Evaluating Atlanta's Proposed Tree Protection Ordinance (TPO)

Session 3 of 4
April 1, 2021
Agenda

• Fast recap of Session 1 & 2
  • Video & Slides
  • Progress
• Criteria for evaluation
• Discussion Framework: “Impact Chart”
• Specific standards and recommended changes – Session 3
Review of January text. Trees Atlanta proposes recommended changes for each standard to increase the likelihood of canopy protection.

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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)

During today’s call we were notified the City Council vote has been rescheduled for May 17. Please verify by checking city website.
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
Impact Chart of the City’s Proposed TPO

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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
- Postings
- Appeals
- 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

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Tree Permit Signs - Current

![Tree Permit Signs](image_url)

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**Postings**

- **Proposed Ordinance**
  - “Orange Sign” - physical posting is not required for any project
    - Permit Applied - electronic notification on city website when permit application is submitted – online for minimum 10 days.
  - “Yellow Sign” Changes (Preliminary Approval)
    - Physical post on-site AND electronic notification on city website.
    - Posted for 5 days (appeals can be submitted).
    - Yellow sign is not required if Priority Tree Preservation Standard is met.
- **Appeals may be filed by resident or business owner within the NPU**
  - Plus, extended to 1 mile radius from the site.
Postings

• Recommended Amendments
  • Increase Yellow Sign posting to 15 days
  • Require Yellow Signs for all preliminary approvals when any healthy regulated tree is being removed (i.e., no Priority Tree Preservation Standard exception).
  • Require Self-posted Notice with permit number to be displayed on frontage with visibility from the street on the day of work. Informational notice.

  • Administrative: Electronic notifications must be posted day of approval.
Impact Chart of the City’s Proposed TPO

Likelihood to Protect or Improve Overall Canopy

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Appeals

- Proposed Ordinance
  - Public right to appeal remains at 5 days.
    - Appeals allowed after Preliminary Approval and while “Yellow Sign” is posted.
    - Excludes “Yellow Sign” posting and appeals if Priority Tree Preservation Standard is met on Single Family lot.
      - Abutting neighbors must be sent certified notice of tree removals.
      - Only allows neighbors to appeal accuracy within 15 days of notification.
  - All other projects are subject to standard appeal rights (e.g., errors in fact, incorrect assessment of Priority Tree ID or calculations, etc.)

- Recommended Amendments
  - Keep Yellow Sign public posting for all
  - Increase appeal period to 15 days.
  - Use a standardized form for notifying abutting neighbors, include potential impacts caused by removal and benefits of trees information.
  - Remove fees for filing appeal.
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Data & Reporting Schedule

• Proposed Ordinance
  • Reporting periods have been changed to Annually from Quarterly.
  • Tracking requirements for the City are extensive:
    • Online posting of permits at two stages of approval (Preliminary and Appeal)
    • ALL Priority Trees removed for SFR – 10 years
    • Commercial Development’s replanted trees – perpetual
    • Homeowner Allowance for Tree Removal – 3 years
    • Compliance with Affordable Housing requirements - 10 years
    • Registered Tree Professional database and violations – annual
    • Surety bonds stays with developer to terms
Data & Reporting Schedule

• Recommended Amendments
  • Post permit data Quarterly for public access
    • Enforce timely posting online with set schedule.
    • Post reports submitted to the TCC (e.g., Tree Trust Fund financial reports, arborists’ variances, suspensions from the Registered Tree Professional list, etc.).
    • Improve report formats to be clear to understand.
    • Standardized to include key permit and removal data and clear legends/explanations, and allow comparison over time.
  • Design easy-to-use tools for public use
    • Make it easy for people to look up:
      • Registered Tree Professionals and individuals/companies with violations.
      • Homeowner lookup for existing bonds or tree removal histories.
      • Any histories required for enforcement.
    • Improve user guides for Accela.
  • Open source data is suggested
**Impact Chart of the City’s Proposed TPO**

- **Shade**
  - Changes are necessary to improve tree protection outcomes
- **Size**
  - Relative size represents estimated share of canopy that could be impacted

**Likelihood to Protect or Improve Overall Canopy**

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Urban Forestry Master Plan

• Proposed Ordinance
  • Funded by the Tree Trust Fund
  • To be created within 1 year and updated every 3 years
  • To be aligned with the standards of the TPO
  • Specific goals, purpose, and requirements not yet defined

• Recommended Amendments
  • Establish specific measurable goal for Urban Tree Canopy (UTC): suggest 50%
    • Align and forecast the how master plan strategies can achieve the UTC goal.
    • Permitting data should be used to perform continuous analysis of activities toward goal
      and the Master Plan – conducted annually, at minimum.
    • Estimate of canopy changes based on permitting data should be published at year end.
  • Create actionable plan with strategies and specific recommendations.
Urban Forestry Master Plan

- Recommended Amendments (continued)
  - Canopy analysis by neighborhood, NPU, and City Council Districts.
  - Identify priority districts and communities for protection and/or (re)planting to achieve canopy equity.
    - Prioritize hot zones / urban heat islands.
    - Flag communities with rapid canopy loss.
    - Create tree planting plans for every City property, especially City Parks.
    - Identify locations for invasive removal and forest restoration.
  - Create tree inventory.
    - Planting locations, count of future tree plantings, including additional specifications that will require funding (e.g., concrete cutting, wells, etc.) to inform future budgets.
  - Develop a maintenance and management plan for city trees (funded by the general city budget like other city infrastructure).
Urban Forestry Master Plan

- Recommended Amendments (continued)
  - Timelines and budgets required for long-term progress toward UTC goals.
  - Explore and identify innovative solutions to improve Atlanta’s tree canopy.
    - Guidance on changing city codes to help protect canopy (e.g., zoning and building codes).
    - Recommendations for greater alignment and collaborations across City Departments to protect tree canopy.
    - Best practices for underground utilities (e.g., powerlines) to improve tree planting.
  - Urban Forestry Master Plan must be complete within 2 years after TPO approval.
Likelihood to Protect or Improve Overall Canopy

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Commercial Developments

- Proposed Ordinance
  - Commercial Development is any lot that is not a single family lot.
    - Includes Single Family Subdivision projects during construction of infrastructure (e.g. roads).
  - Removes recompense cap (standard recompense formula).
  - No Priority Tree Preservation Standard is required.
    - Each Priority Tree preserved is counted as 2 trees for Site Density.
  - Site Density is 12 trees per acre is required.
    - Plus one tree for every 3000 square feet of site area that is not occupied by structure, etc.
    - Can count parking lot and ROW street trees existing or planted as part of improved Streetscape required by the property’s zoning is counted toward Site Density.
    - Green Roofs counts as one tree per 800 square feet of Green Roof (and meets DWM standards for green roofs).
  - Small projects do not need to meet Site Density requirement.
    - Where no Priority Trees are removed, or less than 20% of land is disturbed (up to .25 acre).
  - Perpetual survival of all replacement trees is required.
    - If any tree replacement dies, it must be replaced.
Commercial Developments

• Proposed Ordinance (continued)
  • Subdivision Developments
    • Considered commercial development for the building of infrastructure (e.g., streets, utility, etc.).
    • Individual home sites are still required to meet Single Family Priority Tree Preservation Standard and Site Density requirements.
  • Conservation Credits to Reduce Replacement and Recompense
    • “Conservation Area” is undisturbed on site and protected in perpetuity through a conservation easement or deed restriction.
    • Qualifying size standards are specified.
      • No more than 50% may be in stream buffer.
    • Incentive for trees in Conservation Area.
      • Priority Trees – count as 1.5 times DBH removed
      • Non-Priority Trees – count as 1.0 times actual DBH
Commercial Developments

• Recommended Amendments
  • Create a middle category for Multi-unit housing and Institutional projects (e.g., parks, fire station, museums, etc., for example).
    • Has Priority Tree Preservation Standard.
    • Has Site Density requirement that is greater than Commercial Developments requirement.
  • Buffer area of trees preserved or replanted between properties should be required for commercial developments that are not in the urban core.
    • Reduces “internal heat islands”.
    • Allows pedestrian trails and wildlife connectivity.
Commercial Lot Example: 3 Acre (Office/Retail)

- **Trees Per Acre**: 12 per acre x 3 acres = **36 trees**
- **Plus**: 1.5 acres non-structure space requires addition 1 tree per 3000 square feet = **22 trees**
- **Site Density Required**: 36 + 22 = **58 trees**
- Can include Parking Lot & ROW trees in count

- 1.5 acre structure
- 1.0 acre parking lot
- 0.5 acre pervious area
Option for Smaller Planting Area for Same # of Trees

- This example uses all overstory trees
  - Requires 400 square feet of soil area per tree
- 23,200 square feet soil area needed*
  - 400 sq ft x 58 trees = 23,200 sq ft

- *Use of continuous landscape areas allows 25% reduction in soil area per tree
  - 48 trees on this site are in continuous landscape areas
  - 19,200 sq ft reduced to 14,400 square feet
- 10 trees in parking lot require full 400 sq ft
  - 400 x 10 = 4,000 square feet

Ungrouped Trees: 23,200 sq ft

Grouped Trees: 14,400
4,000
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18,400 sq ft
Impact Chart of the City’s Proposed TPO

Policy Impact

- Appeals
- Postings
- Reporting Schedule
- Deterrents & Enforcement
- DDH Standards
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Legend

Shade
- Changes are necessary to improve tree protection outcomes
- Generally support with some changes needed
- Support

Size
- Relative size represents estimated share of canopy that could be impacted

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Parking Lots

• Proposed Ordinance
  • Parking lots with 16 or more spaces must meet the parking lot standards.
  • Trees must over-story or mid-story tree within 40’ feet of any parking space and perimeter trees must be within 10’ of parking lot.
  • Planting specification increased to:
    • Overstory Trees: 800 cubic feet of soil (and 400 square feet in planting area)*
    • Mid-story Trees: 500 cubic feet of soil (250 square feet in planting area)*
    • Understory Trees: 200 cubic feet of soil (100 square feet in planting area)*
    • *Minimum 5 feet width
  • When trees are planted together in a single planting area, soil areas and soil volume can be reduced by 25% per tree.
  • Perpetual survival of all parking lot trees will be enforced; if any tree dies, it must be replaced.
Parking Lots

• Recommended Amendments
  • There must be a minimum of 1 tree per 8 spaces.
  • Only over-story trees are allowed unless prevented by existing structure or overhead utility lines.
  • Smallest dimension of planting area is 10 feet
    • When landscape strips are used 6 feet that separate parking lot from sidewalks or the entire length separating rows of parking spaces.
  • 20% more cubic feet of soil volume and planting area per tree.
    • When 2 trees are together, soil volume can be reduced by 10% per tree.
    • When 3 or more trees are together, soil volume can be reduced by 20% per tree.
Parking Lot with Existing Tree Ordinance

- Number of parking spaces: 100
- Number of trees: 14
- Tree well dimension: 6Wx6Lx3D
- Percent of Tree Canopy: 6%

Parking Lot with Proposed Tree Ordinance

- Number of parking spaces: 77
- Number of trees: 10
- Tree well dimension: 10Wx16Lx3D
- Percent of Tree Canopy: 24%

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Thank You

Comments regarding the TPO can be emailed to:

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