



**MEETING MINUTES
CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD
SPECIAL MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
MONDAY, MARCH 30, 2021 – 6:00 P.M.**

<u>Board Members</u>	<u>Attendance</u>
Catherine Maus, Chair	P
Mary Fertig, Vice Chair	P
John Barranco	P
Brad Cohen	A
Coleman Prewitt	P
William Rotella	P
Jacquelyn Scott	P
Jay Shechtman	P
Michael Weymouth	P

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Ella Parker, Urban Design and Planning Manager
Trisha Logan, Historic Preservation Planner
Karlanne Grant, Urban Design and Planning
Glen Hadwen, Sustainability Manager
Kimberly Pearson, Sustainability Coordinator
Suellen Robertson, Administrative Supervisor
Raj Verma, Director of Public Works
Dr. Nancy Gassman, Assistant Director of Public Works – Sustainability
Mark Williams, City Arborist
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:00 p.m. Roll was called and the Pledge of Allegiance was recited. Chair Maus introduced the Board members present, and Urban Planning and Design Manager Ella Parker introduced the Staff members.

II. DETERMINATION OF QUORUM

It was noted that a quorum was present at the meeting.

III. PUBLIC SIGN-IN / SWEARING-IN

Members of the public wishing to speak on any Item on tonight's Agenda were sworn in at this time.

I. AGENDA ITEMS

Index

Case Number

1. UDP-T21002*

Applicant

City of Fort Lauderdale

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

1. CASE: REQUEST: *

UDP-T21002

Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation Requirements

PROPERTY

OWNER/APPLICANT:

City of Fort Lauderdale

GENERAL LOCATION:

City-Wide

CASE PLANNER:

Glen Hadwen and Kimberly Pearson |Public Works
Sustainability Office

Glen Hadwen, Sustainability Manager, gave a presentation on the City's proposed amendment to its Unified Land Development Regulations (ULDR) Section 47-21 Landscape and Tree Preservation Regulations. This effort began over one year ago when the City Commission expressed concern with the preservation of old-growth trees and tree protection within Code. In addition, in 2018 an internal working group consisting of City Staff was formed to maintain and manage the City's urban forest and address conflicts in Code language.

The last major revision of Section 47-21 occurred in 2015. Since that time, the Department of Sustainable Development (DSD) has noted a number of concerns and recommended changes to improve and strengthen this Section, with the goal of a more streamlined and consistent application of regulations while strengthening tree preservation as a whole.

The City's Strategic Plan, Press Play Fort Lauderdale 2024, emphasizes cross-departmental collaborations. The amendment of Section 47-21 is supported under Infrastructure in Public Places, with the objectives of growing and enhancing the urban forest and improving water quality and the natural environment. The recently adopted Fort Lauderdale 2040 Comprehensive Plan also includes policies and goals intended to promote growth of the urban forest.

Over the past 18 months, the City has held numerous meetings and presentations and provided opportunities for public input across a broad spectrum of stakeholder groups. As a result of this input, there have been several changes to the proposed language. The City has considered all stakeholder feedback. The goal of this process was to propose updated Ordinance language that can be consistently applied, interpreted, represented, and enforced, and was intended to balance the input of all stakeholders.

Staff requests policy direction from the Planning and Zoning Board as the recommending body before the Item moves forward to City Commission approval. Tonight's presentation will provide an overview of the proposed amendments based on the goals established by Commission direction.

Mr. Hadwen summarized the following amendments:

- Section 47-21.1: clarification of intent and purpose
- Section 47-21.2: changes, updates, and simplification of definitions
- Section 47-21.3: minor amendments and exemptions to general provisions
- Section 47-21.5: amendment to the title "Permit Required" to clarify that a permit is required for landscaping activities
- Section 47-21.6: amendments to simplify landscape plan review, permit issuance, construction activity, compliance, inspections, and permit closure
- Section 47-21.7: minimal update to include requirement of soil analysis and determine any need for soil enhancement or improvement
- Section 47-21.8: includes language referring to the City's Design and Construction Manual and to exempt dry detention ponds planted with Bahia grass
- Section 47-21.9: language updated to appropriately size sidewalk cutouts and address soil volume
- Section 47-21.11: updated to clarify maintenance responsibilities for trees, palms, landscaping, and irrigation on private and public property and rights-of-way
- Section 47-21.12: amendments break up text and illustrate lists for simplification
- Section 47-21.13: amendments break up text and use lists, and language is added to increase species diversity and include landscape buffer requirements

- Section 47-21.14: minimal amendments encourage compliance and assign authority for special districts; amendments break up text
- Section 47-21.15: includes the largest number of amendments, including new title and prioritization of sections
- Section 47-21.16: amendments include new title and clarification of the section's purpose
- Section 47-21.17: outlines components of an urban forestry tree and palm inventory and Urban Forestry Master Plan
- Section 47-21.18: adds language including reference to Department of Agriculture and Consumer Services in Florida Administrative Code

There being no questions from the Board at this time, Chair Maus opened the public hearing.

Jeremy Chancey, private citizen, advised that he is the president of the American Society of Consulting Arborists and former president of the Riverland Preservation Society. He addressed Section 47-21.15, Tree Preservation, stating that he supported this portion of the Code because the technical literature cited in the amendments is consistent with national standards.

Mr. Chancey called particular attention to the definition of "specimen tree," which is unique to the City because a specimen tree is defined not only by its size but by its health condition. He recommended that the reference to health condition be omitted from the amendments, since this component is used in determining the value of the tree during calculation of mitigation costs. This permits the majority of the City's mature trees to be excluded from these costs.

The proposed diameter of specimen trees is recommended to be changed from 18 in. to 13 in. Mr. Chancey advised that it is difficult to find a tree of 13 in. or more in good condition. This is a subjective determination, and it is not uncommon for professionals to find trees to be just below the threshold for good condition. Neighboring counties do not use this determination, but instead use size-specific criteria to define specimen trees, recognizing that no trees reach the size of maturity without defects.

Mr. Chancey continued that there are existing lists that define species categories of trees, which he felt should be used to define specimen size so trees are not lost. Most of the City's older neighborhoods contain few, if any, mature specimen trees based on current definitions.

Chair Maus asked what change Mr. Chancey would recommend to the proposed revision of the Ordinance. Mr. Chancey stated that he would strike the condition percentage necessary and allow size to determine what is or is not a specimen tree, with sizes determined based upon species.

Ms. Scott agreed with Mr. Chancey's comments, noting that it is not difficult to have very old trees removed from residential properties based upon their condition. She also felt the reference to health condition should be removed from Code.

Assistant City Attorney D'Wayne Spence advised that one goal of the Ordinance is to come into compliance with Broward County, which has a municipal certification program for its tree preservation Ordinance. He asked if Mr. Chancey was familiar with this program, and whether the Broward County Ordinance includes a percentage requirement for good condition. Mr. Chancey confirmed this, adding that the County defines specimen trees as 18 in. and "good trees" as in 60% health condition.

Attorney Spence noted that the City's Ordinance is substantially similar to the County's Ordinance for certification purposes. Mr. Chancey replied that Broward County's standards in this case are not correct: most determinations of specimen trees in the United States are defined by size rather than by health percentage. He recommended that the City not seek consistency with Broward County's Ordinance, which he noted is at least 30 years old and has not been updated in some time. Attorney Spence cautioned that should the Board follow Mr. Chancey's recommendation, the City's Code might not be certified by Broward County.

Mr. Shechtman asked if there would be repercussions if the Board encouraged the City to codify its own requirements. Attorney Spence advised that the result could be that Broward County would relinquish any authority to enforce its own tree preservation Ordinance within Fort Lauderdale. If the City's Ordinance is not certified by Broward County, the County would continue to enforce its Ordinance within the City's jurisdiction, while the City would enforce its own Ordinance, resulting in two separate tree preservation Ordinances that are active within the City. If the County certifies the City's Ordinance, only the City's Ordinance would apply within its boundaries.

Mr. Shechtman asked if the existence of two tree preservation Ordinances within Fort Lauderdale would necessitate additional review. Attorney Spence advised that a second level of permitting would be left to the County's discretion. He also noted that it would be left to the County's discretion to determine whether removal of the 61% rating puts the City out of compliance with the County Ordinance.

Ms. Scott asked how often the County was involved in decisions to remove specimen oaks from City neighborhoods, citing the Colee Hammock neighborhood as an example. Attorney Spence stated there was no County involvement in these decisions. Kimberly Pearson, Sustainability Supervisor, further clarified that permits are reviewed and processed by City Staff in the Department of Sustainable Development for both public and private properties in Fort Lauderdale. The County only becomes involved with properties under its jurisdiction, such as schools, treatment plants, or similar parcels.

Ms. Scott stated that she did not feel the City must necessarily be synchronized with the County's requirements. Attorney Spence explained that the City's current Ordinance is certified by Broward County. If the County does not certify the proposed Ordinance and its changes, they would have the right to enforce their own tree preservation Ordinance on all properties within Fort Lauderdale.

Ms. Scott noted that there may be other Broward County municipalities with tree preservation Ordinances that are not consistent with the County's Ordinance. She did not believe it was likely the County would wish to become involved in enforcing its own Ordinance. Chair Maus advised that the ultimate decision on the Ordinance will be made by the City Commission, and pointed out that Staff will be able to review other municipalities' Ordinances for comparison before the amended Ordinance goes before them.

Thomas Chancey, private citizen, noted that he was also a certified arborist and landscape architect. He stated that he was in agreement with the previous public comment, and emphasized the importance of preserving the City's tree canopy.

Carol Tamburry, private citizen, was supportive of the proposed amendments, including existing Code that requires the installation of 50% native species, as well as Florida-Friendly Landscaping™ principles. She noted that increased canopy spread can offset the urban heat island effect. She was also in favor of increased penalty enforcement for the removal of trees without permits, which she felt should hold both the contractor and property owner responsible.

John Harris, private citizen, stated that while he was not a resident of Fort Lauderdale, he was involved in review and revision of the Ordinance as a member of a landscape architects' advisory group. He felt there should be evaluation of a minimum health condition for specimen trees, as well as a tree risk assessment, using methods from the National Society of Horticulture as part of this evaluation. This qualifies specimen trees as adding values to properties without increasing risk.

Mr. Harris continued that the City should follow current specimen tree specifications and preservation requirements for large, medium, and small species included in the recommended tree list. He advised that calculating the volume of structural soil for planting sites with greater depths versus greater areas or lengths does not work well in an environment with a high water table, and recommended calculating a maximum depth for this soil, as well as increasing open green space where large canopy trees will be planted to encourage root growth and width. This may require a reduction in the maximum developable square footage for building on lots in different zoning districts.

Mr. Harris concluded that the definitions included in the Ordinance should be further reviewed with Staff, as some conflicting terminology remains.

Ms. Scott asked if an arborist or landscape architect should test trees on residential properties before recommending their removal, as well as providing an opinion. Chair Maus noted that another option could be having the City's arborist confirming the results or opinions. Mr. Harris stated that an arborist is required to provide photographs and descriptions that identify the visual signs, defects, or damage of trees. Internal testing is not necessary in most tree evaluations due to visual evidence.

Ms. Scott asked if it is possible to determine how much longer a particular oak may survive. Mr. Harris replied that there is a difference between surviving, which involves parts of the tree remaining alive, and being viable, which means there is a low to moderate structural risk. Survival may go on for several years while parts of the tree are lost, but the tree may be a high risk for the property. There is no maintenance available other than cutting away parts of the tree that are dead before they fall off.

Vice Chair Fertig asked if Mr. Harris has met with City Staff at public meetings. Mr. Harris confirmed this, adding that he also belongs to an advisory group that has met with Staff. Vice Chair Fertig asked if he agreed with the proposed minimum health percentage as written, or if he would substitute a different definition. Mr. Harris replied that a 60% health condition is similar to the standard held by other cities, as well as by Broward County. He agreed with an earlier speaker that this percentage may be misused by professionals to indicate that a tree does not meet specimen standards, and encouraged Staff to do a better job performing its own analysis and writing reports refuting opinions that abuse the health percentage requirement.

Patricia Roth, private citizen, asked if there is language aimed at increasing the City's tree canopy, possibly by requiring a certain amount of green space in developments. Ms. Pearson confirmed that there are several items in the proposed amendment that would increase tree canopy coverage through new installation. These are found in Sections 47-21.3, 47-21.8, 47-21.9, 47-21.12, and 47-21.17.

Emily O'Mahoney, private citizen, advised that she is a licensed landscape architect and also participated in the group that reviewed Code. She recommended that the City lead the way in saving trees, increasing its canopy, and effectively minimizing utility/infrastructure conflicts based upon these metrics and research.

Ms. O'Mahoney continued that the City's Code provides an option for creating a larger tree planting area. While it also pushes for more structural soil beneath pavement, this is less sustainable than larger green space and a more effective tree canopy. She also noted that more trees are not necessarily the answer, and that putting the right trees in the right place is a better option. She concluded that landscape should be involved in the rewriting of Code.

Natalia Barranco, private citizen, advised that she is also a landscape architect. She stated that the proposed landscape Ordinance falls short of meeting its stated intent.

While the City has increased its tree canopy by 20%, and existing mitigation measures are helpful, the Ordinance does not include incentives to keep trees. She felt penalties for tree removal should be accompanied by incentives for maintaining trees on a site. She also recommended that conflict between state and local agencies should be addressed when Code is rewritten.

Ms. Barranco continued that the Ordinance proposes to increase its 50% shade tree requirement this to 75%; however, there is often insufficient land to support this increase.

Ms. Scott asked what process a property owner must go through to replace a mature specimen tree that has been removed. Ms. Pearson replied that the Department of Sustainable Development does not use a tree's age to evaluate it: instead they use its trunk diameter, location, species, and health. Other factors, such as whether or not it is considered a specimen, are also considered. If the tree in question is a specimen, the owner must mitigate its dollar value under current Code. If it is a non-specimen, the owner must mitigate for caliper inches. Ms. Barranco advised that if an owner wants to take down a tree on a parcel of land and build on the subject property, the tree may be considered to reduce the value of the property by being in the way.

Vice Chair Fertig addressed the proposed change in the canopy requirement from 50% to 75%, requesting where this is found in the revised Ordinance. Ms. Barranco stated that at present, street trees in the vehicle use area (VUA), including buffers, are required to be 50% shade trees. The change would increase this percentage to 75%, which she characterized as excessive, as it can be difficult to fit so many trees into planting areas.

Doug Coolman, private citizen, recalled that an advisory body, known as the "Ad Hoc Committee," had worked for approximately nine months to try to improve the Ordinance. He felt the Ordinance is neither complete nor ready to be sent to the City Commission at this time, and should be sent back to Staff, who should proceed "with professional assistance from outside the City." He emphasized the importance of feedback from stakeholders, including landscape professionals who deal with this portion of Code on a regular basis.

Mr. Coolman added that Section 47-21.15, Tree Preservation, is what most residential homeowners discussed during public input. He felt this section was the only one that could go forward in its current state. He also recommended against the inclusion of the phrase "as determined by the Department" in Code, as he did not believe Staff has sufficient expertise to make these determinations without outside guidance. Mr. Coolman concluded that he worked for several years with design firm EDSA as a landscape architect, and has worked on various projects throughout the City.

Mr. Weymouth asked for Mr. Coolman's input regarding the Tree Canopy Trust Fund, including how and when this program began. Mr. Coolman replied that he found the use of this fund proposed by the current draft of the Ordinance to be unacceptable to both

residents and landscape professionals, as it would be used toward purposes other than planting trees. These include creation of an Urban Forestry Tree and Palm Inventory and Urban Forest Master Plan. He recalled that earlier iterations of the revised Ordinance had also set portions of this fund aside for uses other than planting trees.

Fred Stresau, private citizen, addressed the issue of Broward County certification of City Code, asking if the County could decline to certify the City's Ordinance if it is more restrictive than the County's. Attorney Spence replied that the County's review certifies that an Ordinance meets or surpasses its own Code; however, the City is not in a position to predict whether or not this certification would occur.

Mr. Stresau noted that he has been a landscape architect for over 55 years and has served on multiple City advisory bodies, including the Planning and Zoning Board. He addressed design requirements for all zoning categories, including vehicular use areas (VUAs), net lot area, and street tree planting, pointing out that there is a 50% increase in the number of shade trees required in VUAs. Code requires these trees to be placed in all peninsula and landscape islands, which can compromise overhead clearance. Landscape areas for large trees require a certain amount of root soil, which can be very expensive.

Mr. Stresau noted that the number of shade trees required by the revised Ordinance in net lot areas is three times the number currently required. Studies show that this large number of trees may not be possible on many sites due to the requirements for their placement. It would be difficult and expensive for landscape architects to submit design work for permitting without understanding what is acceptable to the Planning Department ahead of time.

Mr. Stresau advised that 50% of the stakeholder group consists of City, County, and state Staff members. He recommended holding a workshop or hiring a landscape architectural firm to review the proposed Ordinance and suggest improvements, noting that the City currently has no landscape architect on staff.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Vice Chair Fertig asked if the Ordinance was brought forward by an internal committee. Mr. Hadwen replied that both an internal Staff team and an internal working group helped to prepare the Ordinance, with several public meetings held as well. The proposed Ordinance was available for public comment from June 2020 until October 2020. No consultants worked on the Ordinance with Staff. There is currently no City landscape architect on staff.

Vice Chair Fertig requested clarification of why Staff recommended the increase from a 50% to 75% shade canopy on p.53. Ms. Pearson advised that p.53 refers to landscape

requirements for all zoning districts, with a distinction drawn between single-family residences and non-single family residences. She pointed out that only the way in which requirements were listed was changed in this Section. The percentage of shade trees required increased to 75% in order to be consistent with VUA, buffer requirements, and zoning district numbers listed in a table.

Chair Maus asked if the provision emphasizing shade trees in the Downtown area is now being imposed upon all zoning districts. Ms. Pearson stated that this was not the case. The change requires 75% shade trees and leaves the design option for the remaining 25% to the designer's discretion. This provides greater flexibility than current Code with respect to the types of trees that can be planted within the 25%, which may be other types of trees such as flowering or fruiting trees.

Vice Chair Fertig also referred to the phrase "as determined by the Department," which had been cited during public comment, and asked why a specific standard was not used in lieu of this phrase. Mr. Hadwen advised that the phrase provides for exceptions under certain circumstances, such as instances in which a specific number of trees cannot be accommodated on a site.

Vice Chair Fertig asked if any incentives for maintaining existing trees were incorporated into the proposed Ordinance. Mr. Hadwen replied that this was beyond the scope of the current effort.

Chair Maus commented that incentives could be a problem, stating that abiding by law should not be incentivized. Vice Chair Fertig pointed out that incentives were used in changes to historic preservation and other parts of Code. She also addressed the Tree Canopy Trust Fund, asking for the rationale behind using those dollars for any reason other than planting trees. Mr. Hadwen stated that the intent was to help the City with strategic initiatives in support of the City's urban forest, including ancillary costs associated with its maintenance.

Mr. Barranco commented that a very close reading of the proposed Code may be missing the main objective of the Ordinance, which is to take steps to preserve trees within the City. He characterized the revised Code as "tying the hands" of creative professionals by including more prescriptive provisions. He also reiterated Vice Chair Fertig's reference to use of incentives in other sections of Code, stating that it is important to incorporate incentives for developers to replace trees.

Mr. Barranco continued that it is also crucial not to leave important decisions to the discretion of the City, particularly when the City's recommendations run counter to the recommendations made by outside professionals. He cited the example of identifying dangerous trees that could cause harm to properties. He concluded that the City should hire an outside consultant to assist with this Code rewrite.

Mr. Shechtman asked if recently planted swale trees in the Tarpon River neighborhood were funded through the Tree Canopy Trust Fund. City Arborist Mark Williams replied that while he could not speak to the specific neighborhood, he has installed swale trees in select areas using these monies. He advised that the Trust Fund is currently insufficient to the need or requests for new trees.

Mr. Shechtman observed that the Tarpon River neighborhood lacks an adequate tree canopy, and has sought to increase its canopy by planting trees in its swales. He estimated that over 60 trees have been planted in this community over the last year. At times, it has taken up to five months for funding to become available for these plantings. He did not want to see less funding designated solely for the planting of trees by diverting these funds to another purpose.

Ms. Scott stated she was surprised there were not more individual residents participating in tonight's meeting, as there has been significant interest in this topic in recent months. She asked Staff to briefly list the changes included in the revised Ordinance that would help to eliminate tree removal in residential neighborhoods, such as penalties for this removal.

Ms. Pearson replied that the Section on pp.82-83 addressing tree preservation lists enforcements and penalties for not obtaining tree permits, including civil fines for both property owners and contractors. This was a new Section added to the Ordinance which is not present in the current one. The penalty for first offense is \$1000 per tree, as well as a monetary payment into the Tree Canopy Trust Fund for the equivalent value of the tree or palm. Second offenses within a 12-month period are \$2000 and payments of twice the equivalent value of the tree. Third offenses are \$3000 and payments of five times the equivalent value.

The equivalent value is determined within a subsection of Code used to calculate mitigation fees. This determination considers whether or not the tree is a specimen, a healthy tree, and a desirable species, among other factors.

Ms. Scott observed that \$1000 plus equivalent value is likely to be more cost-effective to a developer who wishes to build on a property. Ms. Pearson confirmed that there is no way to address this mindset by some individuals.

Ms. Scott also asked if the Ordinance allows for a tree to be designated as historic. Ms. Pearson replied that there is a proposed definition of "desirable tree," although there is no process for the historic designation of a tree. The County, state, and other municipalities have programs for the historic designation of trees; however, the process for a City designation is not part of the proposed Ordinance.

Mr. Prewitt addressed the issue of certification by Broward County, noting that some of the ideas brought forth by the proposed Ordinance, such as incentives, requirements for

specimen trees, and tree spacing, may make it less likely that the County would certify the Ordinance. Attorney Spence reiterated that this would depend upon the aspects of the Ordinance that the Board wishes to change and whether or not they are consistent with Broward County Code. The result would likely be a case-by-case analysis of the Ordinance's provisions. He concluded that the Ordinance cannot expressly state that its intent is to comply with the County Ordinance but then fail to do so.

Director of Public Works Raj Verma addressed the discussion, stating that in order to minimize the emotions that can surround the issue of tree preservation, he had changed some of the key Staff members involved and tried to work directly with a number of City residents and interest groups. One of the greatest challenges was the balance of Florida-friendly state requirements, the Broward County Ordinance, and the needs of the Fort Lauderdale community. He confirmed that it was extremely difficult to develop a more progressive Ordinance that would also comply with the County Ordinance.

Mr. Verma continued that Staff will review as many of the concerns raised at tonight's meeting as they can accommodate. He requested that as these issues are reviewed and addressed where possible, the Board keep in mind that the Ordinance cannot be made perfect for all interested parties.

Mr. Verma also emphasized that although there is no landscape architect on City Staff, he has expanded the list of consultants who are used for various City services. This will provide the City with greater flexibility to select consultants based upon specific needs.

Motion made by Vice Chair Fertig to recommend to the City Commission that the City hire a qualified landscape architect consultant to work with a joint Staff and community task force to revise the landscape/tree preservation Ordinance.

Mr. Weymouth commented that while he agreed with many of Mr. Barranco's earlier comments, he was not in favor of establishing a group to further analyze the Ordinance. He also addressed Vice Chair Fertig's **motion**, stating that if a community/Staff group is seated to work on the Ordinance, many of the concerns raised at tonight's meeting can be addressed. Mr. Shechtman agreed with this statement.

Ms. Scott expressed concern with the Vice Chair's **motion**, which she felt could create too much of a delay. Mr. Shechtman also advised he was concerned with advancing the proposed Ordinance without addressing the issues raised by the public, pointing out that although this Code is written primarily for landscape architects, this group was not consulted until the process was in its third year of development. Vice Chair Fertig asserted that her intent was to have a greater community presence at the table throughout any continued discussion of the Ordinance.

Mr. Rotella commented that Staff and the landscape architects who had offered public comment should meet to discuss the proposed Ordinance further, as the final document

should reflect their combined expertise. He recommended deferral of the Item so these two groups can meet and work together.

Mr. Verma suggested that Staff can coordinate with these individuals to address specific concerns raised by the public and the Board at tonight's meeting. He requested clear direction from the Board regarding the questions and issues, as well as identification of whom the Board wished to recommend to work with Staff.

Ms. Scott stated that Staff should be in touch with "all the landscape architects" who were present at tonight's meeting. She added that further discussion of the proposed Ordinance include "neighborhood-type people" who may also wish to participate in the process. Following one to two meetings of this nature, she felt Staff could then bring the proposed Ordinance back before the Board. She clarified that she was not in favor of significantly prolonging the process.

Vice Chair Fertig **withdrew** her **motion**.

Motion made by Vice Chair Fertig, seconded by Mr. Barranco, to defer until there can be a conversation between the community and the Staff.

Chair Maus advised that she opposed the **motion**, recalling that two previous efforts to revise the City's tree preservation Ordinance were abandoned. She suggested that between now and the presentation of the Ordinance to the Commission, stakeholder groups can meet and professionals may meet with Staff. She pointed out that revision of a City Ordinance is already a prolonged process and should not be deferred still further.

Vice Chair Fertig stated that she would not want to move the Ordinance forward if they do not feel it is ready for Commission approval. She cited examples of the Ordinance with which she was not comfortable at present, including the Tree Canopy Trust Fund, a number of definitions, the requirement for 75% shade trees, and many others. She felt these issues were unlikely to be resolved without further conversation between Staff and the individuals who had provided public comment.

Vice Chair Fertig **amended** her **motion** as follows: **motion** to defer, pending the conversation between landscape architects and others in the community, until the May meeting. Mr. Rotella **seconded** the **motion**.

Mr. Verma requested that the time frame in the **motion** be extended until June to provide sufficient time for meeting.

Vice Chair Fertig and Mr. Rotella **amended** their **motion** and **second** to change the time frame to June rather than May.

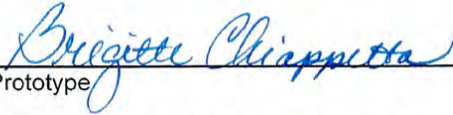
In a roll call vote, the **motion** passed 7-1 (Chair Maus dissenting).

There being no further business to come before the Board at this time, the meeting was adjourned at 8:50 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.



Chair



Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]