

# MIAMI BEACH

OFFICE OF THE CITY MANAGER

159-2021

## LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Raul J. Aguila, Interim City Manager 

DATE: April 13, 2021

**SUBJECT: PALM TREE REMOVALS ANTICIPATED TO TAKE PLACE 1) WITHIN THE NINETY (90) DAY PERIOD FOLLOWING THE ADOPTION OF RESOLUTION NO. 2021-31653 SPONSORED BY COMMISSIONER STEVEN MEINER; AND 2) FOR INFORMATION PURPOSES, PALM TREES SCHEDULED TO BE REMOVED BEYOND THE NINETY (90) DAY PERIOD**

At the March 17, 2021 City Commission meeting, the Mayor and City Commission adopted Resolution No. 2021-31653, sponsored by Commissioner Steven Meiner, and directed the City Administration to prepare a Letter to Commission (LTC), identifying palm removals anticipated to take place within the next 90 days (from the date of the adoption of the Resolution), in order to permit members of the City Commission to identify tree removals in specific areas that may be of significant concern, and request that the City Administration hold such palm removals in abeyance until such time as legislation proposed at the March 17, 2021 City Commission meeting, regarding preservation of palm tree landscapes iconic to Miami Beach's culture and history, is considered; and further providing that the intent of the Resolution is to accommodate preservation concerns while minimizing any delays to City construction projects that are currently in progress." (See title of Resolution No. 2021-31653, attached in full as Attachment "A" to this LTC).

It should be noted that the Resolution did not include the North Beach Oceanside Park Beachwalk Project and the surface parking lot at Biscayne Beach, which were both previously approved by the City Commission.

### **Background**

Palm and canopy tree removals occur in the public right-of-way, public property, and City parks for three reasons:

1. Permitted removals associated with private construction projects;
2. Permitted removals associated with public construction projects; and
3. Emergency removals associated with palm and canopy tree hazards that present an immediate threat to life safety.

The City's Urban Forestry Division administers the City's Tree Preservation Program which, pursuant to Chapter 46, Division 2 of the City Code, establishes the City's tree permitting program for the removal or relocation of any palm or canopy tree on public or private property. When palm or canopy tree impacts are unavoidable during construction, this section of the City Code requires mitigation to be in the form of new canopy trees. When tree replacement is not feasible there is an option for the applicant to pay into the

Tree Trust Fund.

The Urban Forestry Division reviews approximately 1,800 building permits, 200 tree permit applications, and issues (on average) 120 permits annually. The Urban Forestry Division works closely with applicants to identify proper tree preservation and protection is adhered to, and that palms or canopy trees proposed to be removed are mitigated appropriately. During the private development process, palms and canopy trees may need to be removed and or relocated from private property and/or the City right-of-way. Urban Forestry reviews these applications closely to determine the proper management approach, considering current health and condition of the tree in relation to the proposed work.

For example, Table 1 below provides an overview of all public and private property **permitted** palm removals, relocations, and new plantings over the past three years. During this timeframe, a total of 1,941 palms were removed and 3,553 palms were planted. This is an 83% increase in palms Citywide over the past three years. This trend is expected to continue into future years and is consistent with the Urban Forestry Master Plan to expand both palm and tree canopy counts.

Table 1. Summary of Permitted Palm Removals, Relocations, and New Plantings

	Palms Removed	Palms Planted
FY17/18	518	965
FY18/19	788	1,385
FY19/20	635	1,203
<b>Total</b>	<b>1,941</b>	<b>3,553</b>

**83% increase in palms over last 3 years**

Private Property Permits

In consideration of the Resolution, starting on March 17, 2021, the Urban Forestry Division ceased issuing new permits to private properties requesting the removal of palms from the City right-of-way. **No new permits will be issued within the ninety (90) day period provided for in the Resolution unless the City Commission authorizes the Division to resume processing and issuing permits.** Typically, private property owners request removal and/or relocation of palms located in the right-of-way to accommodate new driveways, as well as to address utility conflicts, disease, or safety hazards.

There are currently two permit applications that have been received since March 17, 2021, requesting the removal of palms in the right-of-way.

Prior to March 17, 2021, 11 permits were issued that included the removal of a total of 19 palms in the right-of-way (See Attachment "B").

Since, by its express terms, "the intent of the Resolution is not to create a moratorium on tree removals" (see Resolution, Whereas clause #7), the Administration strongly recommends that the City Commission authorize it to continue to process and issue private property permits, so as not to create undue delay costs for property owners in private projects.

### Existing City Capital Projects

The City of Miami Beach Office of Capital Improvement Projects, Parks & Recreation, and Public Works are currently advancing **23 projects**<sup>1</sup>, in various stages of planning, design and construction (See Attachment “C”). During construction, impacts to palms and canopy trees are often unavoidable. To minimize impacts, Urban Forestry is involved in all stages of the design and construction process. Of the **23 projects**, the design and/or construction schedule and budget of at least **15** of these projects will be impacted by changes to the City Code, the Urban Forestry Master Plan, or City policies regarding palms. The exact impacts to the construction schedule and budget cannot be determined without further research, but these may include project delays and increased design costs.

Again, as time is of the essence, the Administration strongly recommends that the City Commission review these projects carefully to expeditiously determine whether they may proceed as originally planned, or whether changes are necessary in order to accommodate the terms of the Resolution. Again, as the Resolution was not intended to create undue delays (or, for that matter, cost increases) in City construction projects that are currently in progress, it is our hope that these projects can be “grandfathered” in and allowed to proceed without changes.

### Emergency Relocations and Removals

Over the next 90-days, the Administration will inform the Mayor and City Commissioner **before** performing any relocations or removals of palms that pose an immediate public safety concern, including, but not limited to, those blocking stop signs; interfering with electrical services; and/or those damaged or decayed to the point of compromising the plant’s structural stability.

When canopy trees and palm trees are in poor condition due to disease, pest, or fungus, the Urban Forestry Division conducts an assessment to determine the best course of action to abate the spread to neighboring trees and palms. Examples of diseases that require removal of diseased palms include ganoderma, lethal bronzing, and lethal yellowing.

Since March 17, 2021, the following palms have been removed from the public right-of-way due to these emergency circumstances:

1. 6655 Pine Tree Lane – Canary Island Date impacted by the fungus ganoderma was deemed an immediate safety hazard was removed on March 25. Removal was coordinated with the property owner.



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<sup>1</sup> LTC 007-2021, dated January 8, 2021, as well as the Urban Forestry Master Plan Workshop Memorandum dated March 2, 2021 listed 22 projects. This list has been further updated, with completed projects being removed and new projects being added.

2. 22<sup>nd</sup> Street & Prairie Avenue (across from Miami Beach Senior High School) – The Coconut Palm has died and has been deemed an imminent hazard. It was removed on March 22.



3. 47<sup>th</sup> Street & Post Avenue – There are currently six thatch palms and one double Roebelenii impacting the site line and blocking the stop sign, at 47th Street & Post Avenue.



It is **strongly recommended** that the six thatch palms be relocated **immediately**, and one double Roebelenii be removed due to extensive weed-eater damage which would not survive relocation. Pruning the palms is not a viable option as they would need to be excessively pruned over a period of many years. This will result in nutritional deficiencies, which will require excess fertilizer to counter these nutritional deficiencies. In addition, the City Code (Sec 126-6(2)) states the minimum standard for palms as street trees have a minimum of ten inches diameter at breast height (DBH) and a minimum of 15 feet of clear

or grey wood at time of planting. The provisions are in place to avoid situations like this from occurring. Because we received a complaint from a resident of the neighborhood protesting the removal, this particular relocation and removal has been put on hold until further direction is provided by the Mayor and City Commission.

Again, we strongly recommend that the City Commission immediately allow us to proceed, as this is not only a safety hazard, but also poses liability for the City should something happen as a result of the City's failure to proceed with removal.

Further, with regard to future emergency removals and relocations, the Administration respectfully requests that such measures, being critical operational functions to the day-to-day administration and operation of government (and its obligations with regard to maintenance and public safety), be **excluded** from the scope of the Resolution, as we do not believe it was the intent of the Resolution to require the City Commission to approve and sign off on these types of "emergency" removals is critical for the Administration to have the independent managerial discretion to take expeditious action upon being informed of emergency, public safety, or dangerous hazards.

4. Indian Creek Project – There are approximately 10-15 small Washingtonian palms that have naturally recruited to the area since the project site was cleared. Washingtonian palms are controlled species, and not recommended to be used within Miami-Dade County. A tree permit is not required for their removal. **Delaying removal of the Washingtonian palms will cause a delay in the installation of the sheet pile wall that will delay the Project schedule.**



Although outside the scope of the subject of the Resolution No. 2021-31653, the LTC also seeks to provide the Mayor and City Commission with a preview, as provided by the City's Office of Capital Improvements, of City capital projects (beyond the 90 day period call for in the Resolution), which could be potentially delayed should the City Commission proceed with legislation that materially changes or alters the current tree removal/relocation procedures in the City Code (Please see Attachment "C").

### **Conclusion**

The City acknowledges, recognizes, and appreciates the importance of palms to the

residents and visitors to Miami Beach. We also respect Commission Meiner's concerns, as expressed in Resolution No.2021-31653. However, we do not think that the intent of the Resolution is to delay both private and public projects that have proceeded and relied upon the current City Code provisions; so therefore, as the City Commission evaluates the palms to be removed both within the ninety (90) day window provided by the Resolution, and beyond the Administration should be afforded discretion and flexibility to ensure that while certain palm landscapes may certainly be iconic to Miami Beach and they merit being preserved, the proposed removals in **both** public and private project that have, in good faith followed the process, should not be delayed, so as to potentially avoid cost overruns, not only for private projects, but (if it comes to having to redesign City projects) for City capital projects that are already constrained by very limited, strict budgets that did not factor this proposed Code change into consideration. Similarly, the Administration must have independent discretion with regard to being able to take immediate action when removal or relocation is necessary to public safety, health, or welfare.

Thank you for your consideration and attention to this matter.

#### Attachments

A: Resolution No. 2021-31653

B: Existing Tree Permits

C: Updated Citywide Project Status – March 2021

Attachment "A"

RESOLUTION NO. 2021-31653

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION TO ISSUE A LETTER TO THE CITY COMMISSION, IDENTIFYING THE PALM TREE REMOVALS ANTICIPATED TO TAKE PLACE WITHIN THE NEXT 90 DAYS, IN ORDER TO PERMIT MEMBERS OF THE CITY COMMISSION TO IDENTIFY TREE REMOVALS IN SPECIFIC AREAS THAT MAY BE OF SIGNIFICANT CONCERN, AND REQUEST THAT THE CITY ADMINISTRATION HOLD SUCH TREE REMOVALS IN ABEYANCE UNTIL SUCH TIME AS LEGISLATION PROPOSED AT THE MARCH 17, 2021 CITY COMMISSION MEETING REGARDING PRESERVATION OF PALM TREE LANDSCAPES ICONIC TO MIAMI BEACH'S CULTURE AND HISTORY IS CONSIDERED; AND FURTHER PROVIDING THAT THE INTENT OF THE FOREGOING RESOLUTION IS TO ACCOMMODATE PRESERVATION CONCERNS WHILE MINIMIZING ANY DELAYS TO CITY CONSTRUCTION PROJECTS THAT ARE CURRENTLY IN PROGRESS.

**WHEREAS**, in an effort to develop and maintain a healthy and sustainable urban tree canopy, the Urban Forestry Master Plan ("UFMP") generally recommends shifting to a higher percentage of non-palm canopy trees citywide in order to improve the resiliency of the City's urban forest, which will result in reducing the percentage of palms citywide by certain dates, including through certain targeted removals of palms;

**WHEREAS**, the City encourages historic preservation, including preservation of iconic historic landscaping features;

**WHEREAS**, the UFMP also recognizes the "iconic" historical significance of palms in the City of Miami Beach, and acknowledges the challenge of facilitating adaptive change, while preserving clear established neighborhood identities, particularly when those neighborhood identities are founded in palms; and

**WHEREAS**, palms always have been, and remain an iconic part of Miami Beach's landscape; and

**WHEREAS**, as such, the Mayor and City Commission direct the City Administration to issue a letter to the city commission, identifying the palm tree removals anticipated to take place within the next 90 days in order to permit members of the City Commission to identify tree removals in specific areas that may be of significant concern; and

**WHEREAS**, upon receiving the letter from the City Administration, members of the City Commission will have the opportunity to evaluate and request that the City Administration hold palm tree removals that pose a significant concern in abeyance, until such time as legislation proposed at the March 17, 2021 City Commission meeting regarding preservation of palm tree landscapes iconic to Miami Beach's culture and history is considered by the Mayor and City Commission; and

**WHEREAS**, the Mayor and City Commission wish to establish a 90-day moratorium on the removal of palms from public property except for the following two projects: North Beach Oceanside Park Beachwalk (#26119) and Surface Lot at Biscayne Beach (#20518); and

**WHEREAS**, the intent of this Resolution is not to create a moratorium on tree removals or interfere with the existing twenty-two (22) capital projects, but to accommodate preservation concerns in areas that are most sensitive, while minimizing any delays to City construction projects that are currently in progress.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby direct the City Administration to issue a letter to the City Commission, identifying the palm tree removals anticipated to take place within the next 90 days, in order to permit members of the City Commission to identify tree removals in specific areas that may be of significant concern, and request that the City Administration hold such tree removals in abeyance until such time as legislation proposed at the March 17, 2021 City Commission meeting regarding preservation of palm tree landscapes iconic to Miami Beach's culture and history is considered; and further provide that the intent of the foregoing Resolution is to accommodate preservation concerns while minimizing any delays to City construction projects that are currently in progress.

**PASSED AND ADOPTED** this 17 day of March, 2021.

**ATTEST:**


  
4/9/2021  
Rafael E. Granado, City Clerk

  
Dan Gelber, Mayor

(Sponsored by Commissioner Steven Meiner)



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
City Attorney *FA*

4-6-21  
Date



**Existing Tree Permits as of March 17, 2021**

1. 36 LAGORCE CIR
  - 1 Canary Date palm
2. 250 E RIVO ALTO DR
  - 1 Royal palm
3. 425 E RIVO ALTO DR
  - 1 Mexican fan palm
4. 421 E SAN MARINO DR
  - 1 Royal palm
5. 4481 PRAIRIE AVE
  - 1 Coconut palm
6. 4424 N BAY RD
  - 3 Royal palms
7. 118 W 4 CT.
  - 1 Royal palm
  - 2 Washingtonia palms
8. 8100 HAWTHORN AVE
  - 2 Sabal palms
9. 1311 STILLWATER DR
  - 1 King Alexander palm
10. 4225 N MERIDIAN AVE
  - 3 Coconut palms
11. 6930 COLLINS AVE
  - 1 Royal palm and
  - 1 Dead Royal palm

ATTACHMENT C

CITYWIDE PROJECT TREE STATUS						
Phase	Project Name	GOB Funded	Budget	Will Extended Moratorium Impact Project Schedule and Budget	Project Completion	Notes
Planning	MERIDIAN AVENUE SHARED USE PATH		\$300,000	Yes	2023	Due to limited space, impact to trees and palms will be unavoidable.
	CHASE AVENUE SHARED USE PATH	GOB	\$830,000	Yes	07.31.2023	Due to limited space, impact to trees and palms will be unavoidable.
	TRAFFIC CIRCLE AT PINE TREE DRIVE & SHERIDAN AVENUE		\$1,100,000	Yes	2022/2023	Due to limited space, impact to trees and palms will be unavoidable.
	LINCOLN ROAD IMPROVEMENTS		\$52,425,000	Yes	TBD	Project needs to be re-designed to available budget. Administration is negotiating the re-design of the project.
	41st STREET CORRIDOR	GOB	\$15,000,000	Yes	03.11.2025	The City Commission has already established that the project cannot impact more than 15% of existing palm trees.
Design	NORTH BEACH OCEANSIDE PARK RENOVATION		\$17,100,000	Yes	08.20.2022	
	5th STREET PEDESTRIAN BRIDGE	GOB	\$10,000,000	Yes	06.30.2023	Palms and trees are in direct conflict with the proposed design and impacts are unavoidable. Any changes would delay project, alter design and increase cost.
	BAYSHORE PARK (FKA PAR 3)	GOB	\$21,200,000	Yes	06.30.2023	100% Designed, project awaiting permits.
	MAURICE GIBB PARK	GOB	\$9,200,000	Yes	03.15.2023	100% Designed, project awaiting permits.
	FIRE STATION 1	GOB	\$10,000,000	Yes	06.12.2024	30% Design. Palms are in direct conflict with the proposed design and impacts are unavoidable.
	72 STREET COMMUNITY COMPLEX	GOB	\$65,100,000	Yes	01.15.2024	This is a design-build project currently under negotiations. Impact to palms has not yet been determined, but the design-builder would be required to meet code requirements at time of proposal. Any changes would delay project, alter design and increase cost.
	LUMMUS PARK	GOB	\$4,737,000	No	12.30.2022	Design firm is under contract. Survey work has begun.
	MARJORY STONEMAN DOUGLAS OCEAN BEACH PARK	GOB	\$700,000	No	10.27.2022	
	INDIAN BEACH PARK PLAYGROUND		\$792,000	No	9.30.2021	
	ALLISON PARK PLAYGROUND		\$795,000	No	9.30.2025	
	INDIAN CREEK LANDSCAPING PROJECT		1,200,000	No	09.30.2021	
Construction	WEST AVENUE PHASE II NORTH & SOUTH		\$90,100,000	Yes	11.30.2024	Palms are in conflict with project improvements. Changes in design criteria, at this stage, will result in re-design, permit revisions, significant delays in the start of construction and cost increases resulting from changes in scope, additional permit and design fees, and cost escalation.
	NOBE OCEANSIDE PARK BEACHWALK	GOB	\$2,000,000	Yes	2.25.2022	The Mayor & City Commission exempted this project from the 90-day moratorium.
	SURFACE LOT AT BISCAIYNE BEACH	GOB	\$250,000	Yes	01.25.2022	The Mayor & City Commission exempted this project from the 90-day moratorium.
	FPL UTILITY RELOCATION AT 72 STREET PARKING LOT (P-92)	GOB	\$1,500,000	Yes	08.15.2021	Arborist report pending. Removal, relocation and planting counts may change depending on the arborist report.
	BRITTANY BAY PARK	GOB	\$2,200,000	Yes	03.14.2022	Altering plans at this point will result in re-design, permit revisions, delays in issuance of contract, the potential re-bid of project and cost increases resulting from changes in scope, additional permit and design fees, and cost escalation.
	MIDDLE BEACH RECREATIONAL CORRIDOR PH 3	GOB	\$4,500,000	No	06.17.2021	Palm and tree removals and planting complete in the area of the beachwalk. Work at the street ends is still on-going, planting is pending at the street ends from 24 Street to 45 Street.
	CONVENTION CENTER - CARL FISHER		\$3,912,900	No	03.31.2021	Palm and tree removals and planting complete.
	RUE VENDOME PUBLIC PLAZA		\$2,276,000	No	04.30.2021	Palm and tree removals and planting complete.
59th STREET BIOSWALE		\$450,700	Yes	9.30.2021	Arborist report pending. Final relocation and planting future plantings.	
<b>TOTAL</b>			<b>\$317,668,600</b>			