Evaluating Atlanta's Proposed Tree Protection Ordinance (TPO)

Session 2 of 4

March 25, 2021
Agenda

• Fast recap of Session 1
  • Video & Slides
  • Progress
• Criteria for evaluation
• Discussion Framework: “Impact Chart”
• Specific standards and recommended changes – Session 2
Review of January text. Trees Atlanta proposes recommended changes for each standard to increase the likelihood of canopy protection.

Page 1 of 4 – This document is designed as a collaboration tool and is a working product that will be updated as amendments are accepted. Trees Atlanta (3/17/21)
For educational purposes only.
Do not distribute without prior permission of author or Trees Atlanta.
Logistics

• Timeline
  • March & April: fee assessment notification at NPUs (non-voting item/comment only)
  • April 27: CDHS (Community Development/Human Services) committee makes recommendations to full City Council
  • May 3: City Council vote

• Today’s Q&A will be monitored
  • If not answered live today, we will follow up with an answer to all questions
  • Please do not use CHAT

• Contacts
  • Judy Yi (judy@treesatlanta.org)
  • Greg Levine (greg@treesatlanta.org)
We believe there is a path forward ... with changes

• Approach
  • Balances guidelines with incentives

• Standards
  • Needs more field-testing and supporting data to verify
  • Needs numerous amendments in order for Trees Atlanta support for approval

• Organization
  • Complex and difficult to follow
  • Needs companion user guides with rollout

• Next steps
  • Writing specific amendments for City Council consideration
  • 23 standards
Criteria for Evaluation

• Preservation
• Replanting
• Recompense

• Comparison of current versus proposed
• Collaboration and discussions with community, professionals, advocacy groups, and city staff
• Field-testing evaluations
  • Single Family Housing
  • Commercial Development
Review of January text. Trees Atlanta proposes recommended changes for each standard to increase the likelihood of canopy protection.

Page 1 of 4 – This document is designed as a collaboration tool and is a working product that will be updated as amendments are accepted. Trees Atlanta (3/17/21)
Explanation of the Impact Chart

• Likelihood to Protect or Improve Overall Canopy (x-axis)
• Policy Impact (y-axis)
• Scale of Canopy affected (size)
• Status (color)

• Priority is to comment on the standards with highest Policy Impact and Scale of Canopy affected
• With amendments, the standard can be re-evaluated to the right and status
### Four Session Topics

**Session 1**
- Priority Tree Definition
- Recompense Allowed for Public Trees
- Recompense Tree Value
- Site Density

**Session 2**
- Pre-application Meeting
  - Priority Tree Incentives (Priority Tree Preservation Standard)
  - AMDA Disturbance
  - Allowance for Periodic Tree Removal by Homeowners

**Session 3**
- Appeals
  - Postings
  - Reporting Schedule
  - Urban Forest Master Plan
  - Commercial Development
  - Parking Lot Standards

**Session 4**
- DDH Standards
  - Registered Tree Professionals
  - Deterrents & Enforcement
  - Fencing/Protection from Construction
  - Tree Trust Fund - Staffing
  - Tree Removal Funding
  - Conservation of Forested Areas
  - Heritage Trees
  - Invasive Vine Removal

---

For educational purposes only. Do not distribute without prior permission of author or Trees Atlanta.
Impact Chart of the City’s Proposed TPO

Likelihood to Protect or Improve Overall Canopy

Review of January text. Trees Atlanta proposes recommended changes for each standard to increase the likelihood of canopy protection.

Page 1 of 4 – This document is designed as a collaboration tool and is a working product that will be updated as amendments are accepted. Trees Atlanta (3/17/21)
**Pre-application Meeting**

**Current Process Flow**

Concept Review Committee (CRC) Consultation

CRC Consultation

Application to:
- Zoning Review Board
- Subdivision Review

Entitlement
- SAP
- Historic Preservation

Pre-Construction Meeting

Permits
- SAP
- Demo
- LDP
- Building

Inspections

Source: City of Atlanta. Prior to any land entitlement reviews and respective submittals to the Department of City Planning, a CRC consultation should occur for the below:
- Subdivisions, Re-zonings, or Projects tagged by DCP staff or as requested by applicants
Pre-application Meeting

• Proposed Ordinance
  • Not mandatory; it’s “highly recommended”
  • Guidance and alternatives - intended to identify issues early
  • Occurs prior to permit application

Prior to any land entitlement reviews and respective submittals to the Department of City Planning, a CRC consultation should occur for the below:
• Subdivisions, Re-zonings, or Projects tagged by DCP staff or as requested by applicants
Pre-application Meeting

• Recommended Amendments
  • Align with existing Concept Review Conference (CRC)
    • Opportunity to review the “concept site plan” for working around and saving trees.
    • Attest to awareness of the TPO, options, and requirements.
    • Record suggestions to increase tree saving and communicate to other city staff reviewing permits; allows for follow up as necessary
  • Make mandatory for all new construction projects

Administrative:
Tree Permit should be stamped for approval at the head of the line. Allows posting and appeals much earlier in the process.
## Impact Chart of the City’s Proposed TPO

**Policy Impact**

- Appeals
- Postings
- Reporting Schedule
- Deterrents & Enforcement
- Periodic Tree Removal
- Tree Removal Funding
- DDH Standards
- Commercial Development
- Site Density
- Parkin Lot Standards
- Urban Forest Master Plan
- Recompense Allowed for Public Trees
- Pre-application Meeting
- Invasive Vine Removal
- Registered Tree Professionals
- Fencing/Protection from Construction
- Heritage Trees
- Priority Tree Incentives
- Tree Trust Fund - Staffing
- Conservation of Forested Areas
- Recompense Tree Value
- Priority Tree Definition
- AMDA Disturbance
- Tree Trust Fund - Staffing
- Conservation of Forested Areas
- Invasive Vine Removal
- Heritage Trees
- Priority Tree Incentives
- Tree Trust Fund - Staffing
- Conservation of Forested Areas
- Invasive Vine Removal
- Heritage Trees
- Priority Tree Incentives
- Tree Trust Fund - Staffing
- Conservation of Forested Areas
- Invasive Vine Removal
- Heritage Trees
- Priority Tree Incentives
- Tree Trust Fund - Staffing
- Conservation of Forested Areas
- Invasive Vine Removal
- Heritage Trees
- Priority Tree Incentives
- Tree Trust Fund - Staffing
- Conservation of Forested Areas
- Invasive Vine Removal
- Heritage Trees
- Priority Tree Incentives
- Tree Trust Fund - Staffing
- Conservation of Forested Areas
- Invasive Vine Removal
- Heritage Trees
- Priority Tree Incentives
- Tree Trust Fund - Staffing
- Conservation of Forested Areas
- Invasive Vine Removal
- Heritage Trees
- Priority Tree Incentives
- Tree Trust Fund - Staffing
- Conservation of Forested Areas
- Invasive Vine Removal
- Heritage

### Likelihood to Protect or Improve Overall Canopy

Review of January text. Trees Atlanta proposes recommended changes for each standard to increase the likelihood of canopy protection.

Page 1 of 4 – This document is designed as a collaboration tool and is a working product that will be updated as amendments are accepted. Trees Atlanta (3/17/21)
Incentives for Single Family Lots When Priority Tree Preservation Standard is Met

• Proposed Ordinance
  • *Unearned benefit: all regulated trees removed start with a reduction in DBH removed that require recompense*
    • 75% (Priority)
    • 50% (Non-Priority)
  • 50% additional reduction of recompense if the standard is met
  • No public posting required (Orange sign)
    • Only abutting neighbors are required to be notified
    • Only abutting neighbors can appeal for permit accuracy or impact to boundary tree in neighbor’s lot
  • Permit and plans will be available online
Incentives for Single Family Lots When Priority Tree Preservation Standard is Met

- Recommended Amendments
  - Eliminate automatic reduction in tree valuation (75% and 50%)
  - Replace with “impervious surface incentive” for smaller lot cover and land disturbance
    - Rewards smaller structures
    - More room to grow and plant
    - Protects waterways
  - Retain posting requirements and appeal rights to NPU
Impact Chart of the City’s Proposed TPO

Review of January text. Trees Atlanta proposes recommended changes for each standard to increase the likelihood of canopy protection.

Page 1 of 4 – This document is designed as a collaboration tool and is a working product that will be updated as amendments are accepted. Trees Atlanta [3/17/21]
**AMDA:**
**Alternative Maximum Disturbance Area**

- Proposed Ordinance
  - Enforced when you do NOT meet the Priority Tree Preservation Standard

**Table TPO-2**
Division 7- Tree Preservation and Planting Standards for Single Family Residential Development
- Discount incentives apply once Priority Tree Preservation Standard is achieved.
- AMDA enforced if standard is not achieved.

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>Priority Tree Preservation</th>
<th>Alternate Maximum Disturbance Area</th>
<th>Site Density</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Very Small Lots (&lt;5000 sf)</strong></td>
<td>50% of Priority trees</td>
<td>80% of site area</td>
<td>2 trees per lot</td>
</tr>
<tr>
<td><strong>Small Lots (5001-8500 sf)</strong></td>
<td>60% of Priority trees</td>
<td>55% of site area</td>
<td>20 trees/acre</td>
</tr>
<tr>
<td><strong>Medium Lots (8501-15000 sf)</strong></td>
<td>60% of Priority trees</td>
<td>50% of site area</td>
<td>21 trees/acre</td>
</tr>
<tr>
<td><strong>Large Lots (15001-30,000 sf)</strong></td>
<td>75% of Priority trees</td>
<td>40% of site area</td>
<td>22 trees/acre</td>
</tr>
<tr>
<td><strong>Very Large Lots (&gt;30,000 sf)</strong></td>
<td>75% of Priority trees</td>
<td>25% of site area</td>
<td>28 trees/acre</td>
</tr>
</tbody>
</table>
Alternative Maximum Disturbance Area (AMDA)

• Proposed Ordinance (continued)
  • When the Priority Tree Preservation Standard is not met, AMDA is enforced.
  • Alternative Maximum Disturbance Area (AMDA)
    • Limits percent of lot that can be graded/land disturbance
    • Similar area to current Lot Cover maximums for R-zone lots
    • Fencing must be installed at the limits of AMDA

• Recommended Amendments
  • Limit a minimum width of land to be included as part of the preserved area
  • Require use of chain link fencing to separate AMDA from preserved area
Medium Lot AMDA Example

10,000 square feet Single Family lot. 60% Priority Tree Preservation Standard

- AMDA option reduces “land disturbance” in Medium Lots to 50%
- Remainder of lot must be undisturbed
  - Soil and remaining trees are given room to grow
  - Preserves land for potential new trees to be planted
Medium Lot AMDA Example

10,000 square feet Single Family lot. 60% Priority Tree Preservation Standard

- AMDA option reduces “land disturbance” in Medium Lots to 50%
- Remainder of lot must be undisturbed
  - Soil and remaining trees are given room to grow
  - Preserves land for potential new trees to be planted
Impact Chart of the City’s Proposed TPO

### Likelihood to Protect or Improve Overall Canopy

Review of January text. Trees Atlanta proposes recommended changes for each standard to increase the likelihood of canopy protection.

Page 1 of 4 – This document is designed as a collaboration tool and is a working product that will be updated as amendments are accepted. Trees Atlanta (3/17/21)
Allowance for Periodic Tree Removal by Homeowners

• Proposed Ordinance
  • Allows removal for any reason of 1 Non-Priority Tree or 2 Non-Priority Trees that total no more than 18” DBH)
  • Submitted as a Landscaping Permit
  • Allowed once every three years
  • No Priority Tree may be removed by this standard.
  • Site must meet Site Density requirement after any removal without replanting.
  • Permit required, but no recompense and no replanting required.
  • Only properties with Homestead Exemption are allowed this removal.
Allowance for Periodic Tree Removal by Homeowners

• Recommended Amendments
  • No trees in Group 1 can be removed
  • Remove allowance for 2 “small” non-priority trees (i.e., only 1 NPT removed)

• Administrative: As part of landscaping application, require applicants to review and acknowledge impacts of removing trees and encourage or incentivize homeowners to replant a stem for each removed

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Holly</td>
<td>Ilex opaca</td>
</tr>
<tr>
<td>Basswood</td>
<td>Tilia spp.</td>
</tr>
<tr>
<td>Beech</td>
<td>Fagus grandifolia</td>
</tr>
<tr>
<td>Black Gum</td>
<td>Nyssa sylvatica</td>
</tr>
<tr>
<td>Cypress, Bald and Pond</td>
<td>Taxodium distichum and ascendens</td>
</tr>
<tr>
<td>Elms, American, Slippery, and Winged</td>
<td>Ulmus americana, rubra, and alata</td>
</tr>
<tr>
<td>Hickories (Carya) other than pecan</td>
<td>Carya spp.</td>
</tr>
<tr>
<td>Maples – Box Elder (Acer saccharinum and negundo)</td>
<td>Acer negundo</td>
</tr>
<tr>
<td>Oaks (all native oaks other than Q. nigra, Q. phellos, and non-native oaks such as Chinese Evergreen)</td>
<td>Quercus spp.</td>
</tr>
<tr>
<td>Red Mulberry</td>
<td>Morus rubra</td>
</tr>
<tr>
<td>Virginia Red Cedar</td>
<td>Juniperus virginiana</td>
</tr>
<tr>
<td>Walnut</td>
<td>Juglans nigra</td>
</tr>
<tr>
<td>All midstory native species not listed elsewhere</td>
<td></td>
</tr>
<tr>
<td>All street trees (other than undesirable and invasive species)</td>
<td></td>
</tr>
</tbody>
</table>
Impact Chart of the City’s Proposed TPO

Less

More

- Appeals
- Postings
- Reporting Schedule
- Deterrents & Enforcement
- Periodic Tree Removal
- Tree Removal Funding
- DDH Standards
- Commercial Development
- Priority Tree Incentives
- Pre-application Meeting
- Invasive Vine Removal
- Registered Tree Professionals
- Fencing/Protection from Construction
- Heritage Trees
- Site Density
- AMDA Disturbance
- Priority Tree Definition
- Recompense Allowed for Public Trees
- Urban Forest Master Plan
- Tree Trust Fund - Staffing
- Parking Lot Standards
- Conservation of Forested Areas
- Recompense Tree Value
- Policy Impact

LEGEND

Shade

Support

Size

Changes are necessary to improve tree protection outcomes
Generally support with some changes needed
Relative size represents estimated share of canopy that could be impacted

Simulation Outcome

Likelihood to Protect or Improve Overall Canopy

Review of January text. Trees Atlanta proposes recommended changes for each standard to increase the likelihood of canopy protection.

Page 1 of 4 – This document is designed as a collaboration tool and is a working product that will be updated as amendments are accepted. Trees Atlanta (3/17/21)
Q&A

- Administrative variance Z-21-27 Will appear on NPU agendas for a VOTE in April. The item will be heard by the ZRB either May 6 or May 13, 2021.
  - Z-21-27 AN ORDINANCE TO AMEND THE 1982 ATLANTA ZONING ORDINANCE, AS AMENDED, TO AMEND SECTION 16-26.003, ENTITLED “CONDITIONS OF GRANTING A VARIANCE” AND TO CREATE A NEW SECTION 16-26.008 ENTITLED “ADMINISTRATIVE ZONING SETBACK VARIANCES FOR THE PRESERVATION OF TREES”; AND FOR OTHER PURPOSES.
    (Submitted by Councilmember J.P. Matzigkeit - jpmatzigkeit@atlantaga.gov)
  - If you have questions please contact Andrew Walter awalter@atlantaga.gov
Q&A

• City Council - Community Development/Human Services (CD/HS)
  • Matt Westmoreland - Chair
  • Natalyn Mosby Archibong
  • Michael Julian Bond
  • Antonio Brown
  • Dustin Hillis
  • Joyce M. Sheperd
  • Carla Smith

• Video recordings of the 4-part webinar series have been posted to our website under News (link on header when you visit treesatlanta.org (or https://www.treesatlanta.org/news/is-the-new-draft-tree-protection-ordinance-good/). Slides used in each session is also posted.
### Four Session Topics

<table>
<thead>
<tr>
<th>Session 1</th>
<th>Session 2</th>
<th>Session 3</th>
<th>Session 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Priority Tree Definition</td>
<td><strong>Pre-application Meeting</strong></td>
<td>Appeals</td>
<td>DDH Standards</td>
</tr>
<tr>
<td>Recompense Allowed for Public Trees</td>
<td>Priority Tree Incentives (Priority Tree Preservation Standard)</td>
<td>Postings</td>
<td>Registered Tree Professionals</td>
</tr>
<tr>
<td>Recompense Tree Value</td>
<td>AMDA Disturbance</td>
<td>Reporting Schedule</td>
<td>Deterrents &amp; Enforcement</td>
</tr>
<tr>
<td>Site Density</td>
<td>Allowance for Periodic Tree Removal by Homeowners</td>
<td>Urban Forest Master Plan</td>
<td>Fencing/Protection from Construction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Commercial Development</td>
<td>Tree Trust Fund - Staffing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parking Lot Standards</td>
<td>Tree Removal Funding</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Conservation of Forested Areas</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Heritage Trees</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Invasive Vine Removal</td>
</tr>
</tbody>
</table>
Thank You

Comments regarding the TPO can be emailed to:
judy@treesatlanta.org
greg@treesatlanta.org

Visit our website: www.treesatlanta.org

For educational purposes only. Do not distribute without prior permission of author or Trees Atlanta.