



**THE CITY OF KEY WEST  
Tree Commission**

Post Office Box 1409 Key West, FL 33041-1409  
Telephone: 305-809-3725

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**NOTICE OF ADMINISTRATIVE HEARING  
BEFORE THE TREE COMMISSION OF THE CITY OF KEY WEST**

October 28, 2020

Tree Commission  
City of Key West  
Petitioner,

Vs.

Alfredo Gonzalez  
13990 SW 30<sup>th</sup> Street  
Miami, FL 33175

An administrative hearing before the Tree Commission for the City of Key West will be held on **Tuesday, November 10, 2020**, at 5:00 p.m., at **Josephine Parker City Hall at Historic Glynn R. Archer School, 1300 White Street, Key West, Florida.**

This hearing will be conducted pursuant to sections 110-288 et. seq. of the Key West City Code. The purpose of this hearing will be to determine if a code violation has been committed by the above named Respondent. **Your presence is required at this Tree Commission meeting.**

**Date of alleged violation: prior to May 28, 2020 at 1409 Walton Street, Key West, FL:**

**Sec. 110-321. Required.**

- (a) Unless a tree removal permit approved by the tree commission and issued by the Urban Forestry Manager has been obtained, no person, whether on publicly or privately owned land, shall cause tree abuse or other harm, or major maintenance to, hatracking, transplanting, topping or removal of the following:
- (1) Any tree listed as "specially protected" in section 110-253;

**Factual allegation: One (1) Green Buttonwood tree has been removed without benefit of a tree removal permit.**

Buttonwood Tree location



If the Tree Commission for the City of Key West finds that there has been a violation of the above code section, it will elect to enter into a compliance settlement agreement pursuant to section 110-291 of the Key West City Code or recommend a fine and further hearing before the Special Master of the City of Key West pursuant to section 110-294 of the Key West City Code.

Attendees are hereby notified that a complete and accurate record of the proceeding is required under Florida Statute 286.0105 if an appeal is sought. Appellants are responsible for providing transcription services.

I hereby certify that the forgoing notice has been mailed to the Respondents and has been sent via e-mail, regular mail, and certified U.S. Mail to the above named Respondent's listed address on this **28th day of October 2020.**

If you have any questions, please call the office at (305) 809-3768.

  
Karen DeMaria  
Urban Forestry Manager  
[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)



# STAFF REPORT

DATE: October 30, 2020

RE: Administrative Hearing for 1409 Whalton Street (TC2020-00036)

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

On October 10, 2019, while driving in the area it was noticed that a coconut palm had been removed and another had been improperly trimmed at 1409 Whalton Street. Photos were taken of the property and the property owner was asked to submit an after the fact permit application for the removal of the palm and educated on proper palm trimming as per City Code (warning letter sent).

In May 2020, a request was made by the property owner to inspect the property to close out the permit. During this inspection it was documented that a buttonwood tree, an Alexander Palm, and a clump of Christmas palms were missing from the property. The property owner subsequently planted four Buccaneer palms as mitigation for the additional palm removals.

Communication with the property owners indicated that they were trying to clean up the property and had building permits to upgrade/renovate the exterior of the existing house. The property owner stated in an e-mail that the buttonwood tree had to be removed as it was growing underneath the deck and lifting it.

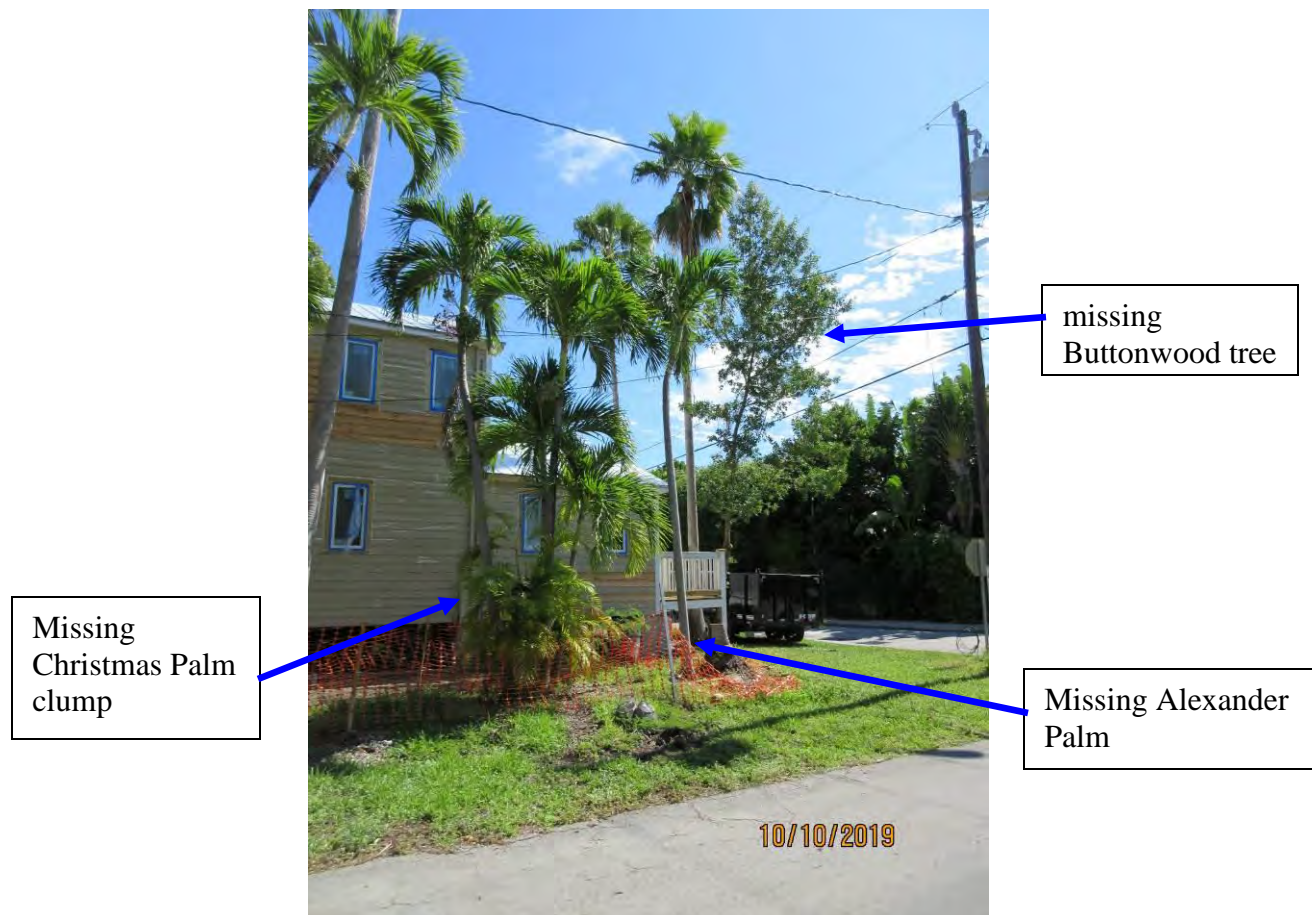




Photo showing  
location of  
buttonwood  
tree in relation  
to structure



Photo showing  
property and  
area of interest  
in May 2020  
during  
inspection.





Updated photo of area showing 4-Buccaneer palms planted as mitigation for palm removals.

It is recommended that the 4 buccaneer palms be accepted as mitigation for the palm removals (1-Alexander and 1-Christmas Palm clump, 2: 1 mitigation).

The Green Buttonwood tree was approximately 5-inch diameter. Therefore, it is recommended that either approved dicot replacement trees be planted or donated to a not for profit or the City or a fine issued for the removal of the buttonwood tree.

# Additional Information

## Karen DeMaria

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**From:** Ronald Gonzalez <rgonz823@gmail.com>  
**Sent:** Friday, October 23, 2020 3:02 PM  
**To:** Karen DeMaria  
**Subject:** Re: 1409 Whalton St Administrative Hearing

Hi Karen,

Confirmed! I will coordinate to be there November 10. Just to confirm city hall, is the same place where the building department is located?

Thank you  
Ronald

On Fri, Oct 23, 2020 at 12:27 PM Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

Ronald:

I am putting together the agenda for the November 10 Tree Commission meeting and I want to place the administrative hearing regarding the removal of the buttonwood tree on the agenda. Someone must be at the meeting to represent the property. Are you available on that date? The Tree Commission meetings start at 5 p.m. and it will be held in the City Hall chambers on White Street.

Sincerely,

Karen

Karen DeMaria  
Urban Forestry Manager  
City of Key West  
305-809-3768



**From:** Karen DeMaria  
**Sent:** Wednesday, September 9, 2020 4:26 PM  
**To:** Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)>  
**Subject:** RE: Permit #TREE2019-0479

Yes I inspected the palms that were planted and they look good and I think should help to resolve the palm issues. We still have the issue of the buttonwood tree removal which will have to be handled by an administrative hearing with the Tree Commission.

Sincerely,

Karen

**From:** Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)>  
**Sent:** Wednesday, September 9, 2020 7:30 AM  
**To:** Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>  
**Subject:** Re: Permit #TREE2019-0479

Good Morning Karen,

I just wanted to follow up with the process of the tree permit. I'm not sure if you were able to inspect the last 5 Palms we planted. Please if we need to do anything additional at this time please let me know.

Thank you  
Ronald

On Mon, Aug 10, 2020 at 9:58 AM Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

Received, I will schedule an inspection.

Thank you,

Karen

**From:** Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)>  
**Sent:** Friday, August 7, 2020 9:34 AM  
**To:** Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>  
**Subject:** Re: Permit #TREE2019-0479

Hello Karen,

Hope all is well, I'm not sure how we stand with out permit, but I wanted to inform you we went ahead and planted new Palms from the list. We planted 1 new coconut palm and 4 buccaneers. Please see attached pictures. Please if you have an opportunity to come out and inspect them. They are all on the front of the house.

[1409 whalton st.](#)

Thank you.

Ronald.



## Karen DeMaria

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**From:** Karen DeMaria  
**Sent:** Friday, August 7, 2020 3:41 PM  
**To:** Ronald Gonzalez  
**Subject:** FW: Permit #TREE2019-0479

Received, thank you.

Karen

**From:** Ronald Gonzalez <rgonz823@gmail.com>  
**Sent:** Friday, August 7, 2020 3:25 PM  
**To:** Karen DeMaria <kdemaria@cityofkeywest-fl.gov>  
**Subject:** Re: Permit #TREE2019-0479







On Fri, Aug 7, 2020 at 3:20 PM Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

Thank you for the e-mail. There are no photos attached.

Sincerely,

Karen

**From:** Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)>

**Sent:** Friday, August 7, 2020 9:34 AM



On Fri, Jun 12, 2020 at 12:40 PM Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

I have to initiate an enforcement case to resolve the issue. I have a missing protected green buttonwood tree, a regulated single Alexander Palm, and a regulated clump of Christmas Palms. An Administrative Hearing will be scheduled in front of the Tree Commission probably in August or September. The Tree Commission will require that you plant approved palms and tree species on the property or pay a fine. I have attached some photos showing the locations of the missing tree and palms. I will be in contact with you regarding additional information about the meeting once I get confirmation on the meeting schedule.

By the way, the palm removal permit is still open. You can plant an approved palm (see attached list or pay a fee into the City Tree Fund (\$250).

Sincerely,

Karen

**From:** Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)>  
**Sent:** Tuesday, June 2, 2020 9:48 AM  
**To:** Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>  
**Subject:** Fwd: Permit #TREE2019-0479

Hi Karen, my apologies it looks like I replied to the wrong email last week, below.

Please let me know what I should do.

Thank you Ronald

Begin forwarded message:

**From:** Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)>  
**Date:** May 28, 2020 at 1:38:02 PM EDT  
**To:** Rw2pan <[rw2pan@yahoo.es](mailto:rw2pan@yahoo.es)>  
**Subject:** Re: Permit #TREE2019-0479

Hi Karen,

Thank you for coming out. The landscaping was done by my father and myself. We had to remove a tree that was growing from underneath the deck and it was lifting it, I'm not sure if this was the buttonwood. The palms we haven't removed as those are too big for use to do. The little palms in the front we did cut 2 of the bundle. Please let me know how I should procede.

Thank you

Ronald

On May 28, 2020, at 12:15 PM, Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)> wrote:

——— Forwarded message ———

From: Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>

Date: Thu, May 28, 2020 at 10:48 AM

Subject: RE: Permit #TREE2019-0479

To: Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)>

Ronald:

I went by the property yesterday. I can not close out the file because nothing that was planted is on the City of Key West approved palm or tree lists. Also, I noted that several regulated palms have been removed without benefit of a tree removal permit and a protected buttonwood tree is missing, without benefit of a removal permit. Who did the landscaping work?

Sincerely,

Karen

From: Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)>

Sent: Tuesday, May 26, 2020 9:13 AM

To: Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>

Subject: Re: Permit #TREE2019-0479

Hi Karen, thank you.

The plantings are easily inspected. They're outside in the front, no gate.

On Tue, May 26, 2020 at 9:10 AM Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

Please fill out the attached job completion form so I know where the palm was planted on the property and what kind, for our files. Once I receive the form I will schedule a site visit. Can I easily inspect the plantings or do I need an appointment or gate code?

Sincerely,

Karen

From: Ronald Gonzalez <[rgonz823@gmail.com](mailto:rgonz823@gmail.com)>

Sent: Monday, May 25, 2020 9:01 PM

To: Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)>

Subject: Permit #TREE2019-0479

Hi,

This is Ronald González from [1409 Whalton st.](#) I wanted let you know we have planted a new palm, and a few other trees and plants. We're ready to close out permit 2019-0479.

Thank You

Ronald



RECEIVED  
OCT 17 2019



ATF

T2019-0479

## Tree Permit Application

Please Clearly Print All Information unless indicated otherwise. Date: October 15, 2019

Tree Address 1409 Whalton St  
Cross/Corner Street Whalton - Washington  
List Tree Name(s) and Quantity Coconut.  
Species Type(s) check all that apply ☒ Palm ( ) Flowering ( ) Fruit ( ) Shade ( ) Unsure  
Reason(s) for Application:  
☒ Remove ☒ Tree Health ( ) Safety ( ) Other/Explain below  
☐ Transplant ☐ New Location ( ) Same Property ( ) Other/Explain below  
☐ Heavy Maintenance Trim ☐ Branch Removal ( ) Crown Cleaning/Thinning ( ) Crown Reduction

Additional Information and Explanation Coconut tree was too tall and not in good health.  
Being replaced for a new tree.

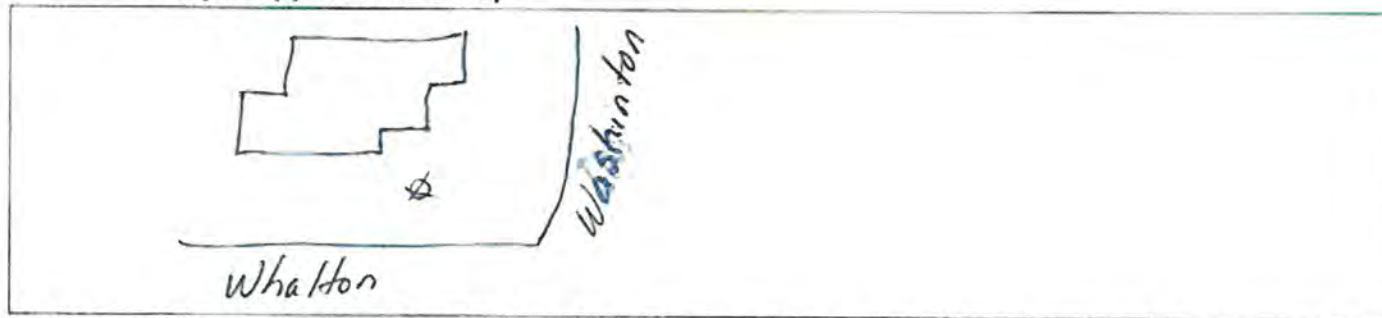
Property Owner Name Alfredo Gonzalez  
Property Owner email Address ro2pan@yahoo.es  
Property Owner Mailing Address 13990sw 30st Miami FL 33175  
Property Owner Phone Number (786)-541-5221.  
Property Owner Signature LC

Representative Name \_\_\_\_\_  
Representative email Address \_\_\_\_\_  
Representative Mailing Address \_\_\_\_\_  
Representative Phone Number \_\_\_\_\_

NOTE: A Tree Representation Authorization form must accompany this application if someone other than the owner will be representing the owner at a Tree Commission meeting or picking up an issued Tree Permit. Tree Representation Authorization form attached ( )

Sketch location of tree in this area including cross/corner Street

Please identify tree(s) with colored tape



If this process requires blocking of a City right-of-way, a separate ROW Permit is required. Please contact 305-809-3740.

## Karen DeMaria

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**From:** yaquelin gonzalez <yakilez@yahoo.com>  
**Sent:** Thursday, October 17, 2019 10:44 AM  
**To:** Karen DeMaria  
**Cc:** Rw Rw; Ronald Gonzalez  
**Subject:** 1409 Whalton St key West Tree Application.  
**Attachments:** Permiso corte de Arblo.101519.pdf

Hi, dear Karen.

Attached send application, please if you require additional information, do not hesitate to contact us.

We greatly appreciate your help.

Have an excellent day  
sincerely  
Jacqueline Pages



## Karen DeMaria

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**From:** Karen DeMaria  
**Sent:** Friday, October 11, 2019 3:18 PM  
**To:** rw2pan@yahoo.es  
**Subject:** 1409 Whalton St key west Tree application  
**Attachments:** Tree Permit Application.pdf; Approved Replacement Palm List 2018Dec.pdf; Sec 110 plant lists and permit info Jan 2014.pdf

It was nice speaking with you today. Attached is an application that needs to be filled out regarding the removal of the coconut palm. I will process an after the fact permit which will require the planting of 1-approved native palm, 4 ft tall on the property. I also gave your dad a copy of the approved palm list, for you review.

I have also attached some information regarding regulations in Key West regarding tree and palms. If you have any questions, feel free to contact me.

Sincerely,

Karen

*Karen DeMaria*  
Urban Forestry Manager  
Certified Arborist FL# 6585A  
City of Key West Planning Department  
1300 White Street, Key West, FL 33040  
305-809-3768





# Untitled Map

Write a description for your map.

## Legend

📍 1409 Walton St

bad trim

removed

Google Earth

© 2019 Google

10 ft











copy

THE CITY OF KEY WEST  
Tree Commission  
P.O. BOX 1409  
Key West, FL 33041-1409

October 21, 2019

Alfredo Gonzalez  
13990 SW 30<sup>th</sup> Street  
Miami, FL 33175

Dear Mr. Gonzalez:

On October 10, 2019, it came to my attention that trimming of Coconut palms on property located at 1409 Whalton Street, Key West, FL, was done improperly and against the City of Key West Code of ordinances.

***Sec. 110-402. Palms.***

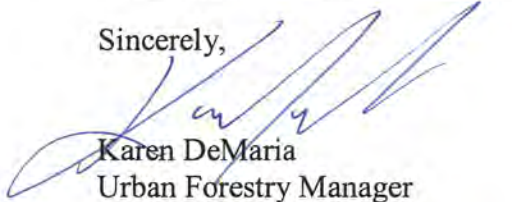
- (a) Palm pruning should be performed when fronds, fruit, or loose petioles may create a dangerous condition.
- (b) **Live healthy fronds, should not be removed above the level horizontal plane initiating at the heart of the tree.**
- (f) Hurricane cuts are not approved methods of palm pruning.





With this letter I am warning you of the improper trimming work that was done to the coconut palms at the property. City of Key West regulations require a 9-3 trim (horizontal plane). If this type of trimming occurs again on the property an enforcement case will be processed in front of the Tree Commission.

Sincerely,



Karen DeMaria  
Urban Forestry Manager  
305-809-3768  
[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)



## Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

## Summary

Parcel ID 00038400-000000  
 Account# 1039144  
 Property ID 1039144  
 Millage Group 10KW  
 Location 1409 WHALTON ST, KEY WEST  
 Address  
 Legal KW WEBB REALTY CO SUB PB1-42 PT LOTS 11 AND 12 SQR 1 TR 18 G30-333 G46-197  
 Description OR531-185/186 OR621-229 OR865-2166 OR900-1725 OR969-1341 OR971-1129  
 OR1054-1681/82 OR1054-1683/84 OR2773-6100RD OR2923-243/44C/T OR2965-0483  
 (Note: Not to be used on legal documents.)  
 Neighborhood 6131  
 Property Class MULTI FAMILY LESS THAN 10 UNITS (0800)  
 Subdivision The Webb Realty Co  
 Sec/Twp/Rng 05/68/25  
 Affordable No  
 Housing



## Owner

GONZALEZ ALFREDO  
 13990 SW 30th St  
 Miami FL 33175

PAGES JACQUELINE  
 13990 SW 30th St  
 Miami FL 33175

## Valuation

	2019	2018	2017	2016
+ Market Improvement Value	\$255,044	\$317,350	\$325,701	\$308,376
+ Market Misc Value	\$24,155	\$24,822	\$25,489	\$26,934
+ Market Land Value	\$423,691	\$456,527	\$434,283	\$477,448
= Just Market Value	\$702,890	\$798,699	\$785,473	\$812,758
= Total Assessed Value	\$702,890	\$798,699	\$785,473	\$812,758
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$702,890	\$798,699	\$785,473	\$812,758

## Land

Land Use	Number of Units	Unit Type	Frontage	Depth
MULTI RES DRY (080D)	4,035.15	Square Foot	89.7	45

## Buildings

Building ID	3009	Exterior Walls	WD FRAME
Style	STILT 1 STORY	Year Built	1990
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	2000
Gross Sq Ft	1376	Foundation	CONC PILINGS
Finished Sq Ft	624	Roof Type	GABLE/HIP
Stories	1 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	TERRAZZO
Perimeter	100	Heating Type	FCD/AIR DUCTED with 0% NONE
Functional Obs	0	Bedrooms	2
Economic Obs	0	Full Bathrooms	1
Depreciation %	27	Half Bathrooms	0
Interior Walls	WD PANL/CUSTOM	Grade	400
		Number of Fire Pl	0

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	624	624	0
GBF	GAR FIN BLOCK	624	0	0
OUU	OP PR UNFIN UL	128	0	0
<b>TOTAL</b>		<b>1,376</b>	<b>624</b>	<b>0</b>

Building ID	3010	Exterior Walls	WD FRAME
Style	2 STORY ELEV FOUNDATION	Year Built	1990
Building Type	S.F.R. - R1 / R1	EffectiveYearBuilt	2000
Gross Sq Ft	2432	Foundation	CONC PILINGS
Finished Sq Ft	1552	Roof Type	GABLE/HIP
Stories	2 Floor	Roof Coverage	METAL
Condition	AVERAGE	Flooring Type	SFT/HD WD