. 2017.

(Moved: Lago / Seconded: Mena)

(Yeas: Keon, Lago, Mena, Quesada, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: F-3)

APPROVED:

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a smaller 'V' and 'F'.

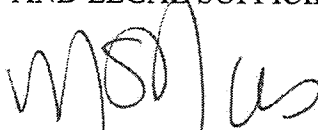
RAUL VALDES-FAULI  
MAYOR

ATTEST:

A handwritten signature in black ink, written in a cursive style, appearing to read 'Walter J. Foeman'.

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

A handwritten signature in black ink, appearing to read 'Miriam Soler Ramos'.

MIRIAM SOLER RAMOS  
CITY ATTORNEY





**City of Coral Gables City Commission Meeting**  
**Agenda Item F-7**  
**November 14, 2017**  
**City Commission Chambers**  
**405 Biltmore Way, Coral Gables, FL**

**City Commission**

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

**City Staff**

**City Manager, Cathy Swanson-Rivenbark**  
**City Attorney, Craig E. Leen**  
**City Clerk, Walter J. Foeman**  
**Deputy City Clerk, Billy Urquia**  
**Landscape Services Director, Brook Dannemiller**  
**Assistant Building Director, Charles Wu**  
**Assistant City Attorney Stephanie Throckmorton**

**Public Speaker(s)**

**Maria Cruz, Coral Gables Resident**

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**Agenda Item F-7 [11:22:14 a.m.]**

An Ordinance of the City Commission of Coral Gables, Florida amending the City Code Chapter 82, entitled "Vegetation" to include additional measures to review and protect trees to set procedures to evaluate tree protection and removal; to set an appeals process for a Tree Permit denial; to establish a Tree Trust Fund for the purposes of maintaining and increasing the City tree canopy from tree mitigation fund fees and other measures as deemed as necessary for the preservation and enhancement of the City's tree coverage; providing for repealer provision, severability clause, codification and providing for an effective date. (Sponsored by Commissioner Lago).

Mayor Valdes-Fauli: F-7.

City Attorney Leen: F-7 is an Ordinance of the City Commission of Coral Gables, Florida amending the City Code Chapter 82, entitled "Vegetation" to include additional measures to review and protect trees to set procedures; to evaluate tree protection and removal; to set an appeals process for a Tree Permit denial; to establish a Tree Trust Fund for the purposes of maintaining and increasing the City tree canopy from tree mitigation fund fees and other measures as deemed as necessary for the preservation and enhancement of the City's tree coverage; providing for repealer provision, severability clause, codification and providing for an effective date. This item is sponsored by Commissioner Lago and again it's an Ordinance on First Reading, it's a public hearing item. I would just like to add one thing for the record. This has been extensively worked on by staff and also by Stephanie Throckmorton from my office, obviously Brook and Charles and staff. One point that has been added to this ordinance and one reason why is coming before you today is that, and you are going to address this later as well, but there is a Bill in the Legislature indicating that an attempt, I don't know if it will end up getting passed or not, but there is a Bill attempting to preempt cities in regulating trees on private property. Now this ordinance relates to both private property and public property, but one thing I think will be very helpful to the City is to have our ordinance enacted, assuming it's within the Commission's will to have it enacted prior to that statute if it ends up being enacted going into effect and even prior to being enacted. One other thing is, we've added a provision to this ordinance that addresses any potential preemption in the future and establishes an administrative process and remedy. For anyone who feels that part of this ordinance maybe preempted, there is a process established where it goes to the Board of Adjustment and then comes to you as the City Commission to make a determination whether that has occurred or not. That will protect the ordinance, I believe from facial challenges as applied challenges because obviously, the ordinance relates to both public and private property, so it's never going to be facially preempted; and in addition to that, as applied challenges now will have to go through our administrative process. So, with that I will turn it over to the sponsor Commissioner Lago.

Commissioner Lago: From staff I think you've done an incredible job, giving us a quick overview in reference to the ordinance, but let's hear from staff.

Landscape Director Dannemiller: This process started back when you were discussing the oak trees on Lisbon Park and in that process we discovered that there were some kind of holes and gaps in the code that needed to be clarified or streamlined, so that was about two years ago, and so we've been working diligently on that since then. You asked us to formulate those changes and come back to you. I'll give you a quick overview of the technical and then Charles will go over the process, the streamlined processes. A lot of the items we are already doing administratively. For example, prohibiting trimming trees without getting City approval, the City trees, we are formalizing that in this code; requiring tree surveys as part of building permit process; requiring permits for co-boundary trees, trees that are straddle a property line, both

property owners or if it's on two property lines they all have to be co-applicants on that permit; establishing a tree canopy tree mitigation calculation method, currently it just says of equal environment value. We've established criteria and streamlined that and made it clear for property owners and contractors to be able to do that work easier. Clarifying and acquire tree protection measures at construction sites. Two, three years ago, you hardly saw any protection fences anywhere throughout the City, now you can't drive more than five minutes in the City without seeing tree protection fences on the swale and on private property. And lastly, establishing a Tree Trust Fund -- right now if someone can't mitigate on the property, each one has to be done individually. This will establish a process for allowing us to do that a little bit more efficiently and a little bit more streamlined.

Assistant Development Services Director Wu: Thank you Brook. For the record, Charles Wu, and I'll be introducing some of the processes that we established. Number one, we established a formal process, if you want to do work on private property and your affected tree what is the process? First we'd like to go to a series of exercises; first the applicant will have to determine what can he do to preserve the tree on site, and that's an example of the Lisbon tree situation. The other option is to maybe you can modify the tree and to prune the roots and you can still keep the tree that is the second level of the option. The third option is, if those two cannot work maybe you can remove the tree on site on the same property and still make the property useable for redevelopment; and the last option is really to move the tree off-site. So, we have a series of exercises that we ask the applicants to go through before they actually take down a tree. So, you don't want to make it too easy to say, I want to remove a tree, I want to build from lot line to lot line. The second thing we added, which is new is to have approved administrative variance of 20 percent. Staff can approve this variance if there is tree hardship that it can be demonstrated to staff. That includes setback building as in ground cover coverage, and it does not affect the maximum building area for the site. Number three, we changed the appeal process from administratively, which was today the Tree Appeals Board to the Board of Adjustment. As you are all aware, the Board of Adjustment today hears appeals on variances, we are taking the Tree Appeals to the Board of Adjustment, they've been appraised of this and they agreed with the new additional responsibility, and the City Code does establish some guidelines, some criteria how to approve or to deny a Tree Appeal Process. Secondly, the Code clarifies if you want to remove a tree on public property is the discretion of the City Manager's office. Today our package do not allow it, here we formalized it. Last, we have some enforcement provisions, which finally we make it official that the Code Enforcement Board and Code Enforcement Officer can enforce the Code. We increased the violation from \$500 to \$5,000 to the extent of the law. Willful acts will be fined if they take down the tree on private property up to \$15,000; and the violator upon conviction in the court can be subject to imprisonment in County Jail not to exceed 60 days. In addition, civil remedy, the City is entitled to award of attorney fees. That concludes the processes that we established in the formal City Code.

Assistant City Attorney Throckmorton: Just to mention to establish a policy that Brook mentioned about having a separate fund for mitigation for the canopy around the City.

Assistant Building Director Wu: The City Code does establish \$1,500 for every founded square feet tree canopy loss that will be in the proposed ordinance and can amend that subsequently by resolution in the fee schedule in the future.

Commissioner Lago: Thank you.

Assistant Building Director Wu: And that will be a trust fund to establish trees on public property.

Commissioner Lago: Thank you. I just want to also say thank you to Craig. When I brought him the issue of the State legislation that's being moved forward, which is again an attack on Home Rule, it could affect our tree canopy and our ability to protect not only on public, but on private, he moved expeditiously and made sure that staff put this on the front burner. I know you've been working on it for some time and I think this has been important. I think also delineating a process, which was simple for all parties involved, I think is critical. This can only help us and I think will clarify things and hopefully give us an avenue to continue to protect our canopy as much as possible.

Mayor Valdes-Fauli: This is a public hearing and Maria Cruz wishes to speak, Maria Cruz.

Ms. Cruz: I'm very happy that we are addressing this. If you all have been reading the paper, you see that sometimes it's better to do the wrong thing, cut the trees down then we get fined, but we don't have to replace the tree. I think putting the money into a fund to replace a tree someplace else really does not answer the question. In our neighborhood, we've had people that have bought property, they come in and they decide that they don't like the trees that are there, so they cut them down. When the City finds out either because a neighbor or somebody complains, they get fined, but they don't have to replace the tree. I think there is a problem with that. If you cut them without a permit, you should be forced to put back the tree that you removed, otherwise it's very convenient, you know I'll pay the fine and get away with it. That doesn't work. If you looked at the paper yesterday the same thing was happening with the mangrove. Sometimes it's easier to pay the fine and get my way than to replace, OK. I think there should be some replacement on site, not someplace else. It doesn't do my neighborhood any favor if I cut down a tree and then in some part far away there will be a tree that will be replaced with the money that I paid. That doesn't serve the purpose. It has to be where it was cut.

Mayor Valdes-Fauli: Thank you Maria.

Commissioner Lago: Let me tell you and I agree. Our City Manager will tell you that's an item that I think Craig Leen brought up yesterday in our pre-agenda meeting. I've seen this happen already in the last month and I showed you the pictures Madam City Manager, I think I showed them to Craig also twice already. It didn't happen in our City, thank God, one of them was on the front cover of the Herald two days, but the other one happened, and I showed Peter the example, so he can go visit, two majestic oaks that was probably about 100 to 125 years old, were cut down on 57<sup>th</sup> Avenue – beautiful, majestic, I'm selling them short.

Mayor Valdes-Fauli: Where?

Commissioner Lago: I drive by them on 57<sup>th</sup> Avenue and S.W. 2<sup>nd</sup>, and I have pictures of them, I can show them to you.

Mayor Valdes-Fauli: That's not within our City.

Commissioner Lago: No, they are not within our City, but the issue there, the issue there was a simple one. Again, like Maria stated, the trees were in the way, the trees were in the way from the duplex that was going to be knocked down; they were going to build a six-unit building. So, it's better to do the deed and then ask for forgiveness later, pay the \$100,000 fine, \$50,000 fine, whatever it may be, but you got rid of the sore in your side, which were again these two beautiful trees that were not allowing you to implement the development that you wanted to do. Again, I understand what Maria is saying, I'd love to have a discussion with all of you, see where your ideas are. I agree to a certain extent that we should, if an individual cuts down a tree on a piece of property, they should be forced to replace that tree, and I'm not talking about a small 3-4 inch caliper tree, they should be forced to replace a tree of some magnitude, because if not, I mean again, don't forget, property values are through the roof in the City of Coral Gables. People are tearing down trees and when they are redeveloping homes, they try to maximize every single square inch, the square foot; the square foot prices are so high right now. So, what ends up happening, if a tree is in the way of a footprint of a home and they can't build an additional bedroom, they just knock down the tree and then pay the consequences later if they get caught.

City Attorney Leen: So one thought about that. I think that the City should consider as part of this ordinance, maybe between First and Second Reading, a provision that says that if a tree is removed and then the party who removed the tree or that property owner or successor wants to build in that area that they can't.

Mayor Valdes-Fauli: That's a very good suggestion.

City Attorney Leen: They cannot take benefit of what they've done, that's what you can do. Now the issue is you always have to allow, I'm sorry, I didn't mean to interrupt...

Commissioner Lago: No, no, no.

City Attorney Leen:...the issue is you always have to allow some reasonable development on that property so that you don't commit a taking, but if you make it clear in the code that if they cut down a tree that's illegal, illegally cut down a tree in order to gain a benefit from it, I do think you would have a good argument in any court that they cannot take advantage of that, that's sort of a discouragement principle, they cannot then benefit from their wrongdoing.

Commissioner Lago: Listen Craig, while I want to discourage people from cutting down as many trees as possible, I want to preserve our canopy. I get very nervous when we start putting those limitations on people. I want to, in between First and Second Reading, let's address this issue, let's look into it a little further to bring all these ideas and if my colleagues have any other ideas let's even analyze what our City Attorney just stated right now and let's discuss those as potential options in this ordinance. In my opinion, I want to be careful, maybe we can hit it with a bigger fine, maybe we can force them to not only fine them, but instead of saying you must replace that tree with a two or three or four inch and I apologize, I know that Brook is probably cringing at my analysis of the size of a tree – no we force them or require them to replant a tree with a significant caliper and a significant canopy.

Commissioner Mena: Maybe there is some kind of relocation fee, I don't know. But, I have the same reservation you have about once it's down...

Commissioner Lago: But, we've got to be careful because it's happening...

Commissioner Mena: I know, I hear you. It's tough.

Mayor Valdes-Fauli: Do you want to make that motion on First Reading?

Vice Mayor Keon: Can I ask one question?

Mayor Valdes-Fauli: Of course.

Vice Mayor Keon: You have examples of trees in each category. I'm assuming that these are options for the trees that could be replanted, is that right on page 9? I'm sorry; I think I have a different...

Assistant City Attorney Throckmorton: Yes, and I believe we might be adding a few between first and second reading.

Landscape Director Dannemiller: We'll be massaging that a little bit more to make it a little clear.

Vice Mayor Keon: Why would we encourage Black Olives have traditionally been problematic both because of the disease that they have where there is staining and it's very hard to treat them, they are difficult, they are not native, they snap and break in storms. Why – would this be an opportunity for us to really look at planting more of the native trees so that we can, we don't go through what we did in this last hurricane with some of these other trees and discourage. You have fichus species, I don't know if you want to encourage more fichus to be planted unless they have the area where they can drop their roots and they can grow. Would we use this more as an opportunity to plant the native tree that you'd like to see here in the City, as opposed to the instant canopy?

Landscape Director Dannemiller: We've already drafted a slightly revised list of trees and on that, instead of the same fichus species we have a couple species that the native species, the stronger species and would not include Ficus Benjamina and some of the other problematic species. So, the trees that will be on this, these are just examples. We have just four canopies, so certain trees grow to certain sizes, so a Silver Button is a small tree; an Oak is a big tree, so we get different...

Vice Mayor Keon: Right – I see where they are divided into species, but I don't know, I would tend to want to leave Black Olive off the list.

Landscape Director Dannemiller: Yes, I don't remember Black Olive is on the list.

Assistant City Attorney: It remains on the list

Vice Mayor Keon: It remains on the list. Maybe you can just cull that list.

Landscape Director Dannemiller: There is Black Olive called Black Olive Shady Lady, which is a smaller stature version of the Black Olive tree that is not as susceptible to the staining and is a strong tree. So, we don't want to preclude...

Vice Mayor Keon: Then you should identify the particular Black Olive, because if you have Black Olive that means any Black Olive. So, if you want to have a particular type of Black Olive

that doesn't stain or whatever else then include it, but not Black Olive in general or whatever. You took the Bridal Veil off the small trees, it looks like it...

Landscape Director Dannemiller: Yes, we moved that to a medium tree.

Vice Mayor Keon: Oh, to a medium tree.

Landscape Director Dannemiller: Yes, we moved that to a medium tree, we added the leopard tree which is also a medium tree and we clarified that. So, we'll have a more defined list before Second Reading.

Vice Mayor Keon: OK. Maybe you just go through and look at your list and exclude those trees...

Landscape Director Dannemiller: And this is private property too, we don't want to prevent people from planting trees that they want to if they have appropriate space. If you have a large open space a ficus tree could be appropriate. If you already have a Black Olive Shady Ladies, which we do on certain areas of the City, then matching that tree is appropriate. So, this is just to give examples of appropriate size trees, just under that we have a catchall that says the canopy mitigation will be determined for other trees that are not on the list. So, if you come in and you have a unique flowering tree that you want to plant, we'll see what size that grows to and then we'll assign a square footage canopy for that.

Vice Mayor Keon: Is the Board of Adjustment going to be the Tree Board that you talk about here, who is on the Tree Board?

Assistant City Attorney Throckmorton: They will hear appeals from the Tree Preservation Agency, which is City staff for variances for private...

Vice Mayor Keon: The Tree Preservation Agency is staff.

Assistant City Attorney Throckmorton: Is staff and so appeals on private property would go to the Board of Adjustment for request for variances and appeals about removal of trees on public property would go to the City Manager.

Mayor Valdes-Fauli: Commissioner Lago.

Commissioner Lago: You know prior to Second Reading would you do me a favor and just check to see what other cities throughout the State of Florida are going to address this concern,



maybe other neighboring communities that are in similar scope and size to the City of Coral Gables.

Landscape Director Dannemiller: We did look at probably half a dozen different local tree codes when we drafted this. We have a couple of consulting arborists chime in on it, some residents that are particularly interested also reviewed and gave us feedback and we took it to the Board of Adjustment and the Landscape Advisory Board to get feedback.

Assistant City Attorney Throckmorton: Commissioner this is particularly about trees removed without a permit, that's your particular concern.

Commissioner Lago: Yes that's basically it, and again, how did they address that? Did they force them to plant a tree of the same size and scope?- did they fine them?- just so I can get more of an idea what's going on.

Mayor Valdes-Fauli: Do you make a motion?

Commissioner Lago: Make a motion.

Mayor Valdes-Fauli: Second.

Commissioner Mena: Second.

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

Commissioner Lago: Yes

Commissioner Mena: Yes

Commissioner Quesada: Yes

Vice Mayor Keon: Yes

Mayor Valdes-Fauli: Yes

(Vote: 5-0)

Assistant City Attorney Throckmorton: And Vice Mayor, thank you, I know you sort of kicked all this off with the Sherman's Oak and the 1015 Lisbon Park, so with that resolution and acquired the trees survey, sort of got everything going, so thank you for that as well.

Vice Mayor Keon: Yes thank you. You've beefed it up and made it even better, so thank you.

[End: 11:41:22 a.m.]

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City Commission Meeting

November 14, 2017

Agenda Item F-7 - Ordinance amending the Code entitled "Vegetation"

To review and protect trees

