



THE CITY OF KEY WEST

Tree Commission

Post Office Box 1409 Key West, FL 33041-1409

Telephone: 305-809-3725

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.

Galleon Condominium Association Inc
617 Front Street
Key West, FL 33040

To Whom it May Concern:

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 12, 2020 at 617 Front Street, Key West, FL:

Sec. 110-256. Tree abuse.

(b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:

- (4) Cutting upon a tree which destroys its natural shape.
- (5) Hatracking as defined in section 110-252

Sec. 110-252. Definitions.

Hatracking means pollarding or flat-cutting a tree such that the leaders are severed, or such that the total canopy spread is reduced by one-third or more during any three hundred sixty-five (365)-day period (except for fruit trees such as mango and avocado trees).

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

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

Sec. 110-402. Palms.

- (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.



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

STAFF REPORT

DATE: October 30, 2020

RE: Administrative Hearing for 617 Front Street-The Galleon Resort
(TC2020-0034)

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

On May 12, 2020, during a site visit at a nearby property it was noticed that Coconut palms had been improperly trimmed on the property and three mahogany trees had been improperly trimmed-hatracked. A letter was sent to the Galleon Condominium Association regarding the issue and requesting information as to who did the work. No response was received. A recent site visit and meeting with the manager indicated that staff with help from an outside source did the work during the COVID shut down.



Photo showing improperly trimmed Coconut Palms.



Photo showing improperly trimmed palm trees.



Improperly trimmed-hatracked mahogany trees



Photo of mahogany tree #1 and #2.



Photo so Mahogany tree #1.



Photo of Mahogany tree #3.



Closeup photo of canopy of mahogany tree #2.

This is the first time that the Galleon Resort has been warned about the improper palm trimming. It is recommended that the association/resort be required to hire an arborist to inspect the mahogany trees and create a plan to properly trim and monitor the mahogany trees for a period of three years. The goal is to make sure a good canopy structure is recreated for the future due to the improper trimming.

Below are some updated photos of the coconut palms and mahogany trees.



Updated photo of palms that were improperly trimmed.



Update photo of mahogany tree #1.



Updated photo of mahogany tree #1 and #2.



Updated photo of mahogany tree #3.



Two photos showing updated views of mahogany tree canopies.



Close up photo showing updated view of mahogany tree #3 canopy.



Updated view of mahogany trees.

Additional Information



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

July 8, 2020

Galleon Condominium Association Inc
617 Front Street
Key West, FL 33040

To Whom It May Concern:

It has come to my attention that recent trimming work at 617 Front Street, The Galleon Resort, was done incorrectly and violates standards set forth in the City of Key West Code of Ordinances.

Sec. 110-256. Tree abuse.

(b) *Prohibited acts.* A tree shall be considered abused if a person takes an action so that one of the following occurs:

- (4) Cutting upon a tree which destroys its natural shape.
- (5) Hatracking as defined in section 110-252

Sec. 110-252. Definitions.

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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;

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.
- (c) Fronds removed should be severed close to the petiole base without damaging living trunk tissues.

- (d) Palm peeling (shaving) should consist of the removal of the dead frond bases only, at the point they make contact with the trunk without damaging living trunk tissue.
- (e) Climbing spurs shall not be used to trim palms unless:
- (1) A total tree removal permit is approved according to section 110-321; or
 - (2) A permit for maintenance trimming has been approved by the Tree Commission and satisfies the following criteria:
 - i. The palm tree cannot be accessed by a bucket truck.
 - ii. The work is being done by a certified arborist.
 - iii. The tree is of a height that safety of the arborist is an issue.
- (f) Hurricane cuts are not approved methods of palm pruning.



On May 12, 2020, while doing an inspection on a neighboring property, I noticed the palms on the Galleon Resort property had been improperly trimmed and the mahogany trees in the parking area had been hatracked. I spoke briefly to a manger who was on site and asked him to send me the name of the person who did the work. To date, I have not received a response to my verbal request. Please send me the name and contact information for the person responsible for the improper trimming work.

Once City Management allows boards and commissions to again meet in the Commission Chambers, an Administrative Hearing will be held in front of the Tree Commission to resolve this issue. Both the property owner and the person who did the work will be required to attend the meeting to resolve this issue. Feel free to contact me if you have any questions regarding this enforcement action.

Sincerely,

Karen DeMaria
Urban Forestry Manager
305-809-3768
kdemaria@cityofkeywest-fl.gov