

Attachment D

TA-5-15 Landscape Maintenance (FOR RECOMMENDATION) - Village Planning Committee Summary Results			
Village	Date	Recommendations	Vote
Maryvale	4/14/21	Approved per the staff recommendation with direction to coordinate a future update to address heat mitigation and equity	8-1
Estrella	4/20/21	Approved per the staff recommendation	4-1
North Mountain	4/21/21	Approved per the staff recommendation	14-0
Encanto	5/3/21	Approved per the staff recommendation with additional language	10-0
Paradise Valley	5/3/21	Approved per the staff recommendation with direction to continue discussions regarding protections and enforcement during construction	16-0-1
Camelback East	5/4/21	Approved per the staff recommendation with additional language	13-2
Desert View	5/4/21	Approved per the staff recommendation	7-0
Central City	5/10/21	Approved per the staff recommendation with additional language	11-3
Laveen	5/10/21	Approved per the staff recommendation with additional language	9-0
Rio Vista	5/11/21	Approved per the staff recommendation with additional language with direction to address ambiguity	3-1
South Mountain	5/11/21	Approved per the staff recommendation with additional language in substantial conformance	12-0
Deer Valley	5/13/21	Approved per the staff recommendation	8-3
North Gateway	5/13/21	Approved per the staff recommendation with direction to intergrate proposed tree protection zone language	6-0
Ahwatukee Foothills	4/26/2021	Continued.	11-0
	5/24/2021	Approved per the staff recommendation with additional language	11-0
Alhambra	4/27/2021	Continued.	15-0
	5/25/2021	No recommendation due to lack of quorum	N/A



Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	April 14, 2021
Request	Amend several sections of the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval per the staff recommendation with direction
VPC Vote	8-1

VPC DISCUSSION:

Committee member Saundra Cole joined the meeting during this item and committee member Denice Garcia left, bringing the quorum to 9.

Joshua Bednarek, Deputy Director with the Planning and Development Department introduced himself and the proposed text amendment to address landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager's Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Vice Chair Hernandez asked if there was a type of tree or a caliper size that has been determined with the trial budget allocation. **Mr. Bednarek** replied that the 18,000 trees referenced in the trial budget will require coordination with the Council offices and staff in terms of species and location so that the right tree can be placed in the right place.

Denice Garcia asked if staff could provide a list of approved trees that can be planted within the budget trial allocation of trees. **Mr. Bednarek** replied he hasn't been involved in the conversations of where the trees could be placed and what type of trees they would be, and that will require coordination with the Council office and staff for more details.

Sandra Oviedo stated that the Maryvale community doesn't have as many trees as it should and asked if there could be a recommendation to allow native, carbon absorbing plants and carbon absorbing shade trees. **Mr. Bednarek** replied that the scope of this text amendment is to reinforce shade standards and plan submittal procedures and guidelines and while there is a desire to have native trees be incorporated in certain areas there is the "right tree right place" philosophy where sometimes native trees make sense in an area and sometimes they do not.

Saundra Cole asked who is responsible for tree maintenance and replacement if the trees die. **Mr. Bednarek** answered that for trees required on private property the property owner is required to maintain and replace them. This text amendment reinforces that requirement.

Vice Chair Viri Hernandez asked that for the trial budget, what type of trees will be coming into Maryvale as it is a climate area and asked if the text amendment goes into that level of detail. **Mr. Bednarek** replied that this text amendment is an incremental step to reinforce shade and plan submittal guidelines and that is the scope of the charge they were given by City Council. Mr. Bednarek added that it doesn't get into that level of detail but understands the merit behind going deeper into the topic and the committee can provide direction to the Council regarding issues of equity and specific tree species.

Brandon Sirochman asked how this text amendment will apply to public open space areas such as parks and if this would allow for trees to be replaced in those areas. **Mr. Bednarek** replied that the Zoning Ordinance doesn't regulate public parks, those are regulated by the Parks Department.

Saundra Cole asked if the trees allocated in the trial budget would be on private property. **Mr. Bednarek** shared that it is unknown if the intent is to place those trees on private property, but the locations will be determined in coordination with the Council offices. **Chair Gene Derie** added that he thought the trees will most likely be placed within rights-of-way or near transit stops.

Sandra Oviedo asked if this text amendment mentions what type of trees are to be planted. **Mr. Bednarek** replied this text amendment covers submittal procedures and guidelines and that while some overlays have specific tree lists, this text amendment does not propose to modify them.

Vice Chair Viri Hernandez asked if she could make a recommendation for the trial budget to include community input, heat mitigation measures and equity. **Mr. Bednarek** replied that this request is not a proposal for the trial budget, but those items could be included as direction to include in a future update.

Public Comment:

None.

Motion:

Vice Chair Viri Hernandez motioned to recommend approval of Z-TA-5-15 per the staff recommendation with direction to coordinate a future update to address heat mitigation and equity. **Alvin Battle** seconded the motion.

Discussion:

None.

Vote:

8-1, Motion to approve passes with committee members Battle, Cole, DuBose, O'Toole, Oviedo, Sirochman, Hernandez and Derie in favor and committee member Demarest opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	April 20, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per the staff recommendation.
VPC Vote	4-1

VPC DISCUSSION & RECOMMENDATION:

No requests to speak from members of the public were received.

Joshua Bednarek, Planning and Development Department, introduced himself and the proposed text amendment to address landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager's Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Dan Rush asked for clarification on the 2021-2022 City Manager's Trial Budget. Are the 1,800 trees proposed to be planted, going to be planted on a yearly basis or is this reviewed annually?

Mr. Bednarek clarified the trial budget, noting that some of the funding is to hire more staff to assist with the administration of those policy goals, while some of the funding is for infrastructure improvements, including the planting of trees.

Lisa Perez stated that she had attended a meeting several weeks back pertaining to this text amendment case and there were several suggestions that were made by attendees which are not reflected in this text amendment language proposed today.

Mr. Bednarek responded that no commitments were made by staff at that meeting, but he did follow-up with some of the attendees after the meeting regarding their suggestions. There are limitations with this text amendment case, given the limited scope provided by the City Council.

Lisa Perez responded that trees are lacking on the far west portions of the Estrella Village and feels that this text amendment does not address these issues for this village.

Mr. Bednarek agreed that this text amendment is limited in scope and feels that it is an incremental step forward. Additional discussion is needed to address those other issues that are not part of this text amendment.

Chair Cardenas opened the floor for further discussion or a motion, given no requests to speak on this item from the public.

Mr. Bojorquez presented several possible motions that could be made on this item.

MOTION:

Mr. Rush motioned to approve case Z-TA-5-15 per the staff recommendation presented in the staff report. **Mr. Cardenas** seconded the motion to approve.

VOTE:

4-1, motion passed; Lisa Perez in dissent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary
Z-TA-5-15

Date of VPC Meeting	April 21, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approve, per the staff recommendation
VPC Vote	14-0

VPC DISCUSSION:

No requests to speak from members of the public were received.

STAFF PRESENTATION

Tricia Gomes, staff, introduced himself and the proposed text amendment to address landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager's Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

QUESTIONS FROM THE COMMITTEE

Larson asked if the amendment touches public property or if it deals only with private property. **Gomes** responded that the text amendment only pertains to private property and the restoration of downed trees and other compliance depends on the location of the issues. She added that street trees and trees along greenspaces are often owned and maintained by the Street Transportation Department, the Parks Department, or by Homeowner Associations.

Perez asked how the amendment will prioritize tree replacement from storm damage and whether there are plans to equitably distribute support and enforcement into disadvantaged communities. **Gomes** responded that the text amendment is narrowly focused at the direction of the City Council to address private commercial properties and that enforcement will be complaint-based through the Neighborhood Services Department.

McBride asked for clarity on the intent of the amendment and confirmation that it is written to make enforcement easier. **Gomes** responded that the intent of the amendment is to make enforcement easier and to clearly codify established practices.

Vice Chair Jaramillo opined that the visions contained in ReinventPHX and the Walkable Urban Code should be accompanied by best practices and incentives such as curb cuts to direct storm water into tree basins. **Gomes** responded that this text amendment is narrowly tailored to changes within the zoning ordinance and that future changes, such as those suggested, would likely need to touch policy and the city code.

PUBLIC COMMENTS

None.

STAFF RESPONSE

None.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

MOTION:

Matthews motioned to approve the request per staff recommendation. **McBride** seconded the motion.

DISCUSSION:

None.

VOTE: 14-0-0, motion passes, with: Alauria, Argiro, Fogelson, Ford, Larson, Matthews, McBride, O'Hara, Perez, Sommacampagna, Veidmark, Whitney, Vice Chair Jaramillo, and Chair Krentz in favor; none in dissent, and none in abstention.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 3, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per staff recommendation with modifications
VPC Vote	10-0

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Five speaker cards were received, one supportive of the request, four conditionally in support of the request, and all wishing to speak.

At this time, Coates arrived meeting bringing the quorum to 10 members (7 being required for a quorum).

STAFF PRESENTATION

Joshua Bednarek, staff, provided an overview of the request which is intended to tighten regulatory language and codify long standing practices in response to the three phased approach directed by the City Council. Within the framework of strengthening enforcement, the text amendment seeks to achieve three core concepts: trees are infrastructure; trees provide benefit when appropriately planted; and that trees should be kept in place in a healthy and living condition. The proposed amendment includes changes to Chapter 5 and 7 of the Phoenix Zoning Ordinance. In addition to other revisions, the proposed language formally increases the stature of landscape plans to ensure long term compliance by requiring adherence for an owner to receive a certificate of occupancy and strengthens landscape removal standards. He added that staff is reviewing the Tree Protection Zone language provided by Member Rodriguez, noted that many of the provisions are reflected in the current ordinance, and that the addition of the language may require the text amendment be delayed.

He concluded by stating that the 2021 City Manager's Trial Budget includes 2.8M for tree plantings, climate change, and heat readiness with programming through the Parks Department and the Street Transportation Department, among others.

QUESTIONS FROM COMMITTEE

Members expressed the following questions and concerns.

- **Searles** asked about what measures are being used to support tree and shade policy in Phoenix, such as measurements of existing canopies or surface temperatures. **Bednarek** responded that the city has an existing inventory of tree canopy that is a few years old but that it could potentially be updated with funding in the City Manager's Trial Budget.
- **Bryck** asked specifically what Member Rodriguez is looking for from her proposed language.
 - **Rodriguez** responded that her language strengthens protection for existing trees by adding language for "Tree Protection Zones." Tree Protection Zones are used in many other communities and include a physical barrier around the critical root zone. The city's current regulations lack the necessary language and enforcement provisions to ensure the trees that developers plan to preserve will be preserved in a state of good health.
 - **Cothron** voiced support to protect and require the preservation of existing trees, citing the example of Park Central Mall which lost many of its mature trees through its redevelopment.
- **Jewett** asked about the proposed staff language for 50% shade over required open space. **Bednarek** responded that the staff language requires 50% vegetative coverage for open space, rather than 50% shade.
- **Mahrle** stated that it doesn't seem that staff has a specific objection to the language but that the risk of incorporating the proposed language is: 1) that other stakeholder won't have time to review and could produce delays; or 2) that all VPCs will be voting on the TA and the revised recommendation could only exist in 1 of the 15 recommendations.
 - **Bednarek** responded that staff has not fully analyzed the language in Member Rodriguez's amendment nor the city's ability to enforce her amendment which may require additional staffing. He added that staff is confident in their ability to enforce the language contained in the text amendment.
- **Rodriguez** asked why her letter and language were not provided to the committee and expressed frustration at how it appears the city is withholding information from the committee. She stated that the Billboard Text Amendment from last year was developed over the course of several weeks so it is not a question of whether the department can move quickly but whether it will.

PUBLIC COMMENTS

Alisa Lyons introduced herself as a registered lobbyist in attendance on behalf of Valley Partnership which is a long-time advocate for responsible development. She stated that Valley Partnership has no issue with the proposed amendment and agrees with the requirement that a landscape plan should be considered a governing document for site development held in perpetuity, in the same way that traditional infrastructure must be maintained. Trees serve an important purpose and that this amendment is a positive consideration. The Tree Protection Zone language needs to be vetted more,

that she wants to better understand it, and only received it yesterday through the grapevine. She expressed concern that the addition of the Tree Protection Zone language could slow down the text amendment while it is evaluated and noted that the general idea already may exist in the zoning ordinance. She concluded by asking the committee to support the amendment as recommended by staff and, if desired, to include a provision in the motion to direct staff to explore the topic further with its stakeholders.

Aimee Esposito stated that she serves on the Urban Heat Island / Tree and Shade Subcommittee, is excited about being this close to a text amendment but that the issue of trees and shade requires attention to new tree plantings and to protections for mature trees. The language developed by Rodriguez reflects her expertise on the topics and the committee's opportunity to make their voice heard. She added that the text amendment has already taken three years and should simply be modified to include this language to avoid another long process. The proposed additional language regarding tree protection zones would reduce the severe risks of root zone compaction for mature trees.

Neal Haddad introduced himself as representing the Neighborhood Coalition of Greater Phoenix and speaking in support of the proposed language prepared by Member Rodriguez. For all of the positive talk in support of the Tree and Shade Master Plan, the language prepared by Rodriguez is an easy way to care of existing mature trees. He asked how many trees must come down and how many gallons of water must be used to replace existing mature trees before the city starts protecting its mature trees. He added that the amendment was initiated in 2015, that the June deadline is arbitrary, and that this is the time to make the language stronger and more effective.

Dwayne Allen introduced himself as a downtown business owner and a Chair of the Ad Hoc Committee on Trees and Shade that started this amendment. He echoed Haddad that the June deadline is arbitrary and is being used to rush this amendment through committee without addressing best practices and simple opportunities to strengthen the ordinance. He shared two photos from his downtown business with the first being unvegetated in 2007 and the second revealing a strong tree canopy in 2017. While he could remove these trees at any time under the city's current code, he intends to continue caring for these trees for the duration of his lease because they offer value to the community and relief from the urban heat island. He asked the committee to recommend the inclusion of additional tree protections in the text amendment.

Stacey Champion stated that the city adopted its Tree and Shade Master Plan in 2010 but was then shelved until 2017 when a controversial GPLET project at Central and Adams which proposed the removal of several mature trees in preference for palms based on the aesthetic. While the mature trees were eventually replaced with shade varieties, the city's legal inability to enforce tree standards was the impetus of this text amendment. Since that time, many subject matter experts such as Rodriguez, prepared best management practices from other cities, and delivered these recommendations to the City Council. She concluded by stating that tree protections are important with

citizen input for years but that this amendment doesn't go far enough and has taken too long.

STAFF RESPONSE

Chair Kleinman stated that some of the other villages have tabled the request to allow for additional consideration and exploration of the language proposed by Rodriguez. He asked if the committee elected to continue the case to their next meeting, if that would allow enough time for staff to work with stakeholders without causing undue delays.

- **Bednarek** responded that the department will work to explore the language if the committee elects to continue the request but that the most significant variable in the language proposed by Rodriguez is the impact on staff capacity and resources. For example, if additional site visits are required to monitor construction on projects across the City of Phoenix, the department may need additional resources to enforce its new requirements, but it has not assessed such potential implications. He added that the department is confident in its ability to enforce the language contained in the staff recommended language.

Wagner thanked Rodriguez for her proposed language opined whether the right approach is to table this until the committee can more critically evaluate the language proposed by Rodriguez.

Rodriguez commented that Valley Partnership was invited to participate with the Urban Heat Island / Tree and Shade Subcommittee, and they elected not to participate once over the course of three years. She added that this is a public health and risk issues that has been ongoing for too long.

Mahrle stated that he believes the Encanto Village Planning Committee may be an outlier from the others because they are the only body to have received the proposed language from Member Rodriguez and that a motion to add her language would allow the Planning Commission and Council to at least consider the language.

Benjamin asked if the committee had received the language prepared by Member Rodriguez. **Chair Kleinman** responded that it was sent out to the committee in the afternoon. **Klimek**, staff, confirmed that the committee was sent language by Member Rodriguez as described.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

MOTION:

Mahrle motioned to approve the request per the staff recommendation with the language proposed by Rodriguez. **Coates** seconded the motion.

DISCUSSION:

None.

Vote

10-0-0; motion passed with Benjamin, Coates, Cothron, Jewett, Mahrle, Rodriguez, Searles, Wagner, Vice Chair Bryck, and Chair Kleinman in favor; none in dissent; and none in abstention.

Member Procaccini continued experiencing technical difficulties and could not participate by audio or video. For the purpose of the vote, Procaccini is considered absent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.



Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 3, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approve, per the staff recommendation
VPC Vote	16-0-1

VPC DISCUSSION:

3 speaker cards were submitted in favor, wishing to speak.

Ms. Tricia Gomes, staff, went over the reasoning behind the Text Amendment updates, which is City Council Driven and includes a three phased approach. The Text Amendment addresses longstanding policy goals and initiatives. She explained that the Text Amendment strengthens existing zoning ordinance provisions and codifies best practices by embracing three core concepts, which include the following:

- Trees are infrastructure
- Trees provide benefits when appropriately planted
- Trees should be kept in place in a healthy and living condition

She also covered the 2021-2022 City Manager's Trail Budget, which includes climate change and heat readiness of \$2.8 million dollars. Tree protection zones were also discussed as well as the hearing schedule.

Chairman Robert Gubser shared that he is glad to see this Text Amendment come to fruition.

Ms. Toby Gerst shared that she is pleased with the proposed updates. She asked staff if there is room within this amendment that would allow monetary donations for tree planting initiatives.

Ms. Gomes, staff, stated that this is not a possibility within this Text Amendment, but the feedback is welcomed and could potentially be included in future amendments.

Mr. Robert Goodhue asked if the city is able to provide adequate enforcement.

Ms. Gomes shared that enforcement is handled by the Neighborhood Services Department (NSD) and is complaint driven.

Mr. Goodhue asked if staff is planning to ensure tree survival by enforcing adequate root structure spacing.

Ms. Gomes said yes, landscape plans are reviewed and required with new commercial projects.

Chairman Gubser asked about tree maintenance. Does this Text Amendment touch on topping of trees, tree health and required shade coverage?

Ms. Gomes shared that private property owners are required to keep up landscaping.

Ms. Jennifer Hall shared concerns about existing landscape medians as a lot of trees in the landscape medians have died and have not been replaced. She asked if this Text Amendment addresses this issue.

Ms. Gomes shared that this Text Amendment does not cover landscape medians in the rights-of-way. This Text Amendment only covers private property but is aware of the community concerns in regard to landscape islands and the loss of trees in them.

Ms. Hall asked who will be handling the landscape median concerns

Ms. Gomes shared that the Street Transportation Department will handle median islands.

Chairman Gubser shared that the North 32nd Street improvement meeting is next week and should touch on median island upgrades along that corridor. He encouraged all committee members to attend.

Mr. Alex Popovic shared that he likes that the language is being updated in this Text Amendment. He asked if staff had researched what other neighboring municipalities were doing in regard to tree maintenance.

Ms. Gomes shared that staff had not benchmarked what other cities were doing, but rather codifying our best practices.

Mr. Roy Wise asked if there is ever proactive enforcement or is this just complaint based.

Ms. Gomes shared that all zoning code complaints are complaint based and this is part of the code.

Mr. Eric Cashman arrived at 6:35, bringing quorum up to 17.

Public Comment:

Mr. Ryan Boyd stated that he is a member of the Central City Village Planning Committee. He is speaking in support of this Text Amendment.

Ms. Alisa Lyons spoke in favor of the request. However, she wants to better understand it and asked staff to conduct additional public outreach and comment prior to this going to the Planning Commission. She stated some language needs to be improved before City Council approval.

Ms. Aimee Esposito stated that she has concerns with some of the language. She shared that she feels that Phoenix has been good about community collaboration. She recommended adding tree protection language during construction as many established trees are injured or killed during construction. Further, she stated that trees are infrastructure that gain value with age, unlike other forms of infrastructure. She stated that the city needs to protect these investments by adding additional language.

Applicants Response:

Ms. Tricia Gomes, staff, stated that she is open to having further discussion with stakeholders and receiving additional guidance from the committee tonight.

MOTION:

Vicechair Joe Leshner made a motion to recommend approval of Text Amendment Case No. Z-TA-5-15, per the staff recommendation.

Mr. Roy Wise seconded the motion.

VOTE:

16-0-1 with committee members Balderrama, Cantor, Gerst, Goodhue, Hall, Maggiore, Mazza, Mortensen, Popovic, Severs, Sparks, Stewart, Ulibarri, Ward, Wise, Gubser and Leshner in favor. Committee member Cashman abstained.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 4, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval, per staff recommendation with modifications
VPC Vote	13-2

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

Tricia Gomes, City of Phoenix Zoning Administrator, provided an overview of the request which is intended to tighten regulatory language and codify long standing practices in response to the three phased approach directed by the City Council. Within the framework of strengthening enforcement, the text amendment seeks to achieve three core concepts: trees are infrastructure; trees provide benefit when appropriately planted; and that trees should be kept in place in a healthy and living condition. The proposed amendment includes changes to Chapter 5 and 7 of the Phoenix Zoning Ordinance. In addition to other revisions, the proposed language formally increases the stature of landscape plans to ensure long term compliance by requiring adherence for an owner to receive a certificate of occupancy and strengthens landscape removal standards. She added that staff is reviewing the Tree Protection Zone language provided by Nicole Rodriguez, noted that many of the provisions are reflected in the current ordinance, and that the addition of the language may require the text amendment be delayed, as further stakeholder engagement would need to take place. She concluded by stating that the 2021 City Manager’s Trial Budget includes 2.8M for tree plantings, climate change, and heat readiness with programming through the Parks Department and the Street Transportation Department, among others.

QUESTIONS FROM COMMITTEE

Hayleigh Crawford asked what stakeholders would need to be engaged to add the tree protection zones language to the text amendment. **Gomes** explained that city staff has been working with several stakeholders such as the utility companies, Valley partnership, the Multifamily Housing Association, in addition to several city departments – Water Services, Neighborhood Services, Street Transportation, and the Development Services portion of Planning and Development. Staff works with all of these entities to draft the code, and has attended several meetings with them, in addition to attending council subcommittee meetings. **Crawford** asked why it would be difficult to engage the stakeholders to review the proposed language, as it seems to have been brought up during the feedback gathering process. She stated that if the concern is purely a matter of scheduling, it is not very convincing. **Gomes** stated that the tree protection zone

language was provided to staff one or two weeks ago and explained that a lot of what is being proposed by Nicole Rodriguez is present in the language outlined in the staff report. She stated that staff would like more clarification on the definition of the root zone to have a better understanding of the concept, assess if the code addresses it, and if it needs to be added as a definition. Staff is willing to continue this discussion, but it is not feasible to add at this particular time.

Vice Chair William Fischbach asked what department is charged with enforcement of compliance with landscaping requirements as outlined in approved landscape plans. **Gomes** explained that the mechanism through which all compliance matters are handled throughout the city is the Neighborhood Services Department. When a complaint is submitted, the department sends an inspector to the site to assess if the complaint is valid. If it is, a notice of violation is issued, and the recipient would have a specific timeframe to come into compliance. **Vice Chair Fischbach** asked what happens if a property owner does not come into compliance. **Gomes** explained that then a citation would be issued, and the case would go to court, where a judge would ultimately decide on the outcome. She stated that this does not happen often as the Neighborhood Services Department has close to a 95 percent compliance rate. **Vice Chair Fischbach** asked if the Neighborhood Services Department also handles areas that cannot be landscaped due to utility easements. **Gomes** explained that utility conflicts are typically reviewed during the plan approval process, and sometimes staff will require an applicant to obtain a variance if necessary. **Vice Chair Fishbach** elaborated on his question and asked what happens if a property owner plants something in a public utility easement, knowingly defying the city's restrictions. **Gomes** explained that this would also be handled through the Neighborhood Services Department process if it comes in via a complaint.

PUBLIC COMMENT

Tristahn Schaub, president of the Arcadia Camelback Mountain Neighborhood Association, stated that the best time to plant a tree is ten years ago. One of the reasons that makes Arcadia such a desirable community is because of its established green setting, with trees that were planted in the 1940s and 50s. Other cities such as Sacramento and Stockton have made concerted efforts to increase their tree cover, to great success. He asked why greater efforts in Phoenix aren't being entertained and expressed concern with the text amendment being pushed through without the opportunity for meaningful engagement with the public and inclusion of thoughtful feedback like Nicole Rodriguez's tree protection zone language.

Neal Haddad, representing the Arcadia Osborn Neighborhood Association, expressed his support for the tree protection zone language proposed by Nicole Rodriguez. She is a certified arborist and has been working with the city for years to improve tree infrastructure. Her proposal is an easy way to care for already mature trees like the ones found in Arcadia and in North Central neighborhoods. He expressed concern with staff's assertion that there is not enough time to include the proposed language at this stage, and that it can be added in a future text amendment. He pointed out that staff had a much more aggressive timeline for the recent billboard text amendment, so this argument is inconsistent. He asked that the committee approve the amendment with the additional language proposed by Nicole Rodriguez and asked the committee to ask him

about the city's inventory and salvage process, as his time has run out. **Vice Chair Fischbach** asked him to elaborate on the tree's inventory and salvage process. **Haddad** asked that those in front of a computer search for 4399 6th Avenue, where they will see several trees that have fallen. Going back through historical street views, they will see that just three years ago those trees were healthy, robust, mature trees that had been there for over 50 years, but no one had watered them in a long time. A new project in the form of a PUD came in, and the trees would not have impeded development in any way, as they are on the edge of the property and, in fact, the project's site plan showed that area as green open space. If we had a robust inventory and salvage plan, those trees that have been providing shade for 50 years would still be there, and the proposed tree protection zone language would cover situations like this.

Christopher Alt stated that he is an architect that has been working in Phoenix for over twenty years. He expressed his support for the tree protection zone language but suggested that there be a caveat to prioritize mature trees that are climate-appropriate, as some of the more mature trees in the city are very water-intensive.

Stacey Champion shared that, in 2017, there were eight mature trees at Renaissance Square in downtown Phoenix which were torn down to make way for a new building. Over a 24-hour period in November of 2017, she had started a petition to save the trees and had gathered over 3,000 signatures. During that same month, her and other community leaders spearheaded a citizen-led committee and drafted a 9-page document containing guidelines for tree protections. In January of 2018, this committee met with city staff several times and submitted a petition calling for meaningful action. In April of 2018, the city created a subcommittee to address the matter. In 2019 draft recommendations were created, and staff stated that they would implement them that same year. These are the recommendations being voted on tonight. She asked why there is such a push to get this approved if it has already been talked about for years. She asked that the committee approve the amendment with Nicole Rodriguez's supplemental language regarding tree protection zones.

Chair Jay Swart commended Nicole Rodriguez for the time and effort she put into drafting the tree protection zone supplemental language to the text amendment. He stated that this was one of the best citizen-drafted documents he'd seen and something that she should be very proud of. He agreed that the language should be incorporated into the text amendment.

MOTION

Crawford made a motion to approve the text amendment with the proposed tree protection zone language. **Barry Pacey** seconded the motion.

Vice Chair Fischbach explained that he will be voting against the text amendment due to his lack of confidence in the Neighborhood Services Department's enforcement abilities, which result from poor leadership.

VOTE

13-2; Motion passes with committee members Swart, Abbott, Augusta, Bair, Thraen, Crawford, Eichelkraut, Garcia, Grace, Miller, Paceley, Scher, and Tribken in favor and committee members Fischbach and McKee in opposition.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 4, 2021
Request	Amend several sections of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per staff recommendation
VPC Vote	7-0

VPC DISCUSSION:

2 persons indicated that they wished to speak.

Joshua Bednarek, Deputy Director in the Planning and Development Department, explained that the citywide text amendment addresses longstanding policy goals and initiatives regarding trees and shade. He stated that the text amendment will strengthen existing Zoning Ordinance provisions and codify best practices through three core concepts: trees are infrastructure, trees provide benefits when appropriately planted, and trees should be kept in place in a healthy living condition. He stated that the text amendment will update Chapter 5 of the Zoning Ordinance, specifically regarding site inspection and certificates of occupancy, validity of approved review documents, design guidelines, and plant materials. He added that Chapter 7 of the Zoning Ordinance will also be updated regarding landscape removal standards and required landscape and maintenance plans.

Joshua Bednarek stated that the text amendment is only a portion of how the City intends to address trees and shade. He explained that overall citywide efforts related to trees, shade, and tree protection zones were ideas beyond the scope of the proposed text amendment. He highlighted the 2021-2022 City Manager’s Trial Budget to emphasize how the City is holistically addressing trees and shade.

Joshua Bednarek stated that correspondence was received regarding tree protection zones. He stated that after analyzing the proposed tree protection zone language, it was noted that most of the proposed provisions were already addressed by the current Zoning Ordinance and review process. He explained that any additional language could alter the trajectory of the text amendment process. He noted that the text amendment would be heard by the Village Planning Committees in April and May and both Planning Commission and City Council would hear the case in June.

Chair Steven Bowser asked how long the City has been working on the text amendment. **Joshua Bednarek** explained that an iteration of the text amendment has

existed since 2015, but the process did not actively move forward at that time. He stated that the current language was reviewed with the Environmental Quality and Sustainability Commission and other stakeholders for approximately a year.

Rick Powell asked if the text amendment would apply to commercial developments and common areas for residential neighborhoods. **Joshua Bednarek** explained that the text amendment is applicable to required landscaping. He added that commercial properties have required landscaping setbacks and residential properties have required landscaping setbacks and required landscaping in common areas. He stated that the text amendment would not apply to single-family homes.

Rick Powell asked how the text amendment would impact developments' water and landscape budget. **Joshua Bednarek** clarified that the text amendment will not increase landscaping requirements, but instead recommend 50% vegetated shade in open space areas and allow flexibility for alternatives.

Rick Nowell asked how the provision regarding replacement of trees would be enforced. **Joshua Bednarek** explained that both quantity and caliper would be considered when replacing a tree. He provided the example of an 8-inch caliper tree, which could be replaced with two 4-inch caliper trees.

Rick Nowell asked for clarification regarding shading provided by structures. **Joshua Bednarek** explained that structures, such as ramadas or shade sails, could be used to meet shade requirements in open areas.

Nicole Rodriguez, member of the Encanto Village Planning Committee and International Society of Agriculture Certified Arborist, stated that she proposed language to protect mature trees and ensure they remain viable on site. She added that critical root zones need to be protected, particularly during the construction phase. She clarified that when the critical root zone is damaged, trees are more likely to fall.

Ryan Boyd, a member of the Central City Village Planning Committee, stated that he agreed with **Nicole Rodriguez** and believed standard practices for tree protection zones need to be codified.

Jill Hankins asked if the Arizona Native Plant Law was discussed in the text amendment. **Joshua Bednarek** explained that the Ordinance contains existing standards regarding native plants and that the text amendment would not modify that language.

Jason Israel asked if there was any analysis done regarding budget. **Joshua Bednarek** stated that the technical analysis, which would include the budgetary allocation, had not been completed.

MOTION:

Rick Nowell made a motion to approve Z-TA-5-15 per staff recommendation. The motion was seconded by **Rick Powell**.

VOTE:

7-0 with Committee Members Bowser, Barto, Hankins, Israel, Nowell, Powell, and Santoro in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has no comments.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 10, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval, per staff recommendation with modifications
VPC Vote	11-3

VPC DISCUSSION:

Five requests to speak were submitted for this item.

Mr. Joshua Bednarek, Deputy Director with the Planning and Development Department, introduced himself and this citywide text amendment under case Z-TA-5-15 which addresses landscape maintenance citywide. Mr. Bednarek shared that this effort is City Council driven as part of a three phase approach, addresses longstanding policy goals and initiatives and this text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. Mr. Bednarek continued that this text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials and Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Mr. Bednarek added that staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. Mr. Bednarek concluded that the 2021-2022 City Manager’s Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide and that this citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Ryan Boyd asked isn’t the text amendment proposed to codify current practices. **Mr. Bednarek** responded affirmatively and that the amended provisions would be at the site plan review or inspector level, and that after an initial review it is unclear if the proposed tree protection zone language would be administratively approved and where in the process that would take place and would need more staff review. Mr. Boyd

asked how long an analysis would take. Mr. Bednarek responded that outside of stakeholder review it would take a couple of weeks, and that staffing is spread thin, so it is difficult to give a more precise answer.

Eva Olivas asked for confirmation that the Encanto, Camelback East and Alhambra Village Planning Committees recommended to approve with the addition of the tree protection zone language, and for clarification on the timing of this amendment and if the committees can go back and take a look at the proposed additional language to ensure they get it right. **Mr. Bednarek** replied that the Encanto and Camelback East Village Planning Committees did recommend approval with the additional tree protection zone language, and was unsure of the results with Alhambra, and that the Planning Commission takes a break in July so if the case was to be delayed it would be in front of the Planning Commission in August and City Council in September, and that staff is excited to support the text amendment and timeline as proposed.

Public Comment:

Nicole Rodriguez introduced herself, sharing her experience and qualifications in urban forestry and that she serves on the Encanto Village Planning Committee. Ms. Rodriguez shared that the request for additional language for tree protection zones is something that has been requested for the past three years, and that there is no reason not to vote now with the additional tree protection language. Ms. Rodriguez added that while staff states that a concern with the proposed language is that it must be vetted by stakeholders, they are the stakeholders who are requesting this proposed language and that this text amendment is six years old and had stalled until the public invoked a citizen petition.

Stacey Champion reviewed the history of the text amendment and discussed the example of Renaissance Square where trees were removed from a plaza and never replaced. Ms. Champion added that staff is showing a toothless amendment and that Ms. Rodriguez did a great job at putting together additional language for the text amendment.

Alisa Lyons introduced herself as a registered lobbyist on behalf of Valley Partnership which is a long-time advocate for responsible development. Ms. Lyons stated that Valley Partnership does not oppose the text amendment, and agrees with the requirement that a landscape plan should be considered a governing document for site development, in the same way that traditional infrastructure must be maintained, however she would like the opportunity to discuss the proposed additional tree protection zone language with Nicole Rodriguez to get more clarification on the proposal and see if what is being proposed is redundant in the Zoning Ordinance.

Ryan Boyd asked who they could reach out to. Ms. Lyons responded that Valley Partnership would love the opportunity to speak with Nicole Rodriguez.

Jim McPherson shared that he is a resident of Midtown Phoenix and that he documents empty tree wells, some of which are being replenished with the efforts of

Downtown Phoenix Inc. to increase our tree and shade canopy, and that he supports the amendment and the language provided by Ms. Rodriguez.

Andie Abkarian, with the Roosevelt Action Association, shared her support for this text amendment and the additional tree protection zone language, and that while the staff report was released 31 days ago, the community needs more time to get the language as strong as possible.

End of public comment.

Dana Johnson stated that not all trees are created equal, some are invasive and that he has a concern with a blanket statement to preserve all trees, and asked if this amendment will change the exemption of the salvage plan for properties in the Infill Development District. **Mr. Bednarek** replied that the existing language on inventory and salvage plans take into account preserving mature trees and that whether a tree is invasive or not would be a conversation between landscape plan review staff and the applicant, the proposed additional language does not differentiate between invasive and non-invasive trees and that the exemption is a policy that is being updated based on the feedback received from the committee and the proposed text amendment does not impact that policy.

Chair Rachel Frazier Johnson shared that as a long-time tenant of the Renaissance Tower, the trees were beautiful and it is lacking now, and asked if this can be postponed, and there seems to be an issue with waiting and asked if there is a rush on this item. **Mr. Bednarek** replied that the impetus is to get this amendment approved and the committee does have the option to recommend a continuance.

Motion:

Ryan Boyd motioned to approve Z-TA-5-15 per the staff recommendation with the additional tree protection zone language as proposed by Nicole Rodriguez in her letter dated April 27, 2021. **Ash Uss** seconded the motion.

Discussion:

Ryan Boyd stated that the text amendment proposed great language and shared a concern if the committee votes no, the item will be delayed even longer.

Vice Chair Sonoskey shared that he supports the text amendment overall but has a concern with tight urban sites with existing trees, and that hopefully there is an ability for landscape architects to get creative and work with staff to find solutions such as moving existing trees and still allow applicants to move forward in the development process.

Vote

11-3, Motion to approve Z-TA-5-15 per the staff recommendation with the additional tree protection zone language passed, with committee members Boyd, Burns, Gaona,

Gonzalez, Johnson, Lockhart, Olivas, Rainey, Starks, Uss and Sonoskey in favor and committee members Colyer, Panetta and R. Johnson opposed.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 10, 2021
Request	Amend the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval, per the staff recommendation with modifications
VPC Vote	9-0

VPC DISCUSSION:

Tricia Gomes, City of Phoenix Zoning Administrator, provided an overview of the request which is intended to tighten regulatory language and codify long standing practices in response to the three phased approach directed by the City Council. Within the framework of strengthening enforcement, the text amendment seeks to achieve three core concepts: trees are infrastructure; trees provide benefit when appropriately planted; and that trees should be kept in place in a healthy and living condition. The proposed amendment includes changes to Chapter 5 and 7 of the Phoenix Zoning Ordinance. In addition to other revisions, the proposed language formally increases the stature of landscape plans to ensure long term compliance by requiring adherence for an owner to receive a certificate of occupancy and strengthens landscape removal standards. She added that staff is reviewing the Tree Protection Zone language provided by Nicole Rodriguez, noted that many of the provisions are reflected in the current ordinance, and that the addition of the language may require the text amendment be delayed, as further stakeholder engagement would need to take place. She concluded by stating that the 2021 City Manager's Trial Budget includes 2.8M for tree plantings, climate change, and heat readiness with programming through the Parks Department and the Street Transportation Department, among others.

COMMITTEE QUESTIONS

Sharifa Rowe asked how many trees this will impact and whether it only applied to private property. **Gomes** replied that this text amendment only addresses private property. It applies to commercial, multifamily, and single-family developments. In subdivisions, it applies to the perimeter landscape setbacks and common open space areas to ensure that the required landscaping is put in. One of the purposes of the text amendment is to ensure that trees are placed where they provide the most benefit and that they are properly maintained after installation, so it's not necessarily the number of trees, but ensuring that they are being placed in appropriate areas. **Rowe** asked if the proposed language has been fully fleshed out. **Gomes** replied that the quantity of trees required to place on a property is already addressed in the code and will not be changed. The proposed changes include increasing the required amount of shade, providing consistency throughout the code to avoid conflicting information, and

addressing how required landscaping is maintained. **Rowe** asked what the main implications of this text amendment are, and why the city is pursuing these changes. **Gomes** explained that providing clarity and consistency in the code as well as adding provisions for proper maintenance will improve enforcement of required landscaping.

Stephanie Hurd expressed her appreciation of the city for acknowledging that there is a problem with how some properties inadequately maintain their landscaping and thanked staff for bringing this text amendment forward.

Gizette Knight asked for clarification on what the proposal means for homeowners and if they will be required to add or remove any trees from their property. **Gomes** explained that the text amendment does not apply to individual residential lots, so landscaping on individual homeowners' lots would not be affected. In a single-family subdivision, this text amendment would only apply to areas that are commonly held such as perimeter landscape setbacks and open space areas.

PUBLIC COMMENT

Nicole Rodriguez introduced herself as a certified arborist through the International Society of Agriculture, and also a certified utility arborist with tree risk assessment qualifications. She is also a member of the Encanto Village Planning Committee and the City of Phoenix Urban Heat Island and Tree Shade Committee. She stated that she prepared a letter with proposed language for all Village Planning Committee members, and that she hopes this committee received it. She pointed out the case number for this text amendment, which shows that it was started in 2015 and is only now coming through the hearing process. In 2018, the Urban Heat Island and Tree Shade Subcommittee invited staff and developers to create recommendations, one of which was for tree protection zones. This would address how construction would handle existing vegetation on the site and would be incorporated into the city's inventory and salvage process. She explained that she has been asking staff to create tree protection zone language for years and ultimately had to create the language herself, which was included in the letter sent to the committee. Her proposal is heavily supported by the community and businesses, with over 50 signatures in support from businesses. The tree protection zone requirements would set forth standards for blocking mature trees from the impacts of construction to avoid damage to the root system, which can eventually kill a tree. Planting new trees is more costly to developers, so preserving existing trees will actually save them money. She asked that the committee vote to include the proposed tree protection zone language. **Rowe** asked if the implication of this text amendment is more important for Laveen considering it does not have as many mature trees as other parts of the city, such as Encanto. **Rodriguez** replied that Laveen, as well as many other parts of the city, is subject to the urban heat island effect, so protecting any mature trees that are already there will benefit the city as a whole by tackling the heat bubble effect in unison. For more recent developments, trees can become mature as quickly as in five years, depending on the species, so protecting those is important to create a mature tree canopy in even newer developments.

Cyd Manning expressed her support for the proposed tree protection language and that it is very good that two committees have voted to include this language, as it really supports the city's tree shade goals. She added that another important factor is the maintenance plan and enforcement of appropriate landscape maintenance, as there have been many instances throughout the city of trees being neglected and ultimately

killed off and removed, with no plans to replace them. She asked that the committee approve the text amendment with the additional tree protection zone language.

Alisa Lyons, with Valley Partnership, disclosed that she is a registered lobbyist. Valley partnership does not oppose this text amendment and agrees that approved landscape plans must be adhered to and enforcement of maintenance should be fortified. She stated that she has been working with staff and other stakeholders on this text amendment for years and encouraged the committee to give the proposal positive consideration, as it is the right thing to do when looking for heat mitigating solutions in Phoenix. She stated that Nicole Rodriguez's language is extremely important in preserving tree shade canopy in the city, but that the challenge with the language is that it was presented directly to the Village Planning Committees and has not gone through the stakeholder groups that have been working on the amendment for the past few years. She explained that there needs to be further vetting of the language and that, although two committees voted to include the additional language, others did not, as they believed that the stakeholders should have the opportunity to vet it. She asked that the committee approve the text amendment as recommended by staff and encouraged staff to then take the additional language and bring it before the stakeholders through the proper outreach process. **Hurd** asked Nicole Rodriguez to respond to Alisa Lyons' comments. **Rodriguez** stated that Valley Partnership was invited to the Urban Heat Subcommittee but did not know if Alisa was part of that. She added that two of the Village Planning Committees did not even have the text amendment language before them when they voted, and that city staff has been very resistant to working with the public, yet they were willing to listen to developers. There has been no opposition from developers, and the utility companies' main concern is power outages from planting vegetation under power lines, but they have no opinion on tree protection zones since that is of concern to them. She explained that she is a volunteer and is not paid for her efforts in this, and that it took the public mobilizing to get traction on overall tree and shade goals, as staff was not moving it forward. She expressed her concern with the city's resistance to working with the community and incorporating the public's feedback into the text amendment. If involving the public in the process delays the text amendment by a few months, then that is a small price to pay to get it right. **Knight** asked if the text amendment pertains to development, and if it is for commercial or residential development. **Rodriguez** explained that the city's process when a new development comes in is to salvage existing trees on the site and store them until the construction is done, then plant them back on site. Some trees cannot be moved so they are removed and then replaced with other trees. The additional language would protect those trees that cannot be moved due to size. She stated that it applied to commercial, multifamily and single-family only where the land is in common ownership.

Vice Chair Linda Abegg asked staff if the city is opposed to the additional language. **Chair Glass** directed Gomes to respond at the end of public comment.

Rowe asked the same of Alisa Lyons. **Lyons** commended Nicole Rodriguez for her thorough proposal but explained that the language had not been vetted for clarity and enforceability, and also that the current code already addresses a lot of it. She reiterated that any new language should go through the full stakeholder engagement process to make sure it gets implemented correctly. She added that these are regulations, and that the people and entities that are going to be regulated by this new language should have the opportunity to review it before it is codified.

Andie Abkarian, resident of a historic downtown Phoenix neighborhood and Vice Chair of the Downtown Voices Coalition, stated that she has been involved in providing input on policy and zoning for a long time. Her neighborhood has some of the oldest trees in the city, and homes that are over a century old. There are also several multifamily units in midrise and high-rises that are planned or under construction, and she has been first-hand the effect that construction can have on existing trees. Although Laveen doesn't have trees as mature as central Phoenix, she reminded the committee members that this is a city-wide text amendment, which is important for committees to understand. She expressed her disappointment in seeing that some of the more stringent maintenance standards have been removed from the 2019 version of the language, and why, if tree protection is already addressed in the language, staff can't work on further refining it to address it fully. She asked that the committee approve the text amendment, as it is very important, but contingent on the additional tree protection zone language.

Neal Haddad, representing the Neighborhood Coalition of Greater Phoenix, stated that they work with neighborhoods across the city, including some in Laveen. He expressed his support for the tree protection zone language, as it is an easy way to embrace the city's Tree and Shade Master Plan. He stated that staff is pushing to get this text amendment passed as is, and that the tree protection zone language can be added as a text amendment later on. He questioned why they should accept that, and how many more mature trees have to be torn down before they are protected. A brief delay in the approval process to vet the additional language could help improve all 519 square miles of the city. If they do not want to delay, he urged the committee to vote on incorporating the proposed tree protection zone language.

Phil Hertel agreed with the previous speaker's comments and asked that the language be as enforceable as possible so developments like the one of 43rd Avenue and Euclid can't clear all trees from a property. He also stressed the importance of ensuring that enforcement includes substantial burdens and penalties for noncompliance so that developers are encouraged to properly maintain their landscaping from the time of installation instead of just paying a fee and replacing the tree.

Dan Penton stated that he is a resident of the Artesa community, just south of 43rd Avenue and Baseline, and that they recently experienced a loss of several mature trees that were planted in 2007 due solely to future cost savings on pruning and hedge trimming. He presented photos of the robust trees that were present in the community, and compared it to photos after the tree removal, which removed the perimeter buffering for residences and left a barren streetscape. He expressed his support for the tree protection zones and also agreed with Phil Hertel's comment that the code needs to have teeth so that this type of scenario doesn't happen again. As one of the hottest cities in the country, it is unconscionable that the city is not doing more to enforce shade.

Gomes clarified that the text amendment only addresses commercial, multifamily, and the portions of single-family subdivisions that are commonly held such as the perimeter landscape setbacks and open space areas, and not within individual residential lots. She also explained that all Village Planning Committees receive their meeting packets two weeks prior to their meetings, and that the proposed text amendment language and staff report were included in all packets. Thus, all committees had the language before them with plenty of time to review it. She then listed the stakeholders that have been involved in this text amendment, which include Valley Partnership, the Home Builders

Association, the Multifamily Housing Association, the Environmental Quality and Sustainability Commission, the Urban Heat Island Subcommittee, as well as several city departments including Neighborhood Services, Street Transportation, Water Services, and Planning and Development. She stated that the city does not oppose the proposed tree protection zone language, but that it does need to be evaluated before adoption to ensure that it is consistent with what's already in the code and that certain terminology, such as the term "tree protection zone", are specifically defined in the code as well. Further, a lot of the proposed language is already included in the code, which is outlined on page 16 of the staff report, under the inventory and salvage plan process. Ultimately, to have an effective code, staff must ensure that there are no inconsistencies or conflicts in the regulatory language, and staff does not have that comfort level with the tree protection zone language at this time. She further explained that this text amendment would apply to all development, not just future developments. If a property has an approved landscape plan, they are required to adhere to that in perpetuity. For properties without an approved plan, there are other ways for staff to review adequate landscaping requirements, such as researching historical aerials of the site to determine what was planted at the initial development stage. Regarding Dan Penton's comment, there is a good chance that the subdivision removed those trees without the city's permission, so that is a case where the Neighborhood Services Department would come out to investigate and enforce compliance.

Chair Glass expressed her concern with enforcement, stating that if a fine is \$100 and replacing trees on a site is \$2,000, a property owner would likely only pay the fine. She asked what the follow through process of the enforcement is. **Gomes** explained that the mechanism through which all compliance matters are handled throughout the city is the Neighborhood Services Department. When a complaint is submitted, the department sends an inspector to the site to assess if the complaint is valid. If it is, a notice of violation is issued, and the recipient would have a specific timeframe to come into compliance. If a property owner does not come into compliance, then a citation would be issued, and the case would go to court, where a judge would ultimately decide on the outcome. However, Neighborhood Services has a very high compliance rate, so it rarely escalates to that level.

Hurd asked that Nicole Rodriguez be given the floor to address some of the comments made by staff and by the public. **Rodriguez** stated that there was a text amendment regarding billboards that the city tried to push through earlier in the year, and the language was provided to the committees only a day or two in advance of their meetings. This text amendment was pushed by large companies like Clear Channel, and it seems disingenuous for the city to claim that they need more time to vet the tree protection language, since that past text amendment was on a fast-tracked timeline simply because it was backed by lobbyists and corporations with a lot of money. She emphasized that the community is also a stakeholder and their voice should be heard in the process. Additionally, no developers have come out in opposition to this amendment, as their processes already include some form of fencing around existing trees. She urged the committee and the public to push this forward and keep the city accountable to achieve the goal of mitigating and reducing the urban heat island effect.

MOTION

Hurd made a motion to approve the text amendment per the staff recommendation, with the additional tree protection zone language proposed by Nicole Rodriguez. **Cinthia Estela** seconded the motion.

VOTE

9-0; Motion passes with committee members Glass, Abegg, Branscomb, Estela, Hurd, Knight, Ortega, Rouse, and Rowe in favor.



Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 11, 2021
Request	Amend several sections of the Phoenix Zoning Ordinance to address landscape maintenance
VPC Recommendation	Approval, per staff recommendation with the additional language regarding tree protection zones from Nicole Rodriguez's letter dated April 27, 2021
VPC Vote	3-1

VPC DISCUSSION:

3 persons indicated that they wished to speak.

Tricia Gomes, Zoning Administrator in the Planning and Development Department, explained that the citywide text amendment addresses longstanding policy goals and initiatives regarding trees and shade. She stated that the text amendment will strengthen existing Zoning Ordinance provisions and codify best practices through three core concepts: trees are infrastructure, trees provide benefits when appropriately planted, and trees should be kept in place in a healthy living condition. She stated that the text amendment will update Chapter 5 of the Zoning Ordinance, specifically regarding site inspection and certificates of occupancy, validity of approved review documents, design guidelines, and plant materials. She noted that the amendments will ensure trees are placed in appropriate places and given enough space to be successful. She added that Chapter 7 of the Zoning Ordinance will also be updated regarding landscape removal standards and required landscape and maintenance plans.

Tricia Gomes stated that the text amendment is only a portion of how the City intends to address trees and shade. She highlighted the 2021-2022 City Manager's Trial Budget to emphasize how the City is holistically addressing trees and shade.

Tricia Gomes stated that correspondence was received regarding tree protection zones. She stated that after analyzing the proposed tree protection zone language, it was noted that most of the proposed provisions were already addressed by the current Zoning Ordinance and review process. She noted that the text amendment would be heard by the Village Planning Committees in April and May and both Planning Commission and City Council would hear the case in June.

Vice Chair Steven Scharboneau asked if there were exceptions to the permit requirement for tree removal. **Tricia Gomes** stated that are exceptions, which are outlined in Section E.1.b of the staff report for Z-TA-5-15.

Loyd Nygaard asked if the text amendment applied exclusively to private property. **Tricia Gomes** confirmed that the text amendment and Zoning Ordinance addresses regulations on private property.

Ozzie Virgil asked if the text amendment would apply to both commercial and private properties. **Tricia Gomes** explained that the text amendment is applicable to required landscape setbacks for commercial properties and landscape setbacks and common areas for residential properties. She added that this would not apply to single-family homes on individual lots. **Ozzie Virgil** expressed concerns regarding overregulation of developers.

Ozzie Virgil asked how large mature trees would be replaced. **Tricia Gomes** explained that the developer would work with staff to replace the tree in like, kind, and size. She provided the example of a 12-inch caliper tree, which could be replaced with three 4-inch caliper trees.

Chair Massimo Sommacampagna asked how larger trees would be added to a denser development type. **Tricia Gomes** explained that the site will go through an inventory process to document existing 4-inch or greater caliper trees and 3 feet or taller cacti. She explained that the health of the plant materials will be documented as well to determine whether it can be salvaged, remain in place, or has to be destroyed. This information could be used to then determine the layout of the development.

Nicole Rodriguez, member of the Encanto Village Planning Committee and International Society of Agriculture Certified Arborist, stated that she proposed language to protect mature trees and ensure they remain viable on site. She added that critical root zones need to be protected, particularly during the construction phase. She clarified that when the critical root zone is damaged, trees are more likely to fall. She added that there are specific tree species for denser developments that can shade sidewalks without interfering with buildings.

Stacey Champion, a member of the public, discussed the lack of tree protections in Renaissance Plaza and how this resulted in the loss of large Ficus trees in the plaza. She stated that there were citizen led committees who studied best practices and brought guidelines to the City regarding tree protections. She added that we should work to protect trees by incorporating the proposed language regarding tree protection zones.

Neal Haddad, representing the Neighborhood Coalition of Greater Phoenix, stated that the easiest way to care for existing mature trees is to approve the text amendment with the proposed tree protection zone language.

Tricia Gomes stated that the City is working to integrate the proposed tree protection zone language into the text amendment in a clear and defined way.

Ozzie Virgil expressed concerns with approving the text amendment with the tree protection zone language without knowing how the finalized language would read. He asked if the language could be modified after the Village Planning Committee (VPC) recommendation. **Tricia Gomes** stated that subsequent modifications could be possible, but they would not vary much from the proposed language of the staff report or **Nicole Rodriguez's** letter regarding tree protection zones.

Nicole Rodriguez stated that the proposed language does not incorporate fines or penalties. She added that language to protect trees is used in numerous cities throughout the country and that it will allow developers to be good stewards on site.

Loyd Nygaard asked if there was any opposition to the proposed tree protection zone language. **Tricia Gomes** stated that staff is not opposed to the proposed language, but feels the points discussed are already addressed in the Ordinance. She added that staff is still trying to get a further understanding of the proposed language and how that would be incorporated.

Chair Massimo Sommacampagna asked about the difference between a certified arborist and registered landscape architect. **Tricia Gomes** clarified that the proposed tree protection zone language uses the term "arborist", while the Ordinance uses the term "landscape architect". She explained that, essentially, both are asking for an individual with the expertise to evaluate the health of trees and plants on site. She added that the specific term used in the amendment is still to be discussed by staff. **Nicole Rodriguez** stated that it is also possible to be both a certified arborist and landscape architect. She added that it is simply important for that person to have the appropriate expertise.

Chair Massimo Sommacampagna asked if developers will be required to have an inventory salvage and tree protection plan as part of the development process. **Tricia Gomes** stated that developers would conduct inventory and salvage prior to development and trees that remain in place will be protected from possible negative impacts during the active development phase.

MOTION:

Vice Chair Steven Scharboneau made a motion to approve Z-TA-5-15 per staff recommendation with the additional language regarding tree protection zones from **Nicole Rodriguez's** letter dated April 27, 2021. The motion was seconded by **Chair Massimo Sommacampagna**.

VOTE:

2-2 with Committee members Sommacampagna and Scharboneau in favor and Committee members Nygaard and Virgil in opposition. This motion failed.

Vice Chair Steven Scharboneau stated that it was not uncommon for policy items to need additional minor revisions. **Loyd Nygaard** stated that any ambiguities in the text amendment should be clarified and set in stone prior to the VPC recommendation. **Ozzie Virgil** stated that the final language could be too burdensome regarding regulations and agreed that the ambiguities should be clarified prior to a recommendation.

Nicole Rodriguez stated that trees are critical infrastructure that can increase property values. She added that inventory and salvage is not a new process and provides assistance and parameters during the development phase. She stated that the tree protection zone language would also provide additional guidance and expertise regarding how to best protect trees on site.

MOTION:

Ozzie Virgil made a motion to approve Z-TA-5-15 per staff recommendation. The motion was seconded by **Chair Massimo Sommacampagna**.

VOTE:

2-2 with Committee members Sommacampagna and Virgil in favor and Committee members Scharboneau and Nygaard in opposition. This motion failed.

MOTION:

Vice Chair Steven Scharboneau made a motion to approve Z-TA-5-15 per staff recommendation with the additional language regarding tree protection zones from Nicole Rodriguez's letter dated April 27, 2021. He requested that staff and the Planning Commission focus on clarifying the ambiguities in the language regarding tree protection zones. The motion was seconded by **Loyd Nygaard**.

VOTE:

3-1 with Committee members Sommacampagna, Nygaard, and Scharboneau in favor and Committee member Virgil in opposition.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary
Z-TA-5-15

Date of VPC Meeting	May 11, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per staff recommendation with modifications
VPC Vote	12-0 Motion passes; with members Aldama, Alvarez, Brownell, Busching, Coleman, Holmerud, Marchuk, Ray, Shepard, M. Smith, Viera and Daniels in favor; None in dissent.

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

5 requests to speak from members of the public were received regarding this case. 4 members in support with modifications and 1 member of the public is neutral.

Mr. Joshua Bednarek, Deputy Director with the Planning and Development Department, introduced himself and this citywide text amendment under case Z-TA-5-15 which addresses landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager’s Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Gregory Brownell asked several questions:

- Where are the 1,800 trees part of the trial budget going to be planted?
- Will these trees be planted in private or public property?
- Can someone ask for these trees to be planted in their property?

Mr. Bednarek responded that these trees are part of the trial budget, and this text amendment may affect these trees depending on where these are located in the city. He is not familiar with the details of where these trees are going to be located.

Marcia Busching is generally supportive of this text amendment and sent some questions to staff including:

- How can we prevent large sections of rip-rap in order to mitigate the urban heat island effect?
- How will this help to address the premeditated destruction of trees?
- Will there be provisions for tree salvage requirements?
- How long will the tree maintenance be required for and will there be enforcement?

Jackie Keller, Landscape Architect with the Planning and Development Department, introduced herself and responded that rip-rap has historically been used for erosion control and can include trees or other vegetation along rip-rap areas. City enforcement is primarily complaint-driven, and discussed the verbiage proposed to replace dead or damaged trees with like-kind and size, referencing several examples of this. She discussed the notice of intent requirements with the state agriculture department. A maintenance schedule is required and she discussed these requirements.

Mr. Brownell asked what would happen if an invasive plant specie is removed. Does this text amendment make a distinction between native and invasive species?

Ms. Keller responded that this text amendment addresses the required landscaping material and the location of these. Staff encourages and asks that invasive plants are replaced with better native species.

Trent Marchuk asked for further clarification on how trees are “infrastructure”.

Mr. Bednarek responded that if this text amendment is approved, trees will be part of the inspection checklist just like “brick and mortar” infrastructure on the site.

Mr. Marchuk discussed an example with an HOA requirement pertaining to landscaping.

Mr. Bednarek responded that this text amendment does not apply to individual single-family lots.

Chairwoman Daniels opened the public comment portion of the meeting.

Nicole Rodriguez introduced herself and discussed modifications to this text amendment language that she proposes. She discussed the need for tree protection zones within the development plans for projects. She referred to the benefits of trees and how these will help ensure the success of a project.

Neal Haddad introduced himself and stated that he supports the text amendment with the amended language proposed by Ms. Rodriguez, as this ensures that mature trees are kept

in place. He referred to Ms. Rodriguez' work and asked for this text amendment to be approved per the staff recommendation with the language proposed by Ms. Rodriguez.

Chairwoman Daniels asked Mr. Haddad to expand on his reference to a property near 6th Avenue and Broadway Road.

Mr. Haddad discussed an example of a property at 6th Avenue and Broadway Road where old trees are being removed. He discussed the tree protection zone concept.

Ryan Boyd introduced himself and stated that he supports this text amendment case with modifications proposed by Ms. Rodriguez. Many years of work have gone into these elements and feels that tree protection zones are important and missing from this text amendment case. People should honor their commitment to landscaping their property.

Stacey Champion discussed the example of Renaissance Square where trees were removed from a plaza and never replaced. A petition was started, and she discussed the timeline for this text amendment to protect trees. She encourages the text amendment approval with the modifications proposed by Ms. Rodriguez.

Tabitha Myers registered to speak but was not connected during the meeting.

Chairwoman Daniels closed the public comment portion of the meeting and asked if there was further discussion or a motion.

Mr. Bednarek summarized some of the possible motions that the committee could make.

MOTION – Z-TA-5-15

Ms. Busching made a motion to approve case Z-TA-5-15 per the staff recommendation and in substantial conformance with the additional language proposed by Nicole Rodriguez in her letter dated April 27, 2021. **Ms. Shepard** seconded the motion.

VOTE:

12-0 Motion passes; None in dissent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting May 13, 2021
Request Amend the Phoenix Zoning Ordinance to address
 landscape maintenance

VPC DISCUSSION:

Ms. Tricia Gomes, staff, went over the reasoning behind the Text Amendment updates, which is City Council Driven and includes a three phased approach. The Text Amendment addresses longstanding policy goals and initiatives. She explained that the Text Amendment strengthens existing zoning ordinance provisions and codifies best practices by embracing three core concepts, which include the following:

- Trees are infrastructure
- Trees provide benefits when appropriately planted
- Trees should be kept in place in a healthy and living condition

She also covered the 2021-2022 City Manager’s Trail Budget, which includes climate change and heat readiness of \$2.8 million dollars. Tree protection zones were also discussed as well as the hearing schedule.

Chairman Joseph Grossman asked how long the \$2.8 million is supposed to last.

Ms. Gomes shared that she was unsure but could find out and get back with the DV VPC about this. Chairman Grossman asked if the money allocated was a one time thing or if this is funded each budget cycle.

Ms. Gomes stated that she would have to get back with the DV VPC about this exact inquiry.

Public Comment:

Mr. Ryan Boyd, residing at 1069 W. Taylor St, spoke in support of the Text Amendment with the caveat that Ms. Nicole Rodriguez’s proposed language is included to protect established trees during construction of sites. He shared that this Text Amendment took nearly 6 years to come to fruition and if it was being considered now, the additional text should be included.

Ms. Nicole Rodriguez stated that it is very important to include language that protects established trees as they are a form of infrastructure that gains value over time, unlike other forms of infrastructure that needs to be upgraded over time. She asked the DV VPC to get this to the finish line with the additional language.

Mr. Neal Haddad spoke in support of the Text Amendment. He stated that this would be an easy way to protect existing mature trees with Ms. Rodriguez's proposed language added.

Ms. Stacey Champion provided a historical perspective of the Text Amendment.

Ms. Aimee Esposito spoke in support of the Text Amendment with the added language proposed by Ms. Rodriguez. She stated that trees are assets and infrastructure.

Ms. Linda Williamson spoke in support of the Text Amendment. She stated that we are at a critical turning point with the environment and stressed the importance of protecting trees.

VPC Discussion:

Chairman Joseph Grossman asked staff if they are going to require plant salvage plans and how much that will cost developers both monetarily and time.

Ms. Tricia Gomes, staff, shared that the city already has tree salvage and inventory requirement, which will not change with the passage of this Text Amendment. Further, she explained that staff still needs to define what root lines mean and other verbiage proposed by Ms. Rodriguez prior to considering including the additional language.

Chairman Grossman asked if residential private property owners will be able to cut down trees on their own properties or if owner will need to pull some kind of tree removal permit if the Text Amendment were to pass.

Ms. Gomes shared that this Text Amendment does not include private residential properties, only commercially zoned properties that are mandated through the zoning ordinance.

Chairman Grossman asked, if a business owner has a tree destroyed on their commercial property, would they need to replace it.

Ms. Gomes shared that they would be required to replace the tree as this is a code requirement.

Mr. Ozzie Virgil asked if a tree is removed in the course of construction, would that tree need to be replaced?

Ms. Gomes shared that on commercial development sites, a landscape architect or arborist conduct a tree inventory, determines what is salvable and boxes whatever is salvable to be replanted on site during the course of construction.

Ms. Nicole Rodriguez explained the plant salvage process to the committee.

Chairman Grossman asked staff if the development community was involved in the Text Amendment process. Ms. Gomes shared that the development community was involved in the process and was able to provide feedback throughout the course of the process. She also shared that many internal departments were also included in the process to include Water Services and Streets.

Chairman Grossman asked why this is before the committee tonight if there are working amendments to the language.

Ms. Gomes shared that the language being voted on tonight is the language outlined in the staff report. Future Text Amendments would address any updates or amendments.

Mr. Virgil shared that he has concerns about the proposed language.

Mr. Keith Greenberg looked up the cost of trees during the discussion and found that \$2.8 million seems reasonable on an annual basis.

MOTION: Mr. Mark Davenport motioned to recommend approval per staff's recommendation for Text Amendment Case No. Z-TA-5-15. Committee member **Mr. Bill Levy** seconded the motion.

VOTE: 8-3, motion to recommend approval passed, with Committee Members, Davenport, Fergis, Gardner, Greenburg, Kenney, Levy, Lewis, and, Romero in favor. Committee members Virgil, DiLeo and Grossman not in favor.

Public Comment:

6 speaker cards were submitted in favor, wishing to speak.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 13, 2021
Request	Amend several sections of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per staff recommendation
VPC Vote	6-0

VPC DISCUSSION:

3 persons indicated that they wished to speak.

Committee Member Julie Read arrived to the meeting during this item, bringing the quorum to six members.

Joshua Bednarek, Deputy Director in the Planning and Development Department, explained that the citywide text amendment addresses longstanding policy goals and initiatives regarding trees and shade. He stated that the text amendment will strengthen existing Zoning Ordinance provisions and codify best practices through three core concepts: trees are infrastructure, trees provide benefits when appropriately planted, and trees should be kept in place in a healthy living condition. He stated that the text amendment will update Chapter 5 of the Zoning Ordinance, specifically regarding site inspection and certificates of occupancy, validity of approved review documents, design guidelines, and plant materials. He added that Chapter 7 of the Zoning Ordinance will also be updated regarding landscape removal standards and required landscape and maintenance plans.

Joshua Bednarek stated that the text amendment is only a portion of how the City intends to address trees and shade. He explained that overall citywide efforts related to trees, shade, and tree protection zones were ideas beyond the scope of the proposed text amendment. He highlighted the 2021-2022 City Manager’s Trial Budget to emphasize how the City is holistically addressing trees and shade.

Joshua Bednarek stated that correspondence was received regarding tree protection zones. He stated that after analyzing the proposed tree protection zone language, it was noted that most of the proposed provisions were already addressed by the current Zoning Ordinance and review process. He explained that any additional language could

alter the trajectory of the text amendment process. He noted that the text amendment would be heard by the Village Planning Committees in April and May and both Planning Commission and City Council would hear the case in June.

Chair Jason Stokes asked if it was important for the text amendment to have adoption in June. **Joshua Bednarek** stated that they were trying to get the item to City Council prior to summer break.

Nicole Rodriguez, member of the Encanto Village Planning Committee and International Society of Agriculture Certified Arborist, stated that she proposed language to protect mature trees and ensure they remain viable on site. She added that critical root zones, which contain 80% of the tree's roots, need to be protected, particularly during the construction phase. She clarified that when the critical root zone is damaged, trees are more likely to fall. She added that keeping trees alive will require little water and increase property values.

Stacey Champion, a member of the public, discussed the lack of tree protections in Renaissance Plaza and how this resulted in the loss of large Ficus trees in the plaza. She stated that citizen led committees studied best practices and brought guidelines to the City regarding tree protections. She added that we should work to protect trees by incorporating the proposed language regarding tree protection zones.

Tabitha Myers, Vice Chair of the City's Urban Heat Island/Tree and Shade Subcommittee, stated that mature trees are valuable assets that should be kept alive for future generations. She stated that she agreed with **Nicole Rodriguez** and thought the additional tree protection zone language will protect trees during construction and minimize accidents.

Joshua Bednarek stated that staff have been coordinating with the Environmental Quality and Sustainability Commission for the past year. He added that the text amendment language was provided to different stakeholders for comment.

Committee member Steve Tucker asked if the proposed tree protection zone language would apply to any existing mature tree. **Nicole Rodriguez** stated that the language would apply to commercial and multifamily properties. She added that developers are already required to complete inventory and salvage processes. She clarified that the tree protection zone language will apply to trees that have been selected to be salvaged.

Committee member Daniel Tome asked if the fencing used to protect the trees would be temporary. **Nicole Rodriguez** stated that the fencing would be a temporary measure.

Committee member Daniel Tome asked if the City had fully analyzed the proposed tree protection zone language. **Joshua Bednarek** stated that staff is in the process of analyzing the language and there are still other questions that need to be answered.

Committee member Julie Read asked if staff will be able to vet the proposed language prior to City Council. **Joshua Bednarek** stated that they would have about ten working days to complete the administrative side of the text amendment. He stated that if the administrative portion is not complete, the text amendment cannot be taken to Planning

Commission or City Council.

MOTION:

Committee member Daniel Tome made a motion to approve Z-TA-5-15 per staff recommendation. He strongly encouraged the City to consider and include the proposed tree protection zone language. The motion was seconded by **Committee member Julie Read**.

VOTE:

6-0 with Committee members Stokes, Simon, Read, Ricart, Tome, and Tucker in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	April 26, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Continued to May 24, 2021
VPC Vote	11-0

VPC DISCUSSION:

No requests to speak from the public were received on this item.

Chairman Spencer Elliott joined the meeting at 6:40pm, bringing the total to 12 members present.

Ms. Tricia Gomes, Zoning Administrator in the Planning and Development Department, introduced herself and this citywide text amendment under case Z-TA-5-15 which addresses landscape maintenance citywide. This effort is City Council driven as part of a three phase approach and addresses longstanding policy goals and initiatives. This text amendment strengthens existing Zoning Ordinance provisions and codifies practices by embracing three core concepts: trees are infrastructure, trees provide benefits where appropriately planted, and trees should be kept in place in a healthy plus living condition. This text amendment updates Chapter 5 of the Zoning Ordinance as it pertains to site inspections tied to a certificate of occupancy, validity of approved review documents, design guidelines and plant materials. Chapter 7 of the Zoning Ordinance is also proposed to be amended by incorporating landscape removal standards, required landscape and maintenance plans. Staff has been provided with several ideas that go beyond the scope of this text amendment such as a citywide effort related to trees and shade such as tree protection zones. The 2021-2022 City Manager's Trial Budget shows several proposals to allocate funding in order to address related policy goals citywide. This citywide text amendment case will be heard by Village Planning Committees in April and May, while the Planning Commission and City Council will hear this case in June.

Committee member Martha Neese left the meeting at 6:50pm, bring the total to 11 members present, allowing for a quorum.

Vice Chair Gasparro asked how the city will address trees that fall over during storm events.

Ms. Gomes responded that property owners will replace the trees that fall within a reasonable timeframe or the Neighborhood Services Department will begin enforcement proceedings.

Mr. Benezra asked for clarification on tree protection zones and expressed concerns about criminalizing potential actions to manage trees.

Ms. Gomes responded that this concept is something that has been heard by the city from the community but is not being proposed as part of this text amendment case.

Chairman Elliott asked for clarification on the text amendment applicability. He asked if these standards are applicable to public property in addition to private property.

Ms. Gomes clarified the proposal and stated that HOA landscaping maintenance responsibilities would be an example of privately maintained areas, while landscaping in parks and some of the street right-of-way is city-maintained.

Mr. Darrin Fisher stated that he has several concerns with this proposal given the language that is proposed at this time. Additional stakeholder engagement would have helped, given this background in overseeing management companies. Some of the concerns include:

- Requesting permits from the city in order to remove trees could be burdensome;
- Pruning tree canopies to 6 feet in height;
- The enforcement of HOA's on individual lot owners;

Ms. Gomes clarified the proposed text amendment and added that this text amendment does not apply to individual lot owners.

Vice Chair Gasparro stated that he would recommend that the city engage with property management companies on future text amendments.

Chairman Elliott asked if the proposed text amendment would apply to common areas owned by HOA's, which are indirectly owned by the residents of the community.

Ms. Gomes responded that this text amendment would apply to common areas owned by HOA's.

Mr. Fisher stated that cities generally love tree-lined streets, which can cause damage in some respects. At times, these trees are within the deeded lots and could affect individual lot owners.

Ms. Gomes stated that the city supports shade and this requirement is to address mainly perimeter common areas.

Chairman Elliott stated that there seems to be some concern about the practical application of this text amendment case. The committee should consider the future implications of this case.

Mr. Benezra stated that future implications and the target of this text amendment case should be considered. Several examples of current laws with unintended consequences were referenced.

Ms. Gomes clarified the intent of the text amendment case.

Vice Chair Gasparro has encountered similar language in other cities and is fairly standard. This text amendment codifies current practices, and asked if this text amendment case could be continued to the May 24, 2021 meeting.

Ms. Gomes responded that this case can be continued to May by this committee.

Mr. Fisher stated that he appreciates the intent presented by staff, but would also appreciate further clarification on the language itself.

Mike Schiller agrees with Mr. Fisher and his initial thought is that this text amendment results in a taking as it pertains to public space maintenance. He encourages Ms. Gomes to contact Mr. Fisher to discuss this proposal further.

Vice Chair Gasparro asked for further discussion or a motion on this item, given no questions from the committee or comments from the public.

MOTION

Mr. Mike Schiller made a motion to continue case Z-TA-5-15 to the May 24, 2021 meeting date. **Mr. Jerry Youhanaie** seconded the motion.

VOTE:

11-0 motion passed, with Committee Members Benezra, Crouch, Fisher, Hernandez de Pena, Holt, Maloney, Pritchette, Schiller, Youhanaie, Gasparro and Elliott in favor. None in dissent;

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.

Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 24, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Approval, per the staff recommendation with the additional language proposed by Nicole Rodriguez in her letter dated April 27, 2021
VPC Vote	11-0

VPC DISCUSSION:

Five requests to speak in support from the public were received on this item.

Chairman Schiller asked whether Ms. Gomes had met with committee members Benezra and Fisher since the last meeting in April 26, 2021 when this case was continued.

Ms. Tricia Gomes, Zoning Administrator in the Planning and Development Department, introduced herself and responded that unfortunately she was not able to meet with the two committee members due to scheduling conflicts.

Scott Crouch stated that he was not please with the lack of dialogue between staff and the two committee members.

Ms. Gomes responded that the process in place is not proposed to be changed, but rather reinforcing existing practices.

Mr. Alexander Benezra has concerns regarding the criminalization due to a Zoning Ordinance violation, which could be classified as a Class 1 misdemeanor. He has experience as a public defender and asked for confirmation about the enforcement process.

Ms. Gomes discussed the zoning enforcement process handled by the Neighborhood Services Department (NSD).

Chairman Schiller opened the public comment portion of the meeting.

Dan Penton introduced himself and stated that he supports the proposed text amendment with the tree protection language suggested by Ms. Nicole Rodriguez as it addresses tree protection zones and provided examples of other benefits.

Stacey Champion showed a two-slide presentation depicting trees in a construction site near midtown Phoenix. Eight Village Planning Committee's have approved the text amendment with the added language proposed by Ms. Rodriguez. She discussed a petition that was conducted years ago with the intent of saving trees in Renaissance Square. Most cities have similar language to protect trees and this will help to maintain mature trees into the future.

Andie Abkarian supports the text amendment with the added language proposed by Ms. Rodriguez, who has worked with staff for a month now on this language.

Neal Haddad supports the text amendment with the added language proposed by Ms. Rodriguez to protect the critical root zone. Properties are more valuable when they have more trees. Ms. Rodriguez is an arborist and has drafted the tree protection language.

Nicole Rodriguez introduced herself as an arborist and discussed the additional text amendment language proposed. She discussed the benefits of the additional language to protect trees and asked for support of the text amendment with the additional language.

Chairman Schiller asked for further discussion or a motion.

MOTION

Mr. Max Masel made a motion to approve case Z-TA-5-15 per the staff recommendation with the additional language proposed by Ms. Nicole Rodriguez in her letter dated April 27, 2021. **Mr. Scott Crouch** seconded the motion.

VOTE:

11-0 motion passed, with Committee Members Benezra, Crouch, Holt, Maloney, Masel, Meir, Neese, Schiller, Sharer, Symes, and Youhanaie in favor. None in dissent;

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	April 27, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	Continuance to the May 25, 2021 meeting
VPC Vote	15-0

VPC DISCUSSION:

Four speaker cards were received, conditionally in support of the request, and all wishing to speak.

STAFF PRESENTATION

Tricia Gomes, staff, provided an overview of the request which is intended to tighten regulatory language and codify long standing practices in response to the three phased approach directed by the City Council. Within the framework of strengthening enforcement, the text amendment seeks to achieve three core concepts: trees are infrastructure; trees provide benefit when appropriately planted; and that trees should be kept in place in a healthy and living condition. The proposed amendment includes changes to Chapter 5 and 7 of the Phoenix Zoning Ordinance. In addition to other revisions, the proposed language formally increases the stature of landscape plans to ensure long term compliance by requiring adherence for an owner to receive a certificate of occupancy and strengthens landscape removal standards.

She concluded by stating that the 2021 City Manager's Trial Budget includes 2.8M for tree plantings, climate change, and heat readiness with programming through the Parks Department and the Street Transportation Department, among others.

QUESTIONS FROM COMMITTEE

Members expressed the following questions and concerns.

- *Process of Developing the Amendment.* **Vice Chair Williams** asked about the process used to develop this proposed amendment, the number of arborists consulted through the process, and whether the city has considered the "tree protection zoning" language provided by the registered public speakers. **Gomes** responded that the process began years ago at the direction of Council to

address enforcement, specifically for trees being removed or topped after construction was completed. The process included collaboration between the Planning Department, utilities, Water Services Department, Street Transportation Department, and Neighborhood Services Department. Subject matter experts included the Planning and Development Department's Principal Landscape Architect. Stakeholders included multifamily builders, homebuilders, the Environmental Sustainability Commission and their subcommittees.

- *Applicability and Enforcement.* **Bryck, Keyser, and Adams** asked if this amendment will apply to city owned properties and private residences. **Gomes** responded that the proposed amendment only applies to landscape tracts in subdivisions, multifamily properties, and commercial / industrial properties and will be enforced on a complaint basis beginning with the Neighborhood Services Department.
- *Issues Regarding Development Standards and Maintenance.* **Adams** stated that enforcement is part of the issue but that the city's flawed development standards also play a significant role. She raised the example of wherein development standards require a certain number of trees to shade the parking lots but do not specify a large enough area for long term tree survivability. She further added that native desert trees do not manage well in urban environments.
- *Protection for Mature Trees.* **Adams, Fitzgerald, Keyser, Ammon, Sanchez,** and **Vice Chair Williams** expressed support to include additional protections for mature trees. Several members asked **Gomes** for clarification on how the ordinance handles tree protections. **Gomes** responded Inventory / Salvage requirements for mature vegetation and much of this language is already included in the ordinance and therefore does not need to be amended.
- *Modifications to an Approved Plan.* **Jones, Ammon,** and **Bryck** asked about the process for amending an approved landscape plan, either in response to a non-compliance complaint or pro-actively. **Gomes** responded that if the site were stipulated to certain planting standards that would no longer be met by the proposed change or if the proposed change would reduce the plantings below code, a public hearing process would be required through either the Planning Hearing Officer or a Variance, respectively. If no public hearing is required, the modification can be completed in collaboration with the Planning Department's Principal Landscape Architect. The text amendment allows for some flexibility to encourage the right tree to be planted in the right place.

PUBLIC COMMENTS

Nicole Rodriguez stated that the text amendment had been in the works for 3 years and that the Council's Tier 1 direction was not merely to codify the existing requirements for maintenance but to strengthen tree protections. She stated that she can make changes and recommendations to the text amendment. She added that 3 years is too long, and the city can move much faster when needed, as evidenced by last year's billboard text amendment.

Stacey Champion stated that the city adopted its Tree and Shade Master Plan in 2010 but was then shelved until 2017 when controversial GPLET project at Central and

Adams which proposed the removal of several mature trees in preference for palms based on the aesthetic. While the mature trees were eventually replaced with shade varieties, the city's legal inability to enforce tree standards was the impetus of this text amendment. Since that time, many subject matter experts such as Rodriguez, prepared best management practices from other cities, and delivered these recommendations to the City Council. She concluded by stating that tree protections are important with citizen input for years but that this amendment doesn't go far enough and has taken too long.

Jackie Rich stated that she lives in the Alhambra Village, supports Rodriguez's amendment, and protections for mature trees which offer more than an aesthetic benefit but also support values, environmental health, and community character. The existing and city proposed salvage and transplant language do not protect mature trees.

Aimee Esposito stated that she serves on the Urban Heat Island / Tree and Shade Subcommittee, is excited about being this close to a text amendment, but would like more protections built-in for mature trees. She added that in addition to being a certified arborist, Rodriguez is well qualified and certified in tree risk assessment. The proposed additional language regarding tree protection zones would reduce the severe risks of root zone compaction for mature trees.

STAFF RESPONSE

Gomes responded that the City Council directed staff to formulate a text amendment that would codify existing practices to make enforcement more effective. The city's Inventory / Salvage process does require three trees that will be preserved in place be tagged and surrounded by a physical barrier, which is akin to the "Tree Protection Zones" requested by the public speakers.

- **Vice Chair Williams** asked to clarify with Rodriguez if she felt her proposed amendment language was duplicative of existing practice and code requirements. **Chair Shore** invited Rodriguez to address the group. **Rodriguez** responded that while such ideas exist in practice, they lack enforcement and monitoring over the course of construction which therefore allows the developers to become lax in their practices, often resulting in damage to the root zone and killing the tree or greatly reducing its long term viability.

FLOOR/PUBLIC DISCUSSION CLOSED: MOTION, DISCUSSION, AND VOTE.

MOTION:

Vice Chair Williams motioned to continue the case to the May 25th Meeting to allow adequate time for the city to consider the proposed amendment language and to collaborate with Rodriguez, Champion, Rich, and Esposito. **Fitzgerald** seconded the motion.

DISCUSSION:

Chair Shore indicated that the committee's action can include proposed language or simply direction for the Planning Commission to consider. He opined on whether a motion to include entirely new language is overly specific.

DeGraffenreid expressed support the citizen amendment and additional protections for mature trees. He added that once trees get to a certain size, salvage through relocation becomes impossible.

Bryck opined whether the citizen amendment language had been vetted by City Staff and whether the proposed continuance would delay the text amendment. Vice Chair Williams echoed the concern about delaying the amendment.

Harris expressed that the scope of the text amendment and this discussion is confusing because the group has broadly entertained ideas beyond the scope of enforcement, which staff had indicated was the purpose of the amendment.

Adams requested clarification on the existing motion and whether the citizen proposed language was included. **Klimek** responded that the motion on the floor is to continue the case to the next meeting to allow additional time to vet the language and to allow for collaboration.

Keyser asked staff to help coordinate the exchange of contact information so any members can get in touch with the public speakers to further refine tree protection language. **Harris and Adams** expressed interest.

VOTE:

15-0, motion passes with: Adams, Ammon, Bryck, DeGraffenreid, Fitzgerald, Harris, Keyser, Krietor, LeBlanc, McCabe, Sanchez, Smith, Solorio, Vice Chair Williams, and Chair Shore in favor; none in dissent.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.



Village Planning Committee Meeting Summary Z-TA-5-15

Date of VPC Meeting	May 25, 2021
Request	Amend several sections in Chapters 5 and 7 of the Phoenix Zoning Ordinance to address landscape maintenance.
VPC Recommendation	NO QUORUM
VPC Vote	N/A

VPC DISCUSSION & RECOMMENDED STIPULATIONS:

The village meeting was canceled due to a lack of quorum.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

None.