

PROTECTING OUR NATURAL IDENTITY

Rewriting the Tree Protection Ordinance

JUNE 2019

KEISHA LANCE BOTTOMS
Mayor

TIM KEANE
Commissioner



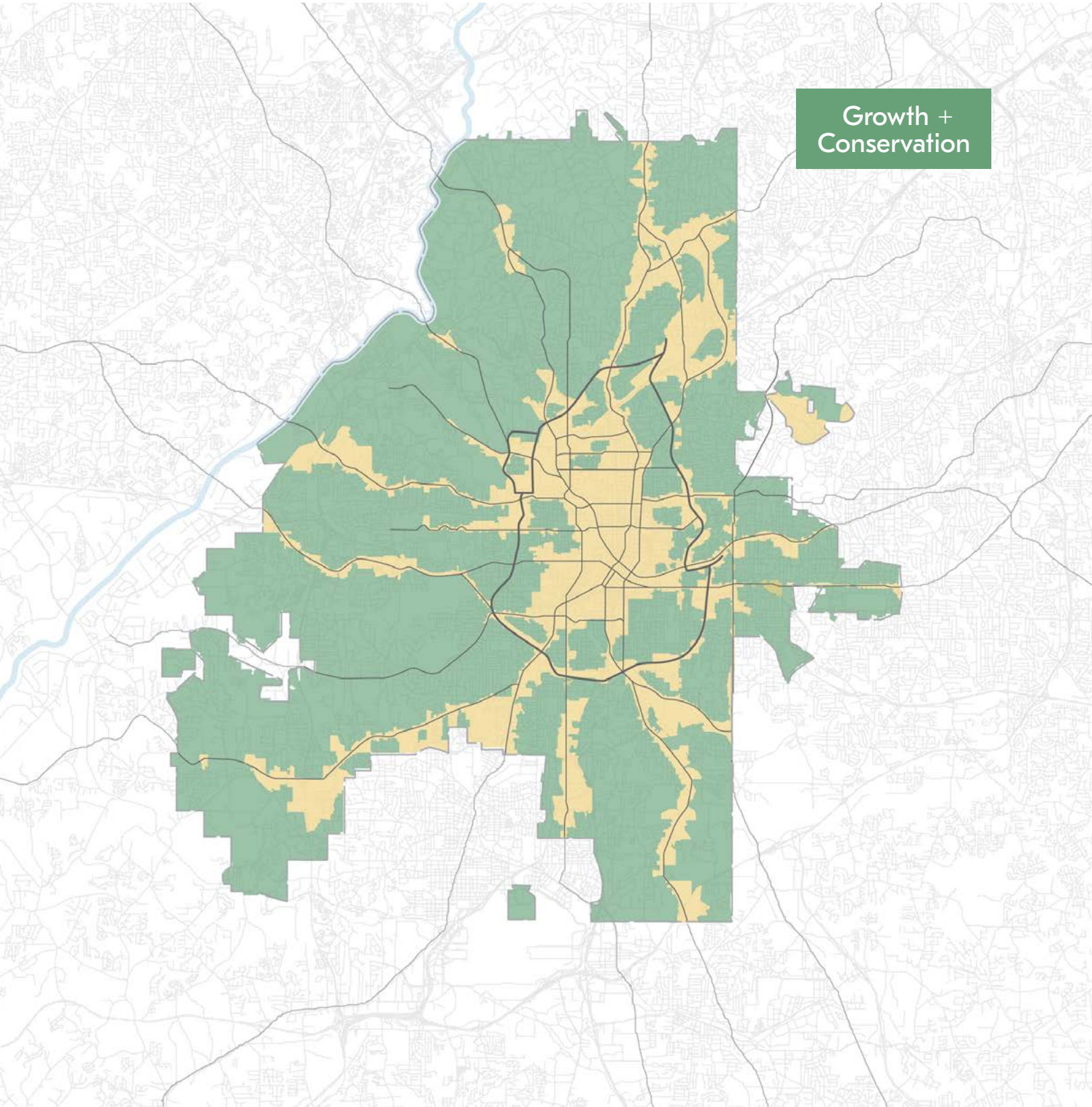
Department of

CITY PLANNING

NOT CHANGING IS NOT AN OPTION.

**THE MOST STRATEGIC SCENARIO FOR
GROWTH INCLUDES EVERYONE.**

**THIS IS HOW ATLANTA GROWS ANYWAY.
WE'RE JUST GOING TO BE MORE
INTENTIONAL ABOUT IT.**

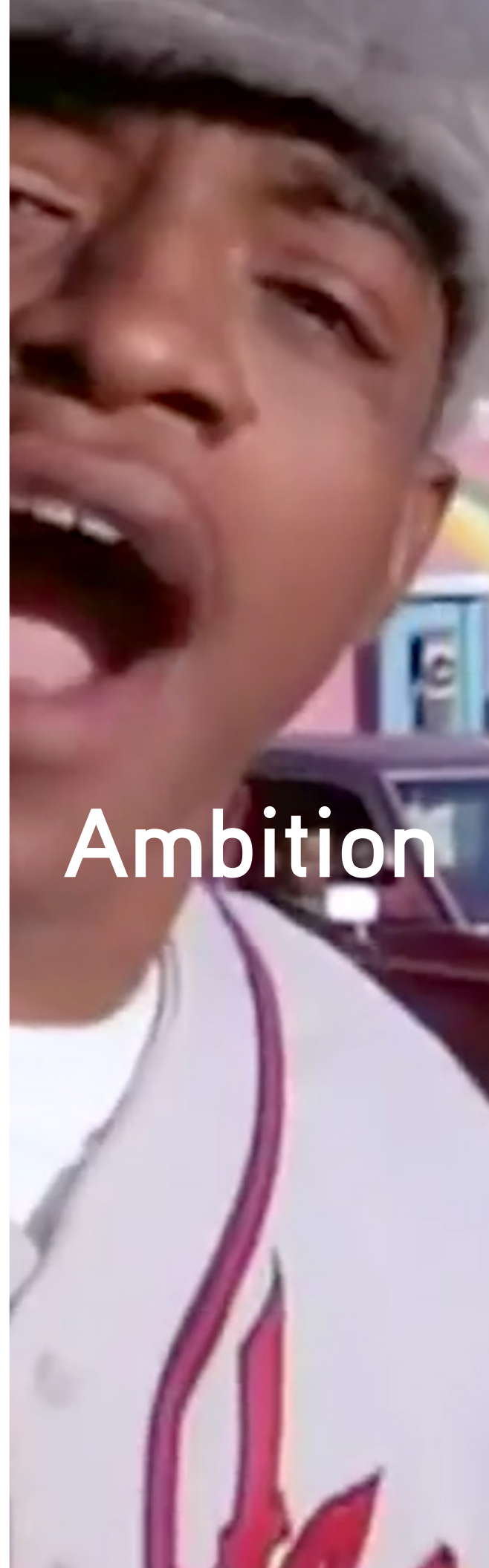




Equity



Progress



Ambition



Access



Nature

NATURE: URBAN ECOLOGY FRAMEWORK

PROTECT, RESTORE, ACCENTUATE

50% TREE CANOPY








STRATEGIC REPLANTING

IMPROVED PROGRAMMING

TREE PROTECTION ORDINANCE REWRITE

RESTORE - TREE CANOPY

How do we get to 50%

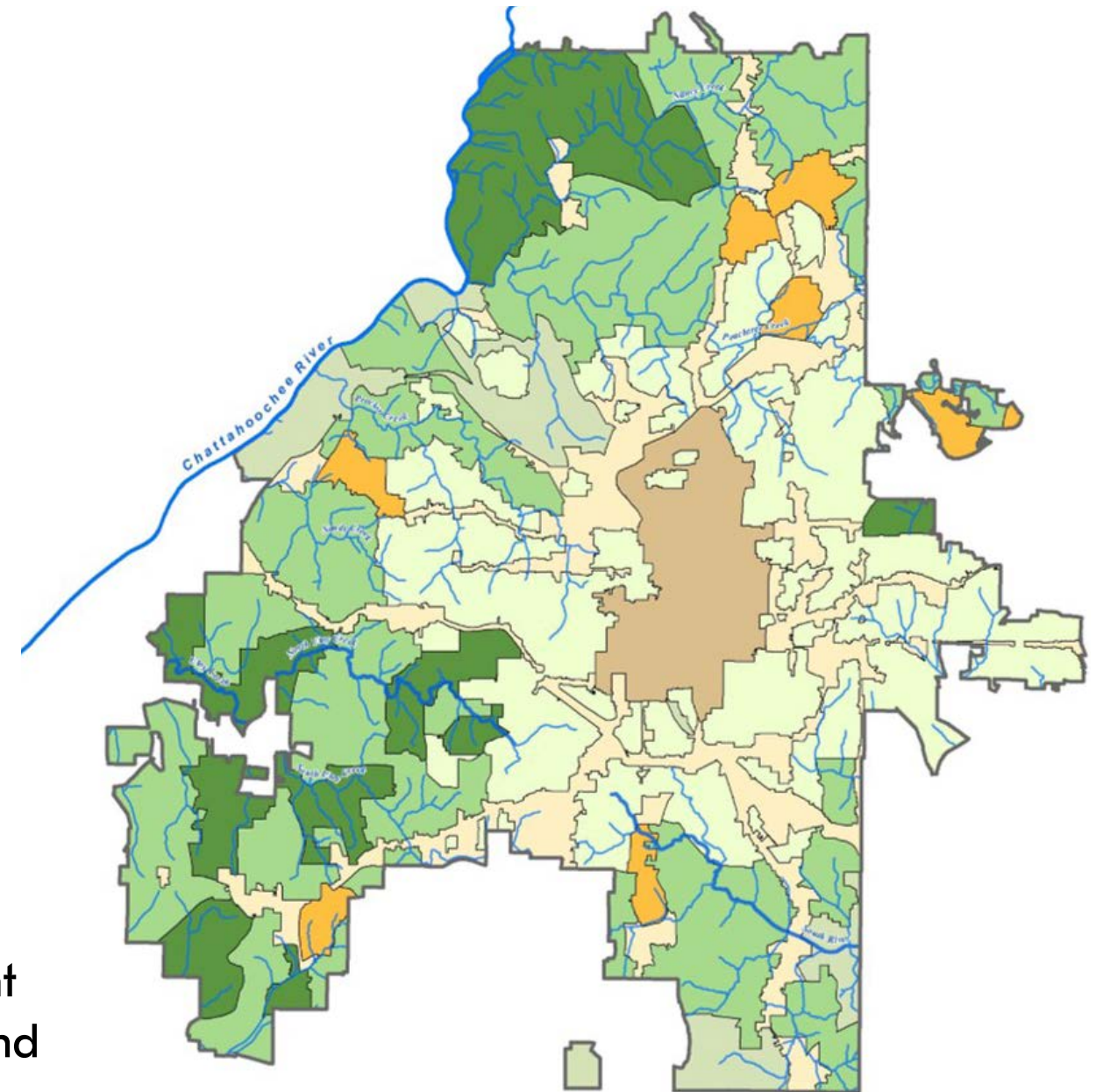
City Design Category		2008	2014	Change	Goal	Change needed	Major Initiative*	Protect & Plant^
	Core	7%	11%	+4%	15%	+4%	X	
	Clusters	26.5%	26%	-0.5%	35%	+9%	X	
	Corridors	25%	27%	+2%	30%	+3%	X	
	Production Areas	28%	27%	-1%	27%	0%		X
	Urban	48%	50%	+2%	55%	+5%	X	
	Suburban	59%	58%	-1%	60%	+2%		X
	Rural	70%	65%	-5%	67%	+2%		X

*Major public realm tree planting of diverse tree species, soil volume, tree management and replacement initiative

^ Protection of tree canopy and new planting of diverse species

Key Actions

- Protection of existing tree canopy using the previously identified protection zones
- Major young forest initiative to plant 3,600 new acres of trees and manage to maturity
- Annual replacement of dead trees outside forests.
- City wide public realm tree inventory to inform new planting and management
- Assessment of tree mortality and demographics to track trajectory of forest and planted public realm trees.



KNOW YOUR PAST

FACT SHEET

TREE TRUST FUND

Overview

Established in 2001, the Atlanta Tree Trust Fund is a separate account from the City's General Fund. It was created to collect and spend monies associated with actions related to the Tree Protection Ordinance.

Funding Sources

RECOMPENSE

The dollar value of a tree on private or public property. The established recompense value as of January 2003 is \$100.00 per tree and \$30.00 per diameter inch.

Infrastructure: Trees removed in the construction of streets and related infrastructure in new subdivisions or other planned developments, a max recompense is set at \$5K per acre, pro rated.

Maximum: New subdivisions, lots of record, and vacant lots, a max recompense is a pro rated per acre basis by zoning classification.

Zoning	Max Recompense/ac
R1	\$10K
R2	\$10K
R2A	\$7.5K
R3, R3A	\$7.5K
R4, R4A, RG, RLC	\$5K
RG4, RG5	\$10K
R4B	\$5K
R5	\$5K
OSI, C (1-5), H, I2	\$10K
OTHER	Use underlying Zoning

APPEAL FEES

A \$75.00 administrative fee used to help defray the administrative costs of appeals.

ILLEGAL ACTIVITY

Fines for illegal removal or destruction. When the number of trees is known, the first violation shall be no less than \$500.00, and each subsequent violation shall be \$1,000.00. Where unable to determine the exact number of trees, a density of 1,000 inches DBH of trees per acre is assumed, and specifically that the lot contains 60 trees of 16.67 inches DBH per acre. A fine of \$60K per acre of land will apply. If the site is less than (1) acre, the fine shall be prorated.

FAQ's:

How are the funds budgeted?

Both the Department of City Planning and the Department of Parks and Recreation expend monies from the Tree Trust Fund. DCP for staffing, TPO administrative costs and the Tree Conservation Commission. DPR for replanting, maintenance, projects and staffing. All budget considerations are taken into account during the annual budget setting period.

What happens to unspent funds?

Unspent funds are rolled over into the next year's budget. There is no expiration on funds.

Approved disbursement

Per the Tree Protection Ordinance, monies should be spent on the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta. Below are the codified resources.

- Replanting on public property
- Procurement of forested property with the following met:
 - 80 percent or more canopy cover;
 - minimum forestation standards of 1,000 DBH inches; and/or
 - 50 mature trees per acre.
- Administrative costs, such as:
 - Posting for trees to be removed
 - Advertising Committee hearings
 - Court Reporter
- Staffing
 - Senior Parks Arborist (oversees new tree plantings, maintenance, invasive species removal, project management, RFPs)
 - (2) Arborists
 - Tree Trimming Crew (providing services that maintain and enhance the health of the city's tree canopy):
 - Forestry Trimming Supervisor, Senior Tree Trimmer, Tree Trimmer
- Tree Conservation Commission (TCC)
 - TCC Administrative Analyst
 - Education Outreach Account (educational materials, educational programs, and educational outreach)
 - Honoraria for commission members (\$75/month)

Code References

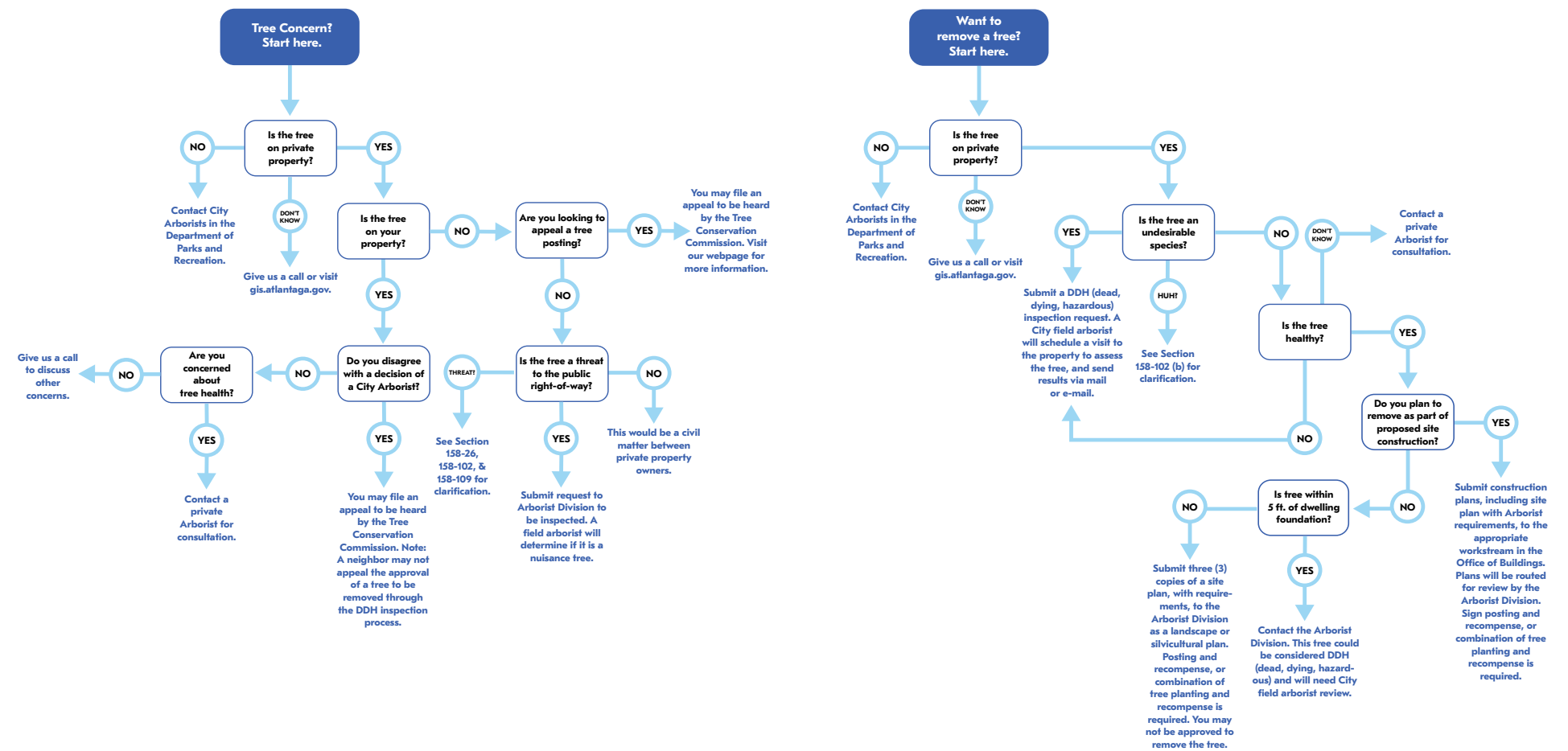
Recompense: Sec. 158-103 (b), (c)
 Appeal Fees: Sec. 158-65(a)(3)(b)
 Illegal Activity: Sec. 158-34 (a)
 Tree Trust Disbursement: Sec. 158-66 (a), (b)
[Full ordinance available on Municode or by clicking here](#)

For more information, contact:
arborist.dpcd@atlantaga.gov or 404-330-6874



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ARBORIST PROCESS FLOW



Common Arborist Information

- Contact the Arborist Division by phone at (404) 330-6874 or email at arborist.dpcd@atlantaga.gov
- Contact the Parks Customer Service Call Center by phone at 404.546.6813 or by email at parkscustomerservice@atlantaga.gov to discuss public property tree matters.
- To view parcel and property data, visit our GIS website at gis.atlantaga.gov
- To find all of our Arborist forms and checklists visit our webpage at <https://www.atlantaga.gov/government/departments/city-planning/office-of-buildings/arborist-division/arborist-forms-and-checklists>
- To view our Tree Protection Ordinance online visit our webpage at <https://www.atlantaga.gov/government/departments/city-planning/office-of-buildings/arborist-division>
- To learn more about the Tree Conservation Commission and the tree appeal process visit our webpage at <https://www.atlantaga.gov/government/departments/city-planning/office-of-buildings/arborist-division/tree-conservation-commission>



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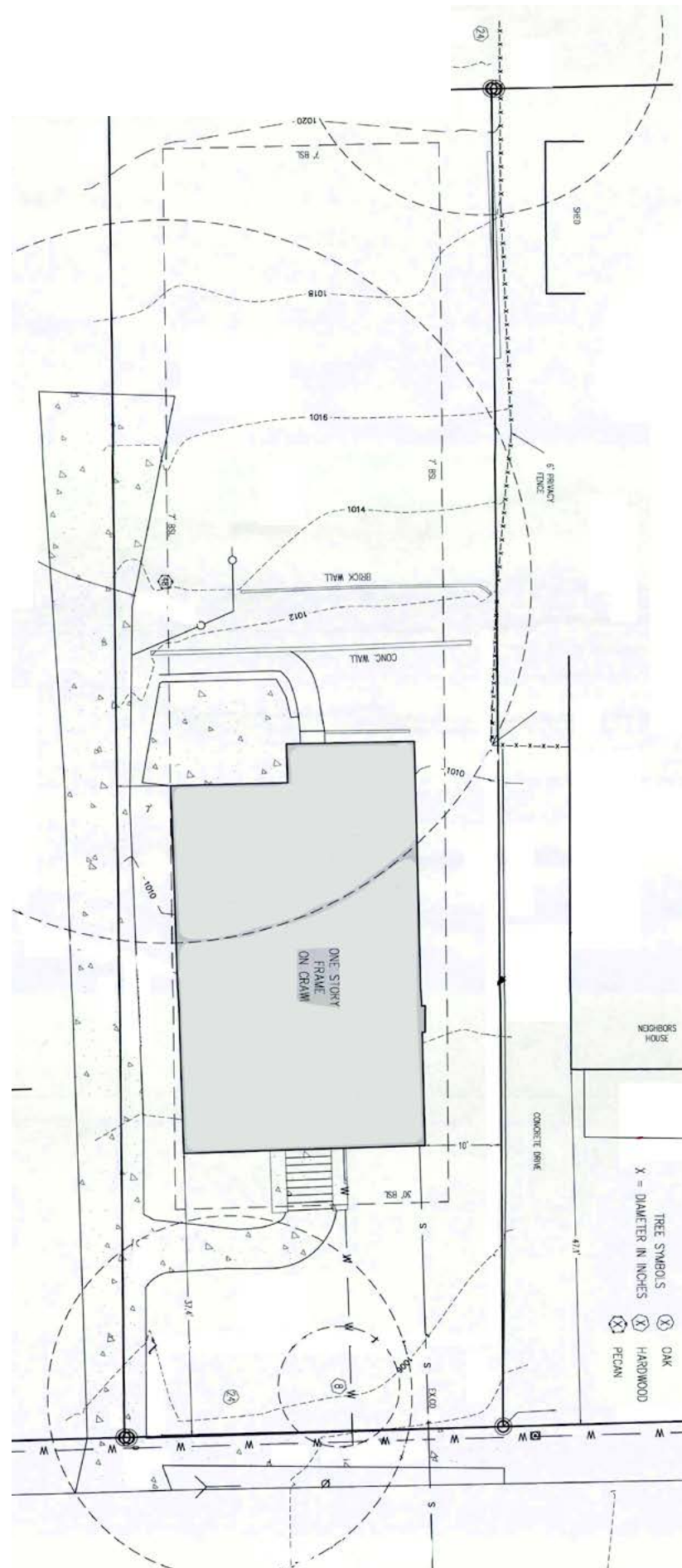
EXISTING: SMALL LOT SF

Meets R-5 Zoning

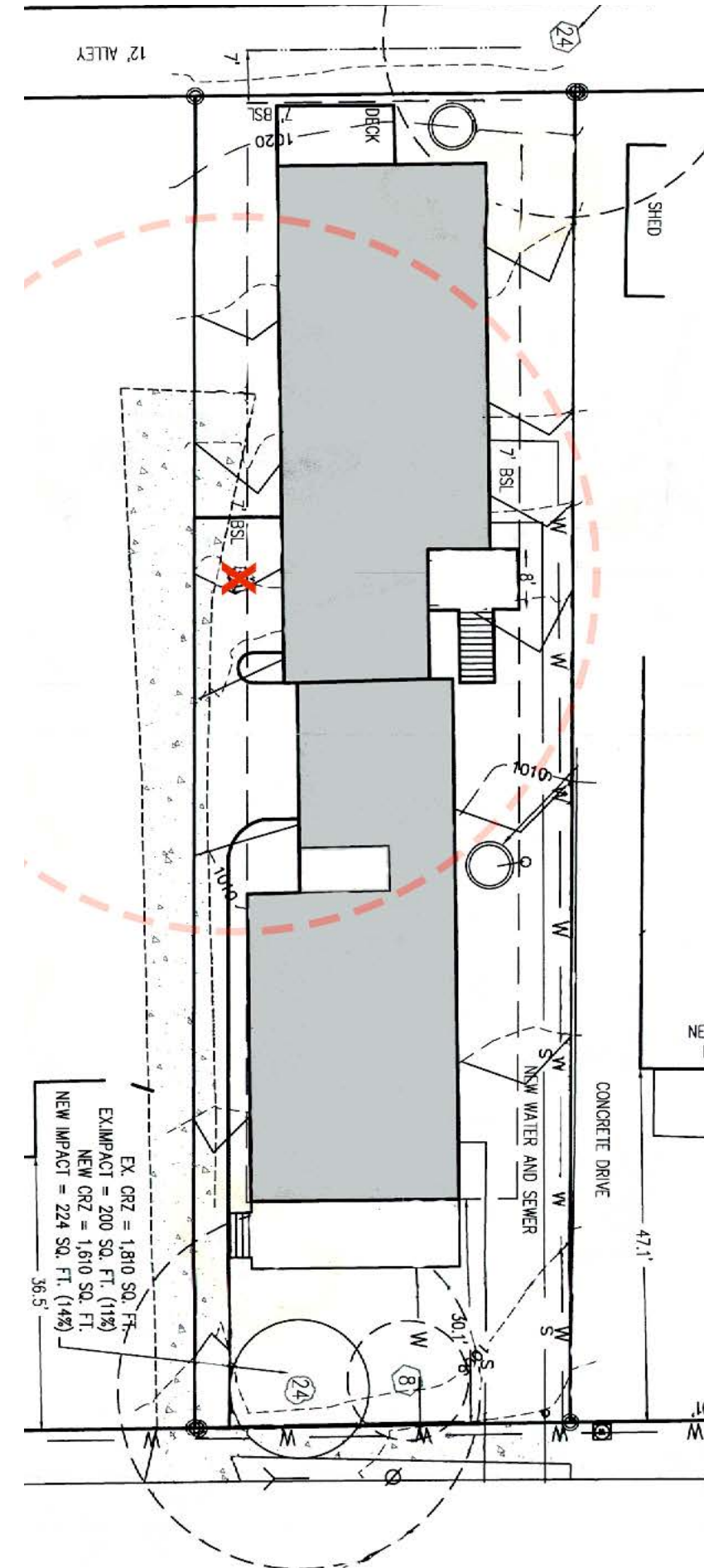
Loss of large specimen tree

\$1,365 in recompense

What can we do better?

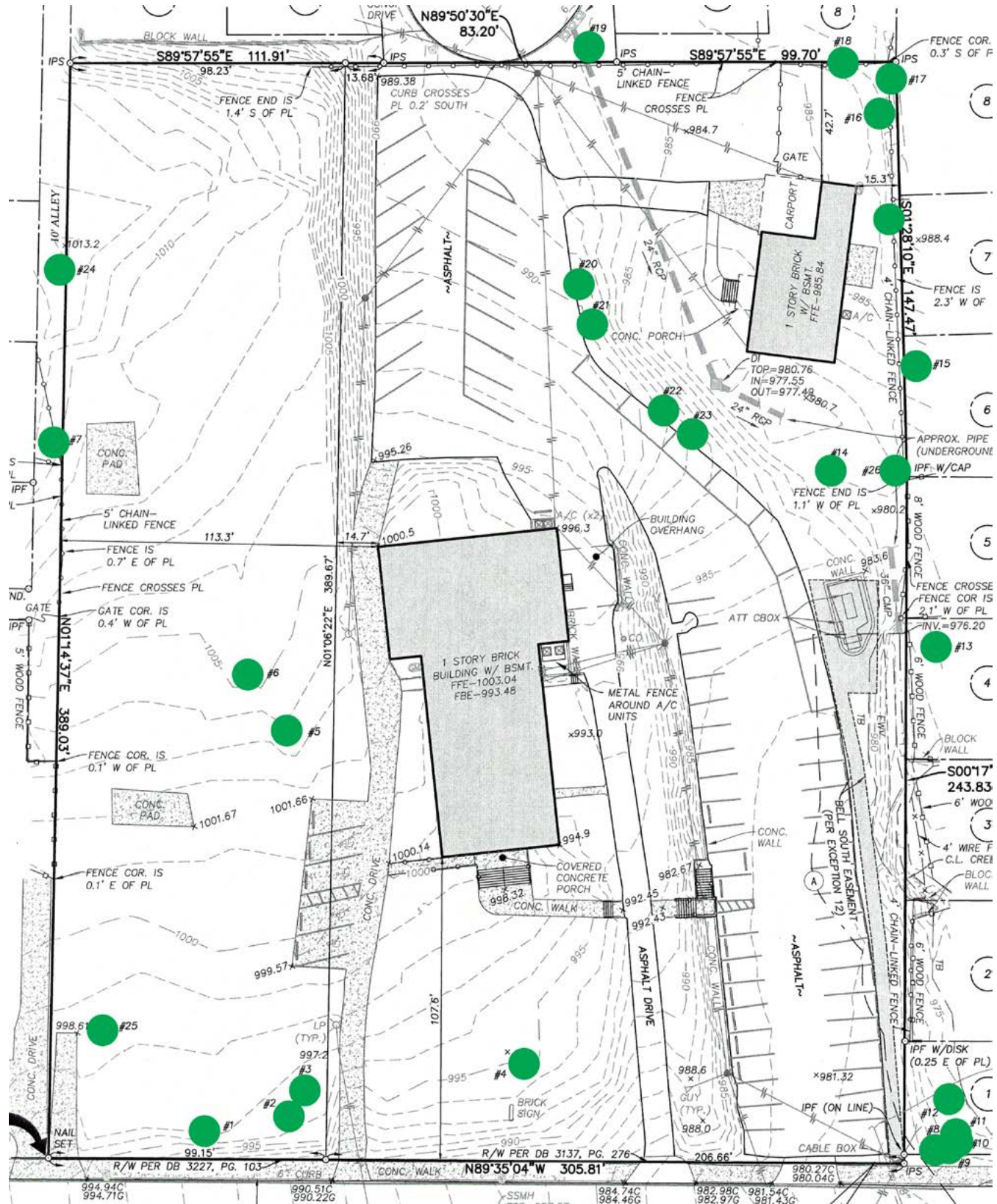


Existing conditions

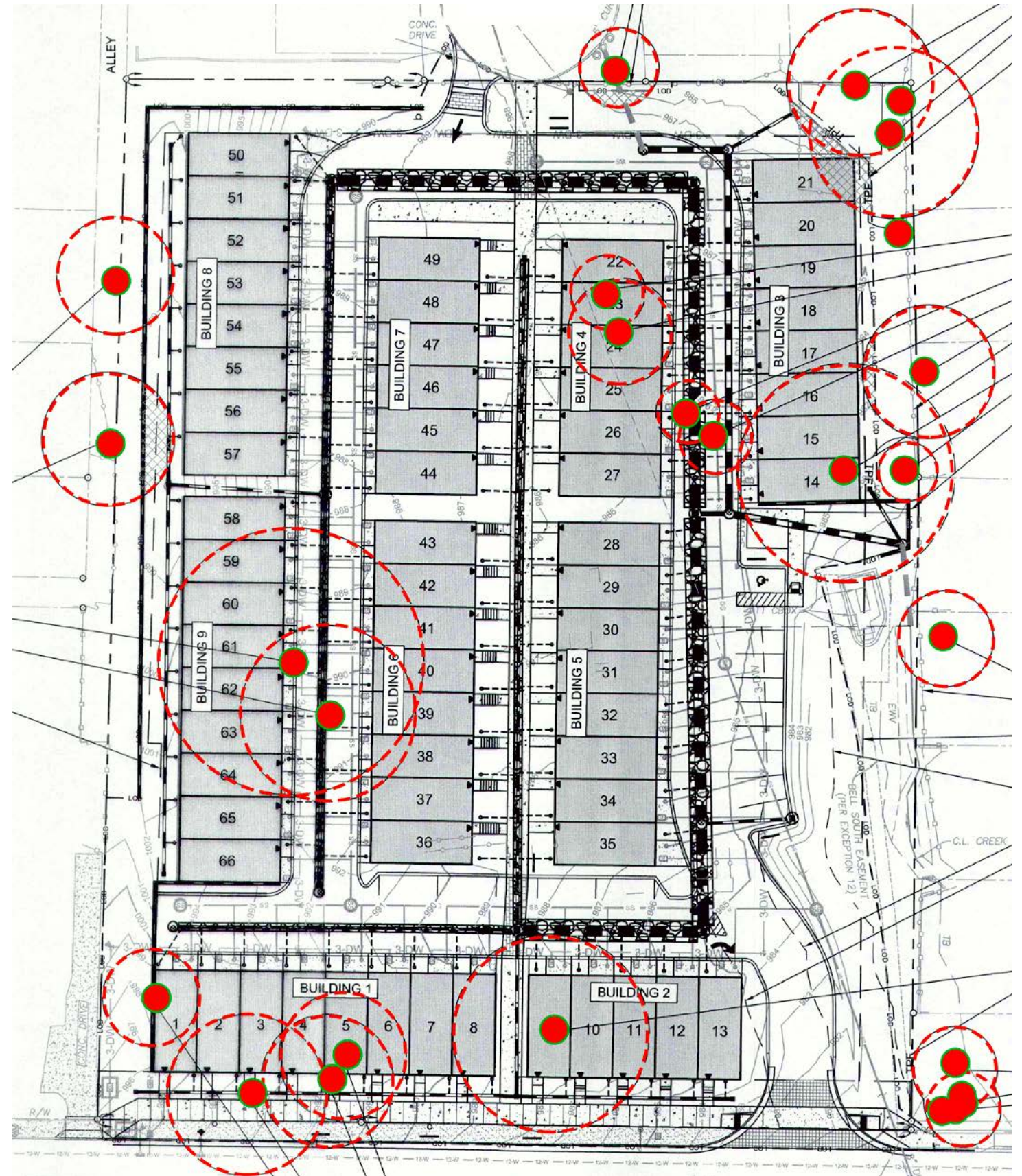


Approved in the current state

EXISTING - COMMERCIAL



Existing conditions



Allowed in the current state

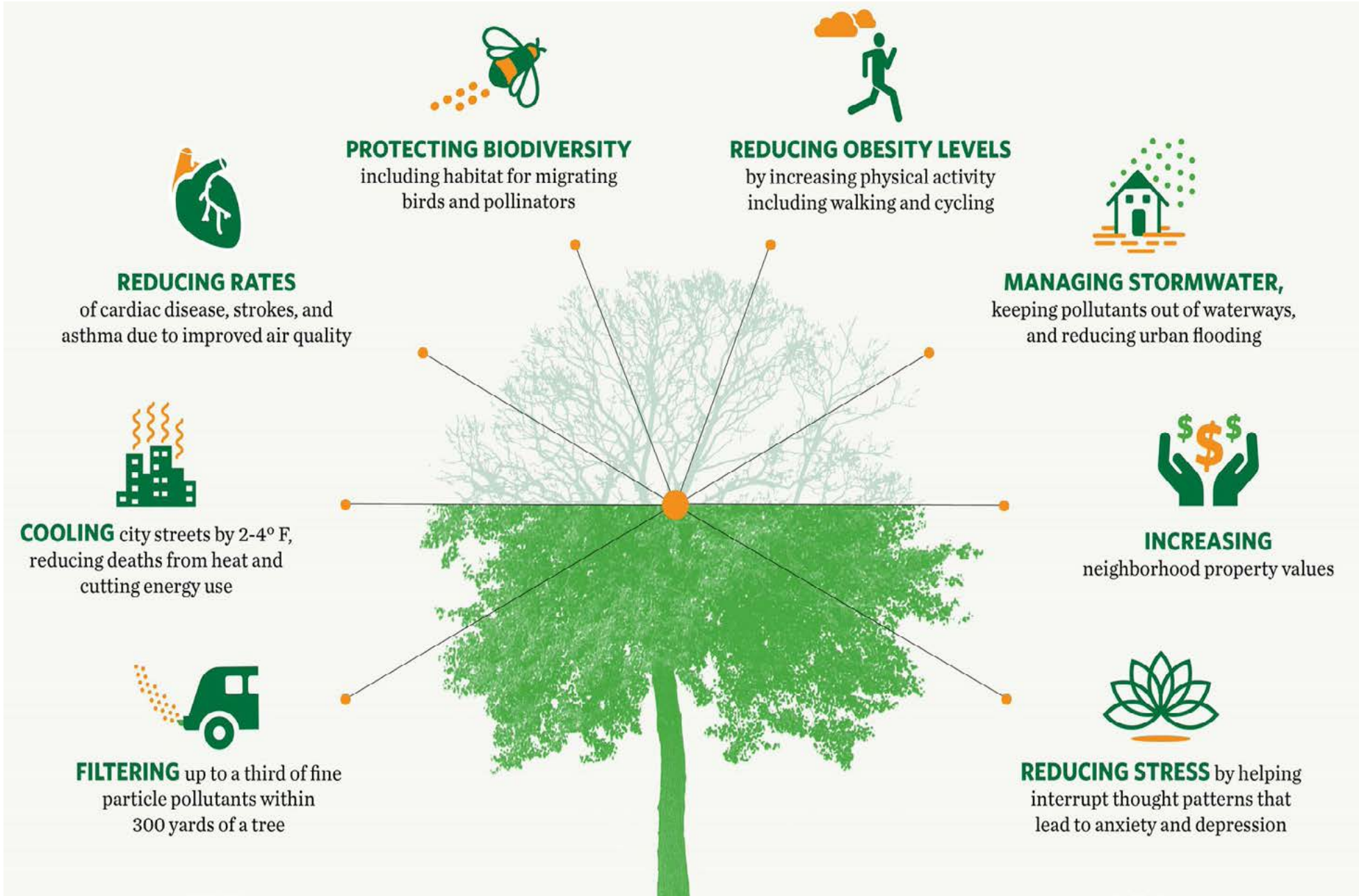
WE MUST WORK DIFFERENTLY

TREE PROTECTION ORDINANCE

INTENT AND PURPOSE

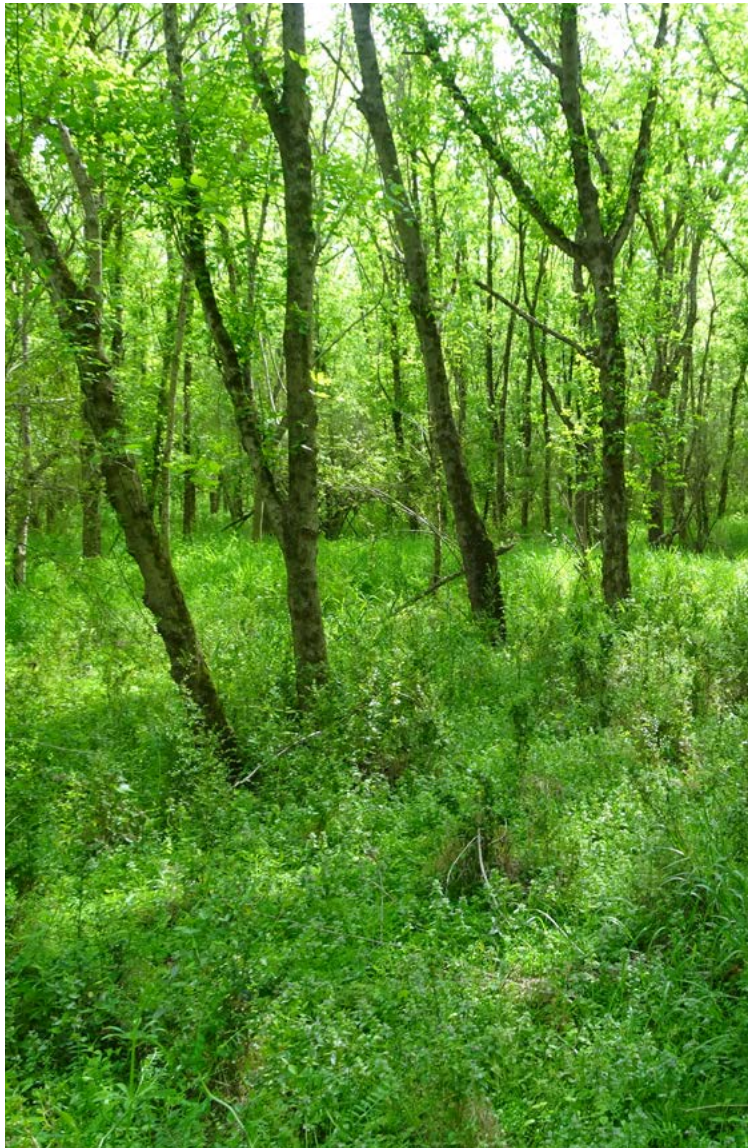
- **Protect and preserve as many trees and ecological assets and services as possible.**
- Prohibit loss of high value habitat and areas of high biodiversity
- Balance City development goals: affordability, mobility, growth
- Implement a clear and consistent process
- Ensure there are equitable distribution of benefits and costs for all residents
- Align the TPO with other environmental and development requirements adopted within the City

BECAUSE...TREES MATTER



WHAT WE'VE HEARD

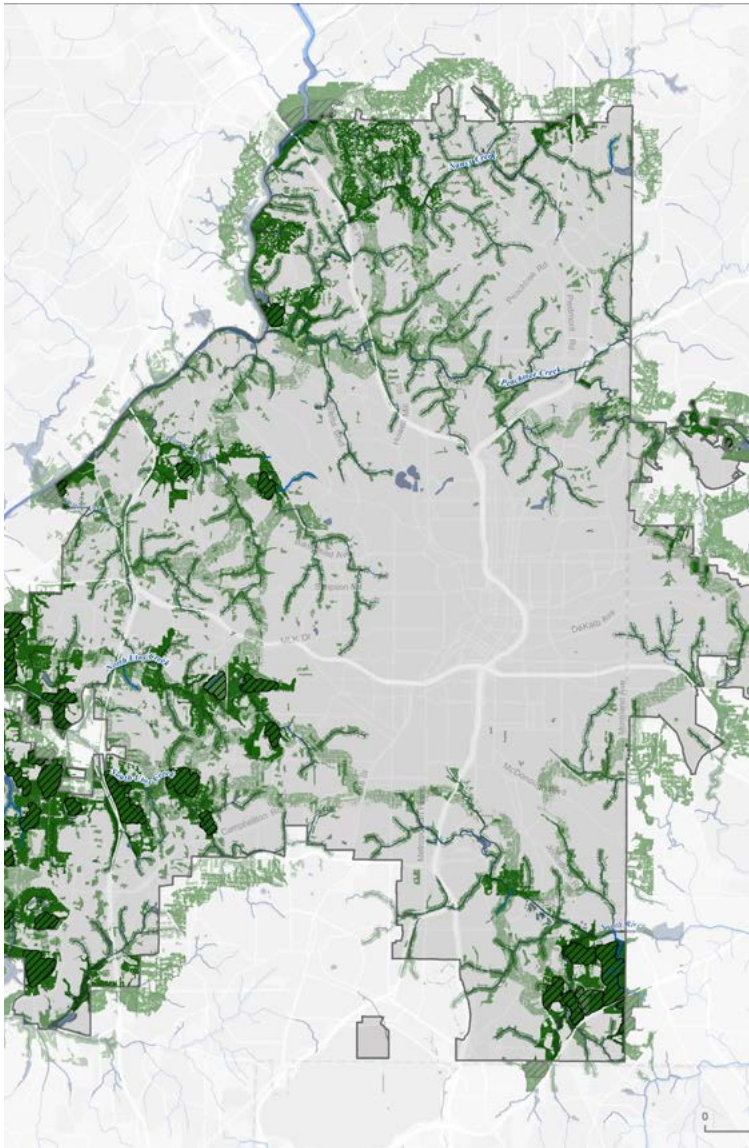
BETTER PROTECTION OF TREES...NOT EVERY SITE SHOULD BE TREATED THE SAME



Tree Assessment



Protection standards for development



Protection zones



Doing everything right

TREE ASSESSMENT

Change the way we protect trees and implement process based on an evaluation of trees.

Evidence based:

Assessment method to be based on industry standard, scientific methods where possible.

Consistent:

Applicable to the entire city and the method would not differ by site or project.

A ranking system for trees on site based on:

- Size
- Species
- Condition
- Location/Contribution
- Tree Groupings

Resulting categories may be:

- High, medium, low value
- Specimen/Heritage
- Points/DBH

Allows for better tree protection on individual sites contributing to the overall canopy health

Note: A recent study in Florida demonstrated that ordinances designating and protecting heritage or other trees of significance resulted in a 6.7% increase in canopy coverage, suggesting that heritage tree protections afforded to old or large-stature urban trees has a measurable impact on tree canopy retention. Hilbert, Development Practices and Ordinances as Predictors of Canopy Coverage in 43 Florida Communities, September 2018

DEVELOPMENT STANDARDS

Protection standards

Possibilities could be:

- Protect all high value trees possible
- Protect percentage of trees/tree value
- Must meet minimum tree density by preservation or replanting

Different areas of the city would have different regulations based on UEF data for protection.

End point should not be recompense in lieu of protection

Encourage better site design and lower impact construction techniques

Alternative design and construction methods such as:

- Minimized site grading
- Foundation walls & piers
- Boring vs open cut for utilities
- Retaining walls
- Smaller building footprint

Regulations could reference or include:

Technical guides:

Best practices sponsored by the City.

Credits:

Stormwater
Replanting
Tree Protection/Preservation
Conservation easement
Vegetated Roofs

Exemptions:

Affording a buildable lot
Environmental restoration or remediation
Dam maintenance

Incentives:

Flex Zoning
Tax
Fee credit
Streamlined process with no appeal/posting required

Process:

Pre-submittal meetings
Variances (through Tree Conservation Commission)
Assessment required for submittal

City assistance, where needed

City staff conducting assessments
City contracted arborists on retainer

PROTECTION ZONES

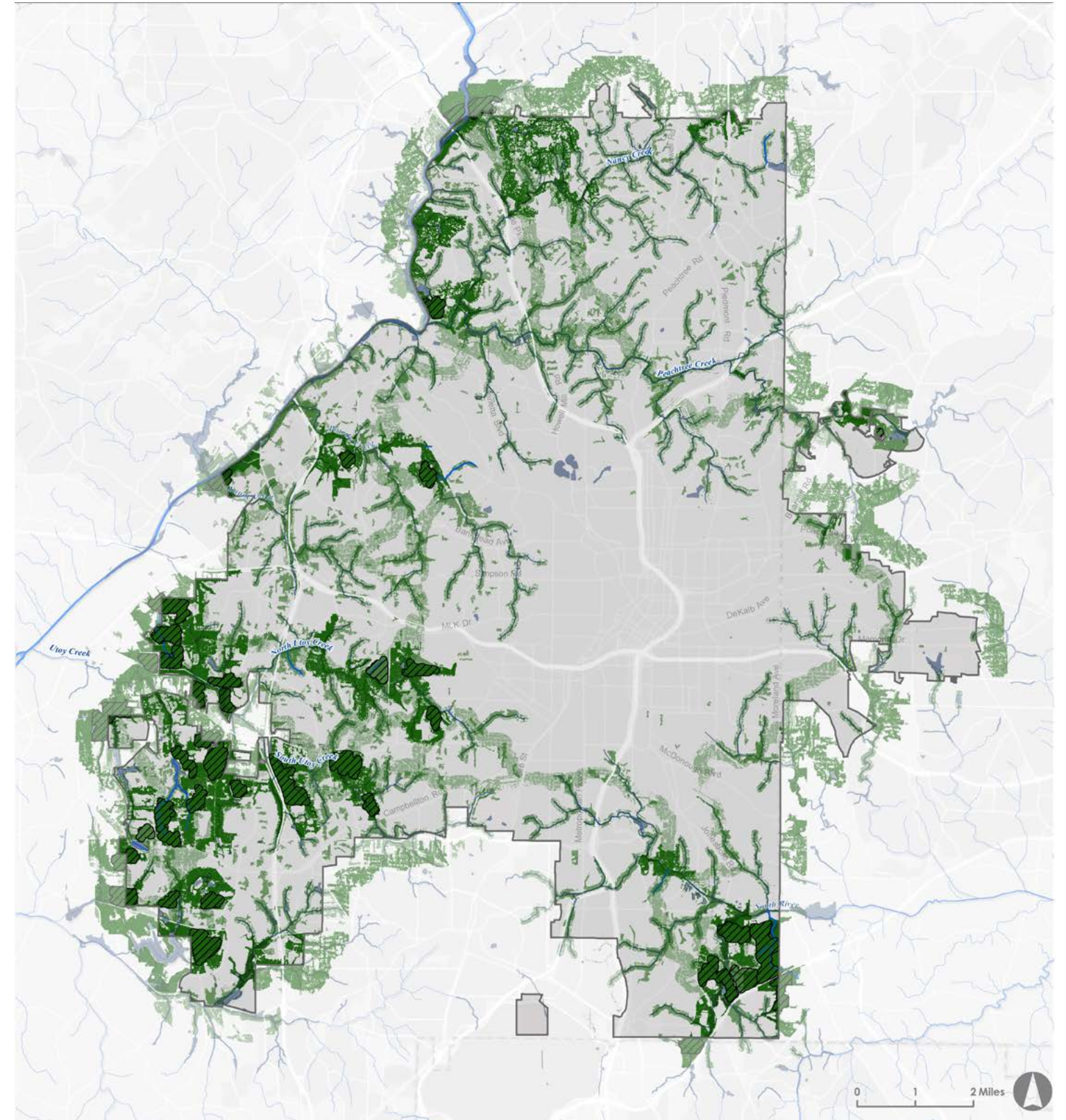
Based on UEF analysis and recommendations, noted zones in the city for highest protection and process to remove highly valued trees.

- Avoid removal wherever possible
- Boundaries and geographies to be confirmed
- Tree assessment method applicable

Potential regulations

- Minimized disruption of intact large forest
- Allow for appeal process & exemptions
- Pre-submittal reviews required
- Special replanting standards

Encourage smart and sustainable development:
Cluster development
Conservation subdivision
Ecocluster principles



DOING EVERYTHING RIGHT

Ability to flex the process for projects doing all the right things, i.e., saving high value trees, incorporating affordability and mobility.

Ecology and protecting trees would be first priority in consideration.

Saving the most amount of high value trees and contributing to **mobility** in Atlanta.

If the project is...

- Building within proximity to MARTA stations - 1/2 mile.
OR
- Offering alternative options to increase walking, biking and transit to residents, tenants or lessees (bike racks, subsidized transit passes, bike shares, etc.)

Saving the most amount of high value trees and contributing to **affordability** in Atlanta...

If the project is:

- Providing X# of affordable units (qualified by AMI)
OR
- Using affordable housing funding (City and other)
OR
- Housing elderly or student
OR
- Offering subsidized commercial rents and/by supplementing with grants (civic or community spaces)

Then: Streamlined review process

- Flexibility with other development regulations
- Dedicated staff for review, inspections
- No postings
- No appeal options

IT'S TOO LATE... PRE-SUBMITTAL MEETING

Engaging the arborist staff earlier in the land entitlement review

Ensuring internal agencies are at the table to help ward off any conflicting site issues.

Early guidance so less \$ spent on re-design when plans are rejected for not being protective of trees

Thresholds for participation could be:

All reviews

Projects impacting

- any high value trees
- a percentage of high value trees

New construction projects

Projects involving site work or disturbance

Due Diligence//Point A//Pre-Application

A pre-submission meeting program intended to aid the navigation of the City's development processes. It will serve as an opportunity for customers to meet with reps from the City's plan review agencies to discuss and refine project plans and scope in an open, yet organized, format. Bringing challenges or process clarifications to the forefront of the project with the right individuals in the room will decrease the number of follow-ups down the road thereby streamlining the review process and saving time for both applicant and the City. The City will take this opportunity to learn about successes of existing process, implement where lacking and eliminate where necessary.

What does this look like?

*The stand of oaks now preserved due to tree preservation and ecological benefits at the forefront of site & project design.
Mr. Potato Head buildings now contributing elevated design towards Atlanta streets and residents.
Micro-living options in a historic building with innovative, yet unfamiliar building code and construction approaches.
A nonprofit campus wanting to do creative, thoughtful reuse in the face of pre-existing site and legal conditions.
Owner of a complex site feeling confident about navigating the City site development and permitting processes.
A well-thought through site protecting Atlanta's watershed & ecological assets while contributing to responsible growth.
A successful meshing of often conflicting interests (density and ecology, transit and affordability) played out on one site.*

The Why:

- **A BETTER ATLANTA:** Emphasize design and innovation in development and construction
- **CUSTOMER SERVICE:** Provide technical assistance and a roadmap of feasibility
- **EFFICIENCY:** Improve process and service improvement both externally and internally
- **APPROACHABLE:** Allowing for increased transparency and engagement with COA

The How:

Pilot Program for 1 year
Dedicated coordinator to monitor workload, coordinate schedule, customer liaison
Dedicated Chair to provide committee guidance, make decisions
Customer application to determine attendees and project type
Biweekly meetings of Committee
Log of comments/Deliverable for customer – avoid interpretations of varying reviewers after submittal
Commitment to not extend review timeline or accentuate the regulations
Data tracking and reporting – analysis of program to assess strengths and weaknesses

The Stakeholders:

Representatives from various City departments who address design, development, and construction issues including design, historic preservation, building codes, zoning requirements, stormwater management regulations, traffic impacts, fire codes, and right-of-way improvements.

Office of Buildings – Plan Review	Building Code
Office of Buildings – Arborist	Tree Protection Ordinance
Office of Buildings – Fire Review	NFPA
Office of Zoning & Development	Zoning Code
Office of Mobility Planning	Mobility
Office of Housing & Community Development	Housing
Office of Design – Atlanta City Studio	Design
Office of Design – Historic Preservation	Historic Design
Non-DCP agencies	
Department of Watershed Management	Site Design
Atlanta Fire & Rescue Department	Code & Design
Department of Public Works - Traffic	Streets
Potential to add on case-by-case basis:	
Office of Cultural Affairs	Arts
Office of Resilience	Sustainability

ONEROUS AND UNBALANCED...



Non-Construction tree removal
process and regulations

NON-CONSTRUCTION RELATED REMOVAL

A property owner wanting to remove trees (healthy, dead, dying or hazardous) for purposes unrelated to construction. These are existing areas with existing infrastructure.

Tree assessment applicable

Simplify the process

Ability to remove one (1) non-high value tree per year no matter the condition

Provisions could include:

- Required permit with the City (free and easy). Allows for tracking and quality control
- Replant of equal value on site unless meeting established tree densities
- Count exemptions for hazardous, emergency, diseased and/or dying.
- Potential threat to retaining walls and/or other structural and support on site.

Applicant appeal or variance option only when considering high-value tree removal

City provided assistance, where needed

City Arborist staff conduct tree assessments

OR

Contracted arborists on retainer to conduct assessments

YOU CAN'T DO THIS NOW...

We want to ensure this is a success and there are City resources to support any new changes to the ordinance.

Proposing to add staff to assist with the following:

Expertise to review and enforce a tree assessment

Assist residents with tree assessment, where needed

Education and outreach to support new ordinance and those engaging with it, i.e., understanding the process, consistency

WHAT'S TO COME

- We want your input. Comment period open until July 17th.
- Regular postings of comments received and any associated responses.
- Next public meetings tentatively scheduled for the end of July.
- The City and project team will incorporate feedback into ordinance language and post for public to view and provide input.

Follow us on social media: @ATLPlanning

Learn more at: atlantaga.gov/government/departments/city-planning

Questions? Contact: eajohnson@atlantaga.gov or urbanecology@peqatl.com

JUNE PUBLIC FORUMS FOR THE CHATTAHOOCHEE RIVER GREENWAY STUDY

The Project Team invites you to a Public Forum! **This participatory event marks a pivotal moment in the planning and design process.** Come and share your vision for the Chattahoochee Riverlands! We've planned two of the same Public Forums on different days in order to reach the largest audience. ***Please join us for one or both!***

The **Chattahoochee River Greenway Study** is an opportunity to reconsider the region's relationship to the river and create a new vision for the river's future. This study will involve: a greenway plan that establishes a **100-mile vision and plan for the river corridor** and a pilot project concept that will develop a concept plan for a 1.5-mile pilot trail segment.

PUBLIC FORUM 1

WHEN:
SATURDAY, JUNE 22, 2019
11:00 AM - 2:00 PM

WHERE:
**NORTHWEST LIBRARY AT
SCOTT'S CROSSING**
2489 PERRY BLVD NW
ATLANTA, GA

PUBLIC FORUM 2

WHEN:
SUNDAY, JUNE 23, 2019
1:00 - 4:00 PM

WHERE:
**CHATTAHOOCHEE RIVER
ENVIRONMENTAL EDUCATION
CENTER (CREEC)**
8615 BARNWELL RD
JOHNS CREEK, GA

