

Jacksonville Tree Commission
Palm Tree Subcommittee Minutes
Monday, May 23, 2022 – 3:00 PM
Approved June 13, 2022

City Hall, Second Floor, Conference Room C

Attendees:

Curtis Hart, Tree Commissioner
Susan Fraser, Tree Commissioner
Paul Davis, City Planning Dept.
Buck Pittman,

Susan Grandin, OGC Advisor
Justin Gearhart, City Arborist
Mike Zaffaroni, Liberty Landscape

Cindy Chism, Staff

- 1. Call to Order** – Ms. Grandin
- 2. Roll Call** – Cindy Chism
- 3. Action Items** – Ms. Grandin:
 - a)** Attachment 1, Notes from May 19th. There are many different sections which are affected when changes are made to one section. Attachment 2 is the draft for the Ordinance change(s).
 - b)** As we go through Attachment 2 please use the page and line number.
 - c)** Ms. Fraser said page 3, line 10; the word “live” should be added between of and fronds; so the line should read “bottom of the first row of live fronds.”
 - d)** Mr. Zaffaroni suggested using the Florida Grades and Standards definition for clear trunk. Would that make it more defensible? Ms. Grandin replied, depending on what they are, what we don’t want to do is just reference a document, which probably no one has. Mr. Zaffaroni agreed but pointed out that it has established definitions that are used in the industry. Mr. Hart asked Mr. Davis if the City Planning/Landscape division uses it. Mr. Davis said the preference would be to use the wording of the definition at least. Ms. Grandin asked what the wording was. Mr. Zaffaroni replied the palm tree portion is 18 pages long including pictures and Ms. Grandin suggested adding “see also Florida Grades & Standards, published by Florida Dept. of Agriculture and Consumer Services” after “row of live fronds.” (Page 3, line 10).
 - e)** Ms. Grandin asked Mr. Zaffaroni if grey wood and overall height, or just how to measure palms, needs to be defined? Mr. Zaffaroni said it was already spelled out in the Florida Grades & Standards but what this committee does need to define is exactly how big does the Tree Commission define a specimen which has not been defined. It will depend on the species, the number used so far has been 24 ft clear trunk. Depending on the type of palm that may vary, a

24 ft clear trunk Canary Island Date Palm is a lot different than a 24 ft clear trunk Washingtonian or even Cabbage Palm.

- f)** Currently only Sabal Palms are protected, so the definition for determining the height of Sabal Palms must be determined but the thought was to include other palms which are protected as well such as Canary Island Date Palms. There are not that many “in the wild” but there is a lot of redevelopments in progress. Mr. Zaffaroni pointed out the native species to protect would be the Pindot and the Cabbage or Sabal. However, because of the development and redevelopment there are several specimen size palm trees scattered throughout our community. Is it important to this Commission to save them or not? Ms. Grandin pointed out that palms are easy to move during redevelopment.
- g)** Mr. Gearhart asked if the palm trees we are counting for specimen trees, would it be easier to have any trees which count for the landscape plan for development be protected as well by this? That way there is a consistency in messaging, that these trees are protected and required for these landscapes. For example, a Canary Island Date Palm is something they can plant as part of a development, but we would also include that in this protected category as well anything not accepted for their landscape plans, we don’t protect, the palms at least. So what they can plant is also what we protect. Ms. Fraser then asked, ok, why are we saving them? What classification got them on the list in the first place; is it just big and tall, how long did it take to get big and tall, is it the variety of measurements that you may have for different palm trees, what’s the goal for the protection; save the old trees, save the old trees that are hard to get that big, because then you can set the standard based on what your trying to do, all the trees you plant once they get to a certain size are protected?
- h)** Mr. Zaffaroni agreed, it’s a good question. Palm trees are wonderful for the aesthetics but what the Tree Commission has been focused on the for the last 3 years is much more about saving, preserving, growing the urban canopy, creating more shade as it should be. Therefore, are not many palms which do that however you don’t want to create a scenario which in any way incentivizes someone to cut down any tree to replace it with a smaller one. Ms. Fraser pointed out cutting down a small palm tree to replace it with a shade tree is fine, in her opinion. A shade tree that is well-planted and is going to grow up to give us the objective we want is more valuable than a palm tree. If they want to leave the palm tree, fine, but if they want to remove it and put something else, we find valuable, that is not against the goal. Is that part of our goal to get shade trees?
- i)** Ms. Grandin said what CM Salem asked to be done was to determine how to measure palm trees, right now we are measuring air, where the boots stick out. We came up with 8 ft clear trunk, for Sabal Palms, anything shorter than that is not protected. The policy decisions are at what height is it protected and at what height is it an exceptional specimen. Also are you only allowed to mitigate with a palm tree for a palm tree. The code says that a few times in the Code but then in another place it says something else in the same section. Mr. Davis said the

City enforces the palm for palm replacement. You only get credit for palm tree. Ms. Grandin asked if in the Landscape Code could you just put in all palm trees and nothing else? Mr. Davis said yes but credit is only given for the number removed. Ms. Fraser pointed out unlike the VUA Standards which says half must be shade trees, how is that met. Mr. Davis, agreed.

- j)** Mr. Pittman said the code does allow using 4 palm trees for a shade tree and 2 palms for a regular tree and still meet the landscape requirements. This seems fair. 1 Canary Island Date Palm equals 1 shade tree. However, the 50% species rule still needs to be met. Ms. Grandin said on Attachment 1- 4.a. and b. the Code contradicts itself. Mr. Pittman said no credit is given for inches, so palms have no inch replacement value. There is no way to specify a 12” palm to mitigate for 12” of trees removed. The only way to use palms is to meet the landscape requirements and mitigation. Ms. Grandin said the comprehensive plan says 50% of the trees are supposed to be shade trees. Mr. Gearhart asked if there was a requirement in the code which says clusters of palms may be used in place of shade trees but is limited to a percentage.
- k)** Ms. Grandin said when in 2019 there were several meetings on revising the Landscape Code. Some of the suggestions for that do pertain to this; “1. Palm trees shall at the time of planting have a minimum clear trunk height of 8 ft. measured from the ground level to the base of the palm fronds. 2. It may be substituted for the required trees at the ratio of 4 palms grouped together to create a total average mature crown spread of 15 ft. in diameter. For each required tree or *8 palms grouped together to create a total average mature crown spread of no less than 30 ft. in diameter for each required shade tree except as provided below for Phoenix Palm.* (Italics indicate proposed language.) 3. They shall be planted no less than 16 sq. ft. of planting area with a minimum dimension of 4 ft. except that palm groupings used as substitute shade trees shall comply with the minimum shade tree planting area requirements specified herein. Phoenix Palms may be used as a non-shade tree without meeting the ratios for other types of palms if the palm has a 15 ft. spread at maturity and minimum clear trunk height of 8 ft. at the time of planting. *Substitute shade trees shall not exceed 25% of the property’s overall shade tree requirement. For example, substitute shade tree shall not exceed 12.5% of all required trees where there is a 50% shade tree requirement.*
- l)** Ms. Fraser said if palm trees are complimentary to a planting plan and they give the character desired, that’s 1 thing, but to have only palm trees is not ideal. Used as part of an accent if the shade trees are there.
- m)** Mr. Pittman pointed out from a design side palm trees are valuable because there is perimeter landscape requirement for non-right-of-way property is 5 ft. minimum. With 5 ft. width to work with, yet a shade tree is required every 50 ft. along that width. By the time the sight plans are received, they are locked in and that’s all there is to work with. The only reasonable tree to put in that space that will fit, will grow, and meet the requirements are palms. So, palms are used along the perimeter to meet the requirement. Ms. Grandin ask what should the buffers be, 10 ft.? Mr. Pittman agreed, though this change may not be well-received by the developers

but reasonably, there already is a requirement which says to put a shade tree in it must be at least 4 ft. back of curb, if it's a Live Oak it must be 6 ft. To just meet the minimum 5 ft. there cannot be Live Oaks. And there is only 1 ft. between the property line, which is unreasonable, the root ball alone is 3 ft. in diameter for the smallest tree. 5 ft. is just too small a space and even the minimum width for islands at 5 ft. is too small. St. John's County minimum width of an island is 15 ft. Mr. Hart said if we are going to be a tree city, the width needs to increase. Mr. Davis said there is a provision to decrease the number of spaces to increase the width there now. Ms. Grandin pointed out that the store(s) don't want to give up their parking spaces. Ms. Fraser said, ok, but a store which doesn't mind, could have shade trees in the parking lot by giving up spaces and increasing the width of the islands. Mr. Davis said there has not been an overwhelming demand for that.

- n) Mr. Hart said the Townhouse Developments now require an extra parking space for every 3 units. So, 2 per unit and then 1 for every 3 additional parking space for guests.
- o) Mr. Hart suggested scheduling some meetings to continue the revisions to the Landscape Code. Ms. Grandin agreed to do so.
- p) Ms. Grandin asked if "grey wood" should even be listed if we are not going to protect Queen Palms, which are measured by grey wood. Mr. Zaffaroni suggested using the Florida Grades & Standards definition for all species. That way it is supported by the most reputable authority in the State and the City is not required to make any decision on how to measure specific types of palms. Ms. Grandin asked if the measure was still the height of the tree rather than the diameter or breast height or the caliper. Mr. Zaffaroni replied it depends on the species but almost always clear trunk or overall height. There is not a lot of value to the diameter of the trunk. Ms. Grandin said she would look up Florida Grades & Standards and list it in the Ordinance.
- q) Mr. Pittman pointed out it was already referenced in the code for grade Florida #1, for quality of the tree. Ms. Grandin added, in subpart C, Landscaping Requirements, page 17 of Attachment 2.
- r) Mr. Pittman asked why 24" was set as the definition of specimen for standard hardwood tree. As this is an arbitrary number, how do we translate feet to inches for palm trees. So, if we keep 24 ft. height = 24 in. Mr. Davis said that's about 1 years grown either way, caliper, or height, 24 ft. palm is a very nice specimen. Mr. Zaffaroni added that it does depend on the type, a 24 ft. Washingtonian is a maintenance nightmare and can be a nuisance. Mr. Pittman pointed out those would only be protected around the perimeter of the site. Sabal palms would be the only once protected inside. Ms. Fraser said everything else is aesthetic, if you want to keep it, keep it, or not.
- s) Ms. Grandin said she would correct the definition of clear trunk height, add more definitions, and reference the Florida Grades & Standards by DACs. Does everyone understand the revision on Pages 6 and 7 (Attachment 2) where it used to say the same thing twice for private

protected tree and public protected tree. Mr. Zaffaroni pointed out that if an overall height measurement is added, it must be added to all palm definitions. Ms. Fraser agreed, does the definition of clear trunk become inclusive of overall but credit shouldn't be given for 8 ft overall height. Mr. Zaffaroni suggested adding at the end of line 8 (Page 7) "or overall height of 36 ft." Which would be the typical corresponding size tree. Mr. Zaffaroni also suggested adding "or an overall height of 16 ft." to lines 10, 14 and 18 (Page 6) after *any palm with a clear trunk of 8 ft. or more*. Mr. Pittman pointed out that would be very confusing for surveyors in the field. Mr. Zaffaroni pointed out unless they reference Florida Grades and Standards, so they know which type of tree is measured which way.

- t) Mr. Pittman said we are trying to keep this simple, and it must be very clear how this translates into dollars. Somehow, we have to take the height and translate it into inches so it can all be translated into the same dollar amount. My original suggestion if an 8 ft. palm is protected that equates to 8 in. divided by 3. A 9 ft. tree would be 3 in. of mitigation required. Ms. Fraser suggested taking the clear trunk definition and make that the equivalent. A clear trunk is measured this way and if it's a palm species which is measured via overall height the clear trunk is equal to 2/3s of the height. Which brings us back to converting an overall measurement which is the Grades & Standards but says "it's the same as..." 8 ft of clear trunk. Then all the math runs only from a clear trunk standard. Ms. Grandin asked if that equates to all Palms? Mr. Zaffaroni said no, but it makes sense to do it this way because it does come down to the dollars.
- u) Mr. Pittman said about 20% of the surveys he receives are incorrect and now we will be asking the surveyors to measure something which was not required in the past. Every company is different, some have staff which are more knowledgeable and some less knowledgeable and what type of equipment will they need? Mr. Zaffaroni said his company uses a \$120 stick. Mr. Pittman suggested a clinometer.
- v) Mr. Zaffaroni suggested not protecting any tree which is measured with overall height. What you would not be protecting would be Queen Palm and Washingtonia which are not considered the most desirable, all Date Palms are measured in clear trunk, Pindots and Cabbage palms may be measured in clear trunk. Mr. Pittman said it would have to specify which trees were protected. Ms. Grandin said it doesn't seem right to not protect something just because it's hard to measure it or write it in the Code. The way it's written now, on Page 6, beginning with line 10, around the edges of the lot and the 20 ft of street right of way, any palm is protected in the middle only Sabal Palms with 8 ft. or more clear trunk are protected. Ms. Grandin suggested including a diagram of these measurements.
- w) Ms. Grandin corrected the definition of Tree in the to mean both woody trees and palm trees. Will that be confusing? Mr. Davis said he doesn't care about any trees except Sabal Palms. Ms. Fraser pointed out that if a tree is planted as part of a previous project, they are protected by virtue of that. Mr. Gearhart said the question of not protecting other palms comes down to if

we accept other palms for planting, if there is a relatively older palm tree, it may not be native but if we accepted it for planting would they not just take it out and use some of the mitigation or landscape requirements to plant a Queen Palm anyway. Ms. Grandin reminded a non-protected tree may be used as mitigation. Mr. Gearhart continued, but if the existing Queen Palm on-site isn't protected, it gets removed. Then the developer plants another Queen Palm for the mitigation or Landscape requirements. By not protecting it, we are allowing the developer to plant these smaller, less established specimens, it seems counter-intuitive.

- x) Attachment 2, page 12, lines 10 and 11, Ms. Grandin suggests removing the struck-out portion: *“or that is in the process of being platted and as received preliminary sketch plan approval pursuant to Section 654.108, Ordinance Code.”* Mr. Hart and Mr. Davis agreed, it is frivolous language.
- y) Attachment 2, page 13, Ms. Grandin said this begins the differentiation between woody trees and palms; woody which includes soft woods like pines and hardwoods like oaks and then there is other (line 10), which is total caliper.
- z) Then there are palms which is a different kind of measurement. Attachment 2, page 13, line 13 is where the different measurements for palms are. For palms with less than 24 ft of clear trunk it's a 1/3 of the price, just like other types of woody protected trees which are not live oaks. For Palms greater than 24 ft it's 1 to 1.
- aa) Attachment 2, page 14, line 11, highlighted portions: *“Palms may be used only to replace protected palms removed. Replacement species used shall be approved by the Chief.”* Mr. Davis suggested the words “counted for mitigation” be inserted between “Palms and may.” Mr. Pittman pointed out this is very complicated. Mr. Davis clarified, if there is an existing palm tree onsite, the City will allow mitigation credit for up to the number of palm trees onsite being removed. If there are additional palms being planted, they will be accepted but not for mitigation credit. Mr. Pittman asked how the credit was determined. Mr. Davis said all the palms are “10 in.” Ms. Fraser suggested the sentence be changed to: *“Palms counted for mitigation may not exceed the number of protected palms removed.”*
- bb) Attachment 2, page 17, line 30: *“Trees, excluding palm trees,”* may be credited. So palm trees, according to this sentence cannot be used for mitigation at all. But then on page 19, line 12, *“Palms may be substituted for the required trees at the ratio of two palms for each required tree or four palms for each required shade tree.”* Mr. Pittman pointed out those are credit trees which are different than mitigation. Mitigation is penalty for what's being removed, credit trees are “taking credit” for what is being preserved. Credit trees are 2 in. up to 11.5, and no closer than 10 ft. apart. Mr. Hart said you can get credit for leaving trees, even if they are close together. Mr. Davis said credit is not given for saved trees even if they are closer than 10 ft. Mr. Hart said that is incorrect and he has a legal interpretation from 25 years ago to prove it. Ms. Grandin asked for a copy of the interpretation.

- cc)** Mr. Pittman said there are 2 places in the code regarding credit trees which needs to be clarified. Table 1, which only applies to trees to meet the overall tree requirements. This is separate from tree credits applied to mitigation. They are 2 separate things, you only get mitigation credit for unprotected trees which are preserve, you get tree credit for trees preserved towards meeting the overall tree quantity which is required. Ms. Fraser suggested changing the term from credit tree to required tree to help alleviate the confusion.
- dd)** Mr. Pittman suggested the City create their own table even though it's online now but it's not very good, is hard to work with and it's not transferable to plans. Mr. Davis said it isn't right, either. Mr. Davis said the City actually has 2 different tables, 1 for building inspection division and 1 for civil plan review. Mr. Hart asked Mr. Davis to attend the Landscape Code Revision meetings when they are scheduled.
- ee)** Mr. Pittman pointed out that Article 25 which may plan into this, especially if doing a chart.
- ff)** Ms. Grandin said she thought there were revisions pertaining to the conversion of feet to dollar. Attachment 2, page 16, beginning with line 23 "*contribution shall be equal to the retail value of a planted two-inch caliper nursery grown shade tree.*" That's not \$150 per inch, \$300 for a 2 in. tree times 3 for installation. However the ordinance says "planted" so installation is included in the \$300. This amount is not realistic. Beginning with line 24, the ordinance is more realistic to how the dollar amount is calculated. Ms. Fraser pointed out the way the description is written is contradictory, 1 is retail value of a planted tree and the other is only the cost of the tree. Mr. Davis pointed out on line 28 the cost is multiplied by 2 for the planted labor cost. Mr. Pittman said the cost is more like multiplied by 2.5 or even 3 would be more accurate for today's market.
- gg)** Ms. Grandin said the revision needs to be the language around for every 2 caliper inches or every foot of clear trunk over 8 ft. up to 24 ft. Mr. Hart suggested every foot equals an inch. Ms. Fraser suggested revising the definition, not repeating this every time it's used. Mr. Pittman suggested that for palm trees 1 ft. of clear trunk shall be equal to 1 in. Ms. Fraser suggested calling it Palm Conversion for the purpose of mitigation fee calculation. Ms. Grandin repeated, for policy purposes, 1 ft. of clear trunk for a tree of 8 -24 ft. height or over. Mr. Davis said 1 ft. of height for palm tree is equivalent to 1 in. DBH for the purposes of tree mitigation calculation. Ms. Grandin said the exceptional specimen palm trees, nothing is mentioned about mitigation. Mr. Pittman said that was addressed on page 7, line 6-8. Ms. Grandin pointed out that it doesn't say that mitigation is required for anything on a 1:1 basis for an exceptional specimen tree. That's just the definition. When you get to the mitigation of it, the mitigation for an exceptional specimen tree it's 1:1. So we could make the palms 24 ft. in height it could be mitigated 1:1 but for palms somewhere between 8ft. and 24 ft., the mitigation could be 1:3 like all the other trees are. Mr. Pittman agreed, to make it simple. (Refer to page 13, lines 1-18).

- hh)** Ms. Grandin asked about retail value for palm trees, page 16, line 23, retail value. Mr. Pittman said not to introduce a separate value for palm trees at all, keep the same dollar amount. Ms. Fraser said they were equivalent. Mr. Pittman added, you could include, at the current mitigation rate, established rate or leave that off. Once the conversion to inches has been made, it's done. Ms. Grandin said the revision is "for every 1 clear trunk ft. of a palm tree at 8ft. height or over, equals 1 inch of caliper inches."
- ii)** Ms. Grandin asked about page 17, line 30 and page 18, line 1 "*Trees, excluding palm trees, which are larger than the minimum size may be credited as indicated in Table 1. A minimum of 50% of all required trees shall be shade trees.*" Mr. Pittman said this refers strictly to Table 1. If the minimum code requirements are met, more than 9 out of 10 times there are more than enough trees to meet the minimum tree requirement for the project. Table 1 should be changed from Credits to Required.
- jj)** Mr. Davis said mitigation trees can be used for required trees. Ms. Grandin then asked about the highlighted lines 14-17 on page 19 "*Palms may be substituted for the required trees at the ration of 2 palms for each required tree or 4 palms for each required shade tree,*" Mr. Pittman suggested changing for the purposes in meeting the minimum required trees on a sight, these are the provisions, use Table 1, and palms are excluded.
- kk)** Ms. Grandin said on Attachment 1, 4.a. and b. the word mitigation should be changed to required. In 3.c. the answer is the first 1 (subsection (g)) is mitigation and the second (656.1211(e)(3)(iii) is required trees.
- ll)** Ms. Grandin suggested having a copy of the code as it currently exists at the next meeting.

4. Adjournment