"Evaluating Stormwater Benefits of Atlanta's Urban Forest

"Urban Forest Ecosystems and Green Stormwater Infrastructure." Forest Service.

"Give Me the Numbers: How trees and urban forest systems really affect stormwater runoff." (2016) Teague, A. and E. Kuehler.

"Quantifying the Benefits of Urban Forest Systems as a Component of the Green Infrastructure Stormwater Treatment Network." Kuehler, E., Hathaway, J., & Tirpak, A. (2016). Ecohydrology. 10. 10.1002/eco.1813.

As Atlanta faces unprecedented public health and welfare events, the time is now to change the way we impact our natural environment, especially in highly populated urban areas. This TPO needs to firmly address the critical preservation and maintenance of Atlanta's tree canopy.

- **Specimen trees** – We recommend adjusting the minimum DBHs for understory trees downward to 10 inches (defined by this TPO as trees under 10 inches DBH). Additionally, height ranges can be useful in defining understory, mid-story, and canopy trees.
- **Pine trees** – Pines have long been viewed as "throwaway" trees offering little value. Research now shows that pines, as evergreens with year-round foliage, detain greater amounts of stormwater and capture higher amounts of air pollutants than deciduous trees. (Kuehler, Hathaway, & Tirpak, 2016) The value of pines in stormwater management, flood control, and air quality is overlooked in our existing ordinance. We recommend that pines be valued on par with hardwoods for their contributions to green infrastructure.

- **Accessibility** – After adoption, we recommend developing a community-facing interpretation of the ordinance written for the lay audience and including graphic representations of the concepts contained in the TPO.
- **Financial Hardship** – We appreciate the recognition that rules for claiming financial hardship need to be well-defined and consistently applied, and we urge an equal level of transparency and opportunity for public comment when those uniform standards are written by the TCC.
- **Staffing** – We recognize that full implementation and adequate enforcement of this ordinance has capacity and staffing implications for the Arborist Division. We urge that adequate funding and human resources are provided to ensure the intended protective effects of this ordinance are fully realized.

park pride

Michael Halich

233 Peachtree Street NE, Suite 1600 | Atlanta, GA 30303 | www.parkpride.org

CITY OF ATLANTA
ARBORIST DIVISION
55 TRINITY AVENUE, S.W., SUITE 3800
ATLANTA, GEORGIA 30303-0309
(404) 330-6874

April 13, 2020

To: Atlanta City Council, CD/HS Committee
The Honorable Matt Westmoreland, Chair
The Honorable Natalyn Archibong, Member
The Honorable Michael Julian Bond, Member
The Honorable Antonio Brown, Member
The Honorable Amir Farokhi
The Honorable Joyce M. Sheperd
The Honorable Carla Smith

From: City of Atlanta Tree Conservation Commission Members:
Bruce Morton, Chair; Susanne Blam; Sarah Boles; Jack Cebe; Dina Franch;
Nabil Hammam; Katherine Moore; Lawrence Richardson;
Chet Tisdale; and Elizabeth Ward

Subject: Comments Regarding Draft 1 Rewrite of the Tree Protection Ordinance - Prepared for CD/HS Work Session *(postponed from 3/26/20)*

Dear Council Member Westmoreland and Committee Members,

At a time when the City of Atlanta is experiencing continuing decline in tree canopy coverage - one of our City's greatest assets - the Atlanta Tree Conservation Commission applauds the Mayor's Office, City Council, and the City Planning Department for initiating a rewrite of the Tree Protection Ordinance to address the shortcomings of the current Ordinance.

The Commission sees the purpose of the tree ordinance as an extension of the fundamental role of government: to protect the human health and well-being of all citizens and to do so in a fair, equitable, efficient, and effective manner that guarantees citizens' rights to property and due process. The protection and conservation of tree canopy is directly related to the health and well-being of the City's present and future citizens, even more so as the earth's climate – and the City's micro-climate – become increasingly warmer. While the current Tree Protection Ordinance has many strengths, it has failed to achieve the City's goals of "no net loss of trees" and 50% overall tree canopy coverage. Thus, it is failing to protect the health and well-being of our community.

The Tree Conservation Commission includes an active membership comprised of landscape architects, architects, builders, engineers, environmental experts, attorneys, and

concerned citizens representing various areas of the city. One of the primary duties of the TCC is to hear appeals of the City's grant or denial of tree removal permits and imposition of recompense fees and penalty fines. As a result, we experience firsthand the limitations of the current ordinance and, as a group, have some insight into how to improve the ordinance.

We are aware of the significance of the tree ordinance as the primary tool for establishing the rules that tens of thousands of property owners, builders, architects, arborists, and other professionals must follow to ensure that our independent actions collectively protect the city's environment upon which we all depend. The Ordinance must not only set out efficient procedures and effective policies, it must be organized and written so that everyone understands the procedures and policies.

The TCC supports revising the ordinance to improve sustainability, resiliency, quality-of-life, and equity in Atlanta, but our review shows that the first Draft is a step backwards in terms of protection and efficiency. The TCC recommends that the attached fundamental issues be addressed and vetted before a second Draft is produced. The attached "high-level" comments cut to the core of the Ordinance. We have more detailed comments on other technical provisions of the Draft (from certifying tree care companies to calculating structural root plates), but strongly recommend that the fundamental, "high-level" issues be addressed first.

Over the past two years, Commission members - including members who have completed their service on the Commission since the initiation of the Urban Ecology Framework and Tree Ordinance Update process - have provided detailed written recommendations and a power point presentation. Unfortunately, as a board, we were not provided the opportunity to communicate with the contractors hired to draft the new Ordinance, nor did we have the opportunity to review a draft prior to Draft 1 being released to the public.

Our hope is to collaborate closely with City Council, the Department of City Planning, and the consultant team on the next draft to address critical issues we see with the current draft. We remain keenly interested in improving the current ordinance and seeing our recommendations incorporated. To that end, we would like to offer to present our ideas to CD/HS.

Thank you for your consideration of these comments and concerns. Please reach us through Kathy Evans, Tree Conservation Commission, Administrative Analyst (kaevans@AtlantaGa.Gov, 404.330.6235), to discuss next steps for working together to create a stronger Tree Protection Ordinance.

Attachment: Tree Conservation Commission "High-Level" Comments Regarding Draft 1 Rewrite of the Atlanta Tree Protection Ordinance - Prepared for CD/HS Work Session *(postponed from 3/26/20)*

Tree Conservation Commission "High-Level" Comments Regarding
Tree Protection Ordinance (TPO) Rewrite, Draft 1 ***(released 3/18/20)***
Prepared for CD/HS Work Session ***(postponed from 3/26/20)***

April 13, 2020

While we have detailed comments on other technical provisions of the first draft of the tree ordinance re-write, the Tree Conservation Commission first wants to convey the fundamental concerns listed below. We recommend that these fundamental issues be addressed and vetted before a second draft is produced.

1. Policy goal of merely "slowing" loss of tree canopy is a huge step backwards and conflicts with the Urban Ecology Framework.

The Tree Conservation Commission strongly objects to the TPO Draft 1 policy goal of merely "slowing" tree canopy loss (Div. I, D.) and recommends deleting this policy goal. We recommend retaining the current ordinance's stated policy of "no net loss of trees" and adding specific reference to the Urban Ecology Framework's goal of increasing overall tree canopy to 50%.

2. The Draft retains the existing tree ordinance's failed reliance on "recompense" to protect tree canopy despite evidence that protecting high quality trees and preserving planting space are critical to achieving canopy goals.

Under the existing tree ordinance, any tree located outside of the setback can be cut down if the property owner replants. If there is not enough space to replant, the property owner can instead pay a cash "recompense" fee. The City uses the recompense fees to plant trees on public property.

Despite this replanting/recompense policy, Atlanta continues to lose tree canopy. Recompense fees for removing existing healthy trees are not high enough to cover the cost of planting young trees, do not reflect the lost value of mature trees, and are too low to influence most property owners' decisions about saving trees. Instead, recompense fees have become a cost of doing business for many property owners and developers.

However, simply increasing recompense fees alone will **not** solve the problem. The recompense/ replanting policy has failed because Atlanta does not have enough public land (under 10% of total land area) to plant enough trees to make up for the loss of trees removed from private property.

Additionally, as building footprints have increased, the available space to plant new trees has decreased. The Urban Ecology Framework found that the greatest loss of trees was associated with demolition and construction of single-family homes. As these residential neighborhoods, many of which are identified by the Urban Ecology Framework as "Conservation Areas," continue

to lose tree canopy and space in which to plant new trees, they become micro-heat islands and the residents, our neighbors, bear the health and financial consequences.

Recompense fees to fund tree planting on public property, along with minimum replanting requirements on private property should remain tools to replace lost tree canopy[1], however, as detailed above, if the new Ordinance does not simultaneously preserve high quality trees and ensure sufficient planting space on both public and private property, we will continue to fail.

Preserving high quality trees and the soils in which these trees thrive is an efficient and effective way to protect the space needed to support 50% tree canopy coverage. In order to preserve high quality trees, the TPO must do two things: First, utilize a science-based framework for identifying high quality trees (see Comment 3). Second, the TPO must advance new effective policies and procedures, such as early design review (see Comment 4) to ensure that options for preserving high quality trees with sufficient space for them to grow are fully evaluated before plans are finalized and submitted to the City.

In addition, the Tree Commission suggests collaboration among City Departments to develop creative options for tree preservation: for example, allow increased building height to reduce the impervious footprint, or offer incentives for retaining mature trees that help manage stormwater instead of removing trees to install "dry wells" and other devices to catch stormwater.

Finally, the existing recompense-based system has inherent equity issues. When an ordinance relies on recompense alone to protect trees, removal becomes a cost of doing business on expensive properties yet is disproportionately expensive on lower cost properties and for lower-income property owners. This is not equitable and contradicts one of the core principles of City Design: Equity.

3. Tree valuation method is a start, but it fails to identify the ecological value of trees.

We look to science to develop the list of important factors for identifying our highest value trees and forests; likewise, we look to science to assign weights to those factors. An abundance of research shows that a healthy urban forest includes a diversity of species and ages of trees, that native trees often offer greater environmental services (e.g. preventing erosion and protecting water quality), and that healthy soil is a key component of tree health and longevity.

The tree valuation method in the proposed Draft TPO is a start, but it fails to adequately take the above evidence-based factors into account: it does not look at species or age; it undervalues native trees; it fails to consider soil quantity and quality; and – importantly – it does not ensure the protection of trees in stream buffers and floodplains, which is currently required.

The rationale underlying the weight assigned to the various factors is not readily discernable and leads to confusing results. For example, the Draft valuation method gives extra points to "specimen" trees but then defines "specimen" based on the size of "Champion Trees." Georgia

---

[1] While the Draft TPO's post-construction replanting standards (in the "minimum density requirement table" (Div. IX.D), are an improvement, these requirements should be used only to guide post-construction *planting*, not to determine the number of high-quality trees that should be *preserved* or the recompense fee paid for trees that cannot be preserved. (Div. X.C., D, E.). The ecological contributions of trees should guide decisions about the relative value of trees.

Champion Trees are the largest known trees of a given species found anywhere in the state. However, according to the Georgia Forestry Commission, trees begin to offer significant ecological benefits at 15 years of age, well before the tree reaches even half the size of most Champion Trees. Thus, under this draft TPO, a 25-inch white oak (75+ years old) in good condition and located in good quality soil with room to grow to maturity is a NOT defined as a "specimen" and doesn't receive additional points or protection. This is an unfortunate outcome of the proposed point system that flies in the face of the evidence supporting the ecological value of such trees (Div. I; Div. XIV. P.).

4. Early site plan review is crucial to creative design that saves trees, time, and money.

The Draft TPO refers to the need for evaluating "alternative designs" for preserving trees without saying what that means. (Div. IV.A.7 and Div. IX.5.b). The Tree Commission supports changing the sequence of plan review to require Arborist's review at the beginning of the permitting process. We recommend initiating the design process and discussion of any potential site-sensitive alternatives (e.g. Concept Review or Sketchpad session) *after* high value trees and sensitive environmental features have been identified and *before* detailed site plans have been developed. In the current system, by the time a site plan reaches the Arborist, many thousands of dollars may have been spent and applicants are reluctant to make otherwise feasible changes that would save trees. It is even more frustrating for the applicant – and members of the Tree Commission – if plans need to be changed at the end of the approval process. Early Concept Review would save homeowners and builders money and provide the best chance to identify and evaluate "alternative designs" for preserving high quality trees.

5. Protections for low- and moderate-income homeowners needed.

The Draft TPO permits the City to prune trees for clearance or remove nuisance trees located on private property and then bill the homeowner (Div. III. B. C.). We recommend adding a hardship provision: If the affected owner and household income is 300% or less of the Federal Poverty Level, the City should reduce costs by at least one-half and allow a payment plan or use funds collected from penalties to help lower income residents who cannot afford to maintain their trees.

6. Notice and appeal rights.

The Draft TPO reduces the rights of citizens by eliminating physical (sign) postings and shortening appeal times (Div. VIII). We recommend retaining and strengthening the current provisions. The current five-day posting of approved tree removals is challenging for appellants and should be lengthened, not shortened.

7. Broad exemptions without definitions.

The Draft TPO creates a new category of extensive projects that could be exempted from the provisions of the ordinance. (Div. II.B.). The language is vague. There are no application procedures or criteria provided. Additionally, citizens and the TCC should be provided notice and a chance to comment before the City grants any exemption under this provision.

9. Draft TPO is poorly organized and difficult to read and use.

Finally, once the substantive recommendations above have been addressed, we recommend re-organizing the Draft. The Table of Contents should help users easily locate each topic, but the headings and subsections do a poor job. For example, rules regarding heathy, non-hazardous trees are divided into five separate Divisions (VI, VII, VIII, IX, and X), most of which relate to rules for tree removal but are difficult to discern. It is also difficult to discern rules for protecting healthy, non-hazardous trees.

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:23 PM
To: treeordinance
Subject: [External] Fw: Ordinance Draft Unacceptable

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Wednesday, January 15, 2020 8:03 AM
To: Urban Ecology <urbanecology@peqatl.com>
Subject: Ordinance Draft Unacceptable

We need our urban forest even if i am able to go their or not they be plenty of other that will flock to other parts of your state to be in greener life while they just traveling threw even just staying over for abite. Keep up the pressure don't give up hope

Sent from my Metro By T-Mobile 4G LTE Android Device

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:22 PM
To: treeordinance
Subject: [External] Fw: Tree Preservation Ordinance Rewrite

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Friday, February 28, 2020 8:40 PM
To: awalter@atlantaga.gov <awalter@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Tree Preservation Ordinance Rewrite

I read a notice in Nextdoor from a Lake Claire resident about the Tree Protection Ordinance Rewrite. Unfortunately, I know I will not be able to attend a lot of meetings, because of my non-typical work days and hours, but I would like to be put on an email address list for information and updates so that I can keep up with the project and hopefully attend any meetings when I can.

I think the tree protection ordinance rewrite is extremely important, besides I have witnessed so many large trees in like Claire go down. And almost no concern is shown for cutting the smaller, still protectable size ones, because of the low cost for killing them. Many developers just see the removal of trees as part of the expense of building and make no effort to save them. And protections for specimen trees are greatly needed, as the casual cutting of these trees shows that there is little corcern about the enormous loss the of tree canopy in Atlanta.

Thank you so much.

[redacted]

Sent from my Verizon LG Smartphone

[redacted]

[redacted]

[redacted]

Sent: Saturday, February 29, 2020 2:58 PM
To: Urban Ecology <urbanecology@peqatl.com>
Cc: awalter@atlantaga.gov <awalter@atlantaga.gov>
Subject: Tree Ordinance re-write

Dear Urban Ecology Team,
I am both an architect and a tree proponent so I see both sides of the current tree ordinance debate. I wanted to share with you that I think the current design of the Tree Conservation Committee and many of the public debates around modifications to the tree ordinance are ultimately proving to be toxic and inflammatory. While I understand there are some (perhaps many) developers that care nothing about trees, there are a great many architects who do care and invest a lot of effort in designing to preserve them. That's not possible in some case for a multitude of reasons. For folks who are concerned about canopy loss though, they don't want to hear reasons, they want to see action. I'm concerned that we continue on the current path, we may end up with a draconian version of a tree ordinance that pits neighbors against one another and leads to the illicit destruction of trees by property owners – trees that could otherwise be saved.

In my opinion, identifying areas that can support the planting of **large** trees – parks, large private lots, etc. - should be top priority. Freedom Park comes to mind as a prime candidate; so does Grant Park. I am a resident of Inman Park and, as you may know,
Inman Park Festival's 50 year anniversary is coming up in April of 2021. We are combining the 50 year celebration with a quest to plant 50 new shade trees in the neighbor. It gives neighbors a definitive goal, a sense of urgency and a feeling of accomplishment when the goal is met.

Perhaps we can structure a citywide effort with a little friendly competition between neighborhoods to see who can plant the most overstory trees. Some neighborhoods have more hardscape than others so the competition would need to be based on percentage increase in tree cover. Maybe the winning neighborhood gets an award at the Trees Atlanta Root Ball each May. That gives concerned citizens a way to truly make an improvement in Atlanta's future tree canopy. It might even spur some thought about how we make more space in the city for trees – perhaps we create sidewalk bump-outs that are large enough to support oak trees. That means less street parking but we really do need to think about what trade-offs **all of us** are willing to make for our trees. Of course Trees Atlanta has been making a profound positive impact on Atlanta's tree canopy for decades but a little competition seems to really drive innovation and initiative! (Friendly neighborhood competition is part of the reason that Springvale Park (in Inman Park) has a big playground and Lake Claire has a pool. 😊)

Thanks for all you do! Let me know if there is anything I can do to help.

[redacted]

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:22 PM
To: treeordinance
Subject: [External] Fw: Some comments on tree legislation

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Thursday, March 12, 2020 5:00 PM
To: Urban Ecology <urbanecology@peqatl.com>
Subject: Some comments on tree legislation

Thank you for the opportunity to weigh in – these are my own personal comments based on a technical reading and not necessarily representing the views of [redacted].

1. Can you clarify if trees on MARTA-owned land are considered private or public?
2. Recommend adjusting downward the minimum DBH for specimen understory (and possibly midstory) trees – 15" dbh for understory doesn't seem realistic
3. Confusion on Division III section A "without having first obtained a permit from the Department of Parks and Recreation if the tree is on park land, or the Department of City Planning for all other public land and private property" seems to be in conflict with Division I paragraph I "The Department of City Planning will have authority over the implementation and enforcement of this ordinance *including permit authority for all projects on public and private property* that include the protection, removal, and replanting of trees as part of a permitted land disturbance, building, or city infrastructure projects."
4. You might consider some sort of exception or context factor for trees on land with demonstrably high levels of soil contamination if the purpose of the permit is to remediate the soil.
5. Line 920 "No boundary trees are proposed for removal or destruction without a letter of agreement from the adjacent property owner." Is there recourse if the adjacent property owner is unresponsive/absentee?

I may have more comments as I read further.

Warm regards,

[redacted]

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:21 PM
To: treeordinance
Subject: [External] Fw: Tree Ordinance Feedback

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Friday, March 13, 2020 1:12 PM
To: Urban Ecology <urbanecology@peqatl.com>
Subject: Tree Ordinance Feedback

Hello:

I received the email recently linking to the complete first draft of the Tree Protection Ordinance. Given the length and complexity of this document, and the high level of interest among the general public to understand how the City will be protecting our tree canopy, I'd strongly recommend doing a few things to facilitate this process:

1. Provide an executive summary of what the new tree protection ordinance contains
2. Provide a comparison between the previous version and this new one - what has changed?
3. Provide an assessment of whether and how much the City expects this revised ordinance will actually preserve the tree canopy in the face of massively expanding construction footprint and the imperative for economic development.

Thank you for your consideration.

--
[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:21 PM
To: treeordinance
Subject: [External] Fw: Draft Tree Protection Ordinance
Attachments: TPO V.1_PublicRelease_3-12-20-Comments_Stakeholder_[redacted]

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Saturday, March 14, 2020 3:40 PM
To: Urban Ecology <urbanecology@peqatl.com>
Subject: Re: Draft Tree Protection Ordinance

Please find my comments attached. These are my personal responses, not comments from the Inman Park Neighborhood Association (IPNA). If there is an official response from IPNA, I will contact you again.

Thank you,

[redacted]

On Thu, Mar 12, 2020 at 2:27 PM Urban Ecology <urbanecology@peqatl.com> wrote:

Hello interested party,

Thank you for your patience! We would like to inform you the Department of City Planning has posted a complete first draft of the Tree Protection Ordinance. You can find it here: https://www.atlantaga.gov/home/showdocument?id=45336 or on the Urban Ecology Framework website.

Please review and send any comments to the project team at urbanecology@peqatl.com. Also, please join us for the upcoming Council Work Session scheduled for March 20th, 2020 at 10am in Council Chambers at Atlanta City Hall. There will be opportunities to speak publicly with any feedback on the proposed draft.

Take care,

Department of City Planning

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:20 PM
To: treeordinance
Subject: [External] Fw: New tree ordinance draft

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Monday, March 16, 2020 7:07 PM
To: Westmoreland, Matt <mwestmoreland@atlantaga.gov>
Cc: tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; Evans, Kathy A. <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: New tree ordinance draft

Hi, Matt,
I read highlights of the new tree ordinance draft and am very concerned. A few problems:

1. No requirement to save existing trees, only costs to take them down
2. Too many loopholes for the recompense
3. Higher recompense will not deter clearcutting in areas where real estate values are high
4. No more protection of trees in the setbacks
5. Specimen trees are defined so too few will qualify for protection
6. The financial hardship clause creating exceptions unnecessarily
7. Overall protecting fewer trees than the current ordinance.

Paying to cut is never going to protect our trees. We need to require that more trees be saved, and protect soil and dirt as well. We can grow and protect our natural resources at the same time, but the proposed ordinance won't do that at all.

Please do what you said you would and make sure our new tree ordinance is meaningful and actually balances growth with preservation. I'll be watching the outcome of the meeting on Friday with great interest.

Best,
[redacted]

--
[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:21 PM
To: treeordinance
Subject: [External] Fw: Please protect our tree canopy!

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Monday, March 16, 2020 1:02 PM
To: Westmoreland, Matt <mwestmoreland@atlantaga.gov>
Cc: csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; Archibong, Natalyn <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; Michael Julian Bond <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Please protect our tree canopy!

Dear Matt Westmoreland,

I care deeply about the City in the Forest; it's why I continue to live here after 26 years - because of our tree density, and abundance of old growth and diverse aboreal species.

I think the current rampant development decimating our cherished canopy is devastating. Trees are what keep us healthy and sane, and provide such aesthetic benefits, too. It's what every visitor I have ever had remarks on: "Wow, Atlanta is a big city but with so many trees!"

Imagine if we lost what makes us so special? Indeed, we are already losing our natural character due to unchecked development. How awful that is.

But we can make a decision to mitigate the impact of development on our City in the Forest by revising the tree ordinance in a way that TRULY protects trees:

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to its character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Sincerely, [redacted]

--

Walter, Andrew

[redacted] [redacted]

Sent: Wednesday, March 18, 2020 8:37 AM
Cc: Keane, Tim; Bottoms, Keisha; Zaparanick, David; Evans, Kathy A.; Johnson, Elizabeth A.; urbanecology@peqatl.com; Smith, Carla; Farokhi, Amir; Brown, Antonio; Winslow, Cleta; Archibong, Natalyn M; Ide, Jennifer; Shook, Howard; Matzigkeit, JP; Hillis, Dustin R; Boone, Andrea; Overstreet, Marci; Sheperd, Joyce; Bond, Michael; Westmoreland, Matt; Dickens, Andre; Moore, Felicia
Subject: [External] Tree ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Westmoreland,

Our city's trees are important to me as a nature-lover, as a voter, and a taxpayer. I hope that you will be able to help protect our shared valuable resource.

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

//

[redacted]

\\

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:18 PM
To: treeordinance
Subject: [External] Fw: Atlanta's Tree Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

[redacted]
Sent: Wednesday, March 18, 2020 4:59 PM
To: mwestmoreland@atlantaga.gov <mwestmoreland@atlantaga.gov>; csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>
Cc: tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Atlanta's Tree Ordinance

Dear Matt Westmoreland,

Why I care about Atlanta's existing trees and urban forest: *I read recently that Atlanta has lost over 48,000 trees over the last 6 years. No wonder we have climate change!!! Trees are God's creation to absorb carbon dioxide and cool the Earth, while hardscape (asphalt, concrete, etc) reflect the sun back into the atmosphere!!!*

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Please care for and value our precious and priceless trees, especially the old growth native ones such as oaks. Thank you for considering my opinion.

Sincerely,

[redacted]

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:18 PM
To: treeordinance
Subject: [External] Fw: Atlanta Tree Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

[redacted]
Sent: Wednesday, March 18, 2020 4:13 PM
To: mwestmoreland@atlantaga.gov <mwestmoreland@atlantaga.gov>
Cc: csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Atlanta Tree Ordinance

Dear Matt Westmoreland,

Our urban forest in Atlanta is our most valuable asset and sets Atlanta apart from all major metropolitan areas in the country. A diverse and vibrant avian population lives in these tress and the increasing speed at which our beautiful urban trees is frightening and disturbing. This includes our street trees which are being destroyed at an alarming pace. The widespread destruction of our urban forest is rampant by developers where the routine practice of chopping trees and paving is a danger to our air quality and therefore our health, and quality of life. Please help protect Atlanta's tree canopy and avian populations from extinction.

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Sincerely,

[redacted]

[redacted]

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:18 PM
To: treeordinance
Subject: [External] Fw: Save our TREES!!!

Follow Up Flag: Follow up
Flag Status: Completed

[redacted]
Sent: Wednesday, March 18, 2020 10:43 AM
To: mwestmoreland@atlantaga.gov <mwestmoreland@atlantaga.gov>
Cc: csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Save our TREES!!!

Dear Matt Westmoreland,

It's absolutely critical to my husband and I that you stand up and fight for us and the trees in our community. Not only do trees help with air pollution and provide shade in our hot summer months, they are also nice to look at and increase out property values. Currently New York and Tampa of all places have the most urban trees. I see no reason why Atlanta can't be at the top of that list.

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. **SAVE MORE TREES** by planning for trees at the beginning of the development process.
2. **PRESERVE OUR BEST TREES** like healthy older oaks & native species in the best soils.
3. **REDUCE GRADING & IMPERVIOUS SURFACE** because to save trees we must protect soil.
4. **ENFORCE TO DETER VIOLATIONS** like illegal cutting & harm to trees on construction sites.

Sincerely,

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:19 PM
To: treeordinance
Subject: [External] Fw: Tree Ordinance is Not Acceptable

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Wednesday, March 18, 2020 10:19 AM
To: Westmoreland, Matt <mwestmoreland@atlantaga.gov>
Cc: aboone@atlantaga.gov <aboone@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Tree Ordinance is Not Acceptable

Dear Councilman Westmoreland,

Why I care about Atlanta's existing trees and urban forest: *they're our best hope to combat climate change and keep our earth and ourselves healthy and happy.*

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.

3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Sincerely,

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:19 PM
To: treeordinance
Subject: [External] Fw: Atlanta Tree Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Wednesday, March 18, 2020 10:10 AM
To: mwestmoreland@atlantaga.gov <mwestmoreland@atlantaga.gov>
Cc: csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Atlanta Tree Ordinance

To all with an ability to do something about this:

I have heard that this ordinance draft has been changed to be even WEAKER than what we have currently as far as protecting existing trees and allowing developers to BUY their way to removing old trees/clear-cutting. Please do not allow this to happen. Our old growth trees are what make our city special and beautiful.

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:19 PM
To: treeordinance
Subject: [External] Fw: tree ordinance

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Wednesday, March 18, 2020 10:09 AM
To: Westmoreland, Matt <mwestmoreland@atlantaga.gov>
Cc: Smith, Carla <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; Moore, Felicia <fmoore@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: tree ordinance

Dear Matt Westmoreland,

I was so looking forward to the Community Working Session this Friday on the tree ordinance, but obviously agree with it being cancelled!

Trees are critical to stop heat build-up in the city, give character and life to our neighborhoods, provide aesthetics that support higher property values, increase quality of life, and help mitigate global climate change. But really, they are something that in the past made Atlanta truly stand out! Now I'm saddened that everytime I turn around areas are benign clear-cut, re-graded, and covered with building with no thought to green space and trees.

I was disappointed to see the lack of vision and imagination in the draft of the new Tree Ordinance. All the focus is on pay-to-cut, which developers are only too glad to comply with! A few thousand dollars is nothing in the scheme of the hundreds of thousands they stand to make! And a hardship exception?! That's shameful. If a developer can't make money in their business, perhaps they are in the wrong business.

We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn’t working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. PROHIBIT clear cutting - depending on what the existing tree situation is, require that 25% of existing trees must be maintained - make the percentage high - this is what forces developers to get creative, and property to be aesthetically superior! Require no building in those trees "drip line".
4. For lots/tracts without trees and green space, require that 25% be planted with native trees, and another 25% green space! Really push it! These will prove to be communities that people will love!
5. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
6. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Atlanta can do something great here! We can be a model of "green development" that inspires the nation. Please don't miss this opportunity out of lack of vision and guts to be different.

Sincerely,

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:19 PM
To: treeordinance
Subject: [External] Fw: tree ordinance is insufficient

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Wednesday, March 18, 2020 9:34 AM
To: mwestmoreland@atlantaga.gov <mwestmoreland@atlantaga.gov>
Cc: csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: tree ordinance is insufficient

Dear local government representatives,
I hope this finds you well. I write to beg you to please do your job.

As you know, Georgia is experiencing historic, traumatic, unprecedented tree loss of millions per year. In part this is because the city and the state have a policy of simply rolling over for developers and holding them to no standards whatever. In the past year many trees inside the Perimeter that were older than this country were cut down by developers with impunity, because they knew no one would ever hold them accountable. Is this what you would like to be your legacy? I would be ashamed if it were mine.

I personally feel that a direct action campaign is best, but City in the Forest is convinced that you are reasonable, so I am writing to you to ask that you look again at the city's Tree Ordinance and keep in mind the principles at the bottom.

I hope that you will do so.

Sincerely,
[redacted]

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:20 PM
To: treeordinance
Subject: [External] Fw: Atlanta Tree Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Wednesday, March 18, 2020 8:57 AM
To: mwestmoreland@atlantaga.gov <mwestmoreland@atlantaga.gov>
Cc: csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Atlanta Tree Ordinance

Dear Matt Westmoreland and Atlanta Council Members,

Why I care about Atlanta's existing trees and urban forest is as a resident in the beautiful Candler Park I want to preserve the natural beauty of this neighborhood and all of Atlanta. What makes Atlanta unique and sets us apart from other cities is the balance between city life and woods. Please help preserve this for future generations.

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Sincerely,

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:20 PM
To: treeordinance
Subject: [External] Fw: Tree ordinance

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Wednesday, March 18, 2020 8:37 AM
Cc: tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>; csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; mwestmoreland@atlantaga.gov <mwestmoreland@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>
Subject: Tree ordinance

Dear Mr. Westmoreland,

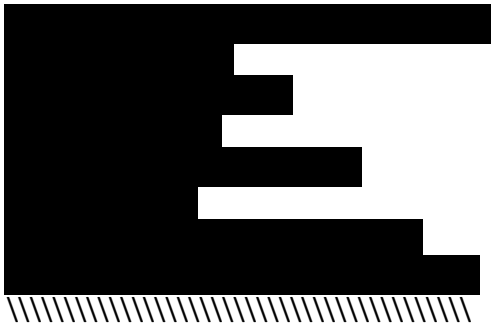
Our city's trees are important to me as a nature-lover, as a voter, and a taxpayer. I hope that you will be able to help protect our shared valuable resource.

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.

3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.



Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:16 PM
To: treeordinance
Subject: [External] Fw: new Tree Protection Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

[redacted]
Sent: Thursday, March 19, 2020 2:11 PM
To: narchibong@atlantaga.gov <narchibong@atlantaga.gov>
Cc: csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; Zaparanick, David <dzaparanick@atlantaga.gov>; Evans, Kathy A. <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: new Tree Protection Ordinance

Dear Natalyn,

Why I care about Atlanta's existing trees and urban forest: we need trees to help us deal with extreme climate events such as torrential downpours and high temperatures, now more than ever. Saying that we need to the city to grow and that we cannot afford to keep our trees is shortsighted and ultimately self-defeating. Even if replanted trees grow fast (and they do!), keeping forests (= trees + soil + undergrowth) is way more effective to maintain the ecosystem services we need.

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to its character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest. The new ordinance needs to do a much better job than the old one.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.

4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Sincerely,

[redacted]

[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:17 PM
To: treeordinance
Subject: [External] Fw: Atlanta's Tree Protection Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

[redacted]
Sent: Thursday, March 19, 2020 12:53 PM
To: mwestmoreland@atlantaga.gov
Cc: csmith@atlantaga.gov; arfarokhi@atlantaga.gov; antoniobrown@atlantaga.gov; cwinslow@atlantaga.gov; narchibong@atlantaga.gov; jnide@atlantaga.gov; hshook@atlantaga.gov; jpmatzigkeit@atlantaga.gov; drhillis@atlantaga.gov; aboone@atlantaga.gov; mcoverstreet@atlantaga.gov; jmsheperd@atlantaga.gov; mbond@atlantaga.gov; mwestmoreland@atlantaga.gov; adickens@atlantaga.gov; fmoore@atlantaga.gov; tkeane@atlantaga.gov; kbottoms@atlantaga.gov; dzaparanick@atlantaga.gov; kaevans@atlantaga.gov; eajohnson@atlantaga.gov; Urban Ecology
Subject: Atlanta's Tree Protection Ordinance

Dear Mr. Westmoreland,

I may be using a pre-written statement, but that does not mean I don't have serious thoughts and concerns about Atlanta's tree policy. It should be obvious to everyone that our canopy is a unique feature of the city, and that in itself has monetary value in terms of being what makes this an attractive city for companies and the workforce to support those companies.

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

- SAVE MORE TREES by planning for trees at the beginning of the development process.
- PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
- REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
- ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Sincerely,
[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:17 PM
To: treeordinance
Subject: [External] Fw: Protect Atlanta's Existing Trees! // insure out identity as an Emerald City

Follow Up Flag: Follow up
Flag Status: Completed

From [redacted]
Sent: Thursday, March 19, 2020 12:40 PM
To: Westmoreland Matt / city council <mwestmoreland@AtlantaGa.Gov>
Subject: Protect Atlanta's Existing Trees! // insure out identity as an Emerald City

Dear Matt Westmoreland,

I care deeply about Atlanta's identity as an Emerald City. As climate change effects all of our lives, urban forests are precious assets, indeed!

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.
The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Sincerely,
[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:17 PM
To: treeordinance
Subject: [External] Fw: Atlanta's Proposed Tree Ordinance is Currently Not Acceptable

Follow Up Flag: Follow up
Flag Status: Completed

From: [redacted]
Sent: Thursday, March 19, 2020 12:00 AM
To: mwestmoreland@atlantaga.gov <mwestmoreland@atlantaga.gov>
Cc: csmith@atlantaga.gov <csmith@atlantaga.gov>; arfarokhi@atlantaga.gov <arfarokhi@atlantaga.gov>; antoniobrown@atlantaga.gov <antoniobrown@atlantaga.gov>; cwinslow@atlantaga.gov <cwinslow@atlantaga.gov>; narchibong@atlantaga.gov <narchibong@atlantaga.gov>; jnide@atlantaga.gov <jnide@atlantaga.gov>; hshook@atlantaga.gov <hshook@atlantaga.gov>; jpmatzigkeit@atlantaga.gov <jpmatzigkeit@atlantaga.gov>; drhillis@atlantaga.gov <drhillis@atlantaga.gov>; aboone@atlantaga.gov <aboone@atlantaga.gov>; mcoverstreet@atlantaga.gov <mcoverstreet@atlantaga.gov>; jmsheperd@atlantaga.gov <jmsheperd@atlantaga.gov>; mbond@atlantaga.gov <mbond@atlantaga.gov>; adickens@atlantaga.gov <adickens@atlantaga.gov>; fmoore@atlantaga.gov <fmoore@atlantaga.gov>; tkeane@atlantaga.gov <tkeane@atlantaga.gov>; kbottoms@atlantaga.gov <kbottoms@atlantaga.gov>; dzaparanick@atlantaga.gov <dzaparanick@atlantaga.gov>; kaevans@atlantaga.gov <kaevans@atlantaga.gov>; eajohnson@atlantaga.gov <eajohnson@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Atlanta's Proposed Tree Ordinance is Currently Not Acceptable

Dear Mr. Westmoreland,

Why I care about Atlanta's existing trees and urban forest: *If the City claims to support progressive sustainability practices, every elected official involved in this decision must realize you will not be consistent with those goals if you choose to weaken the tree ordinance, instead of strengthening it. I will do my best to support those who support a stronger ordinance, and seek to replace those elected officials who did not support this sustainability goal. I will also be asking the question why taxpayers' money was spent on consultants who gave the impression to pro tree citizens their input to save trees was being considered, when clearly it has not- to date.*

The #1 priority for our new ordinance must be to protect existing trees. Atlanta's trees are essential to it's character and an invaluable, irreplaceable resource. We are losing too many trees in our neighborhoods

because the Tree Protection Ordinance isn't working. If we do not start saving high value, existing trees now, we will not remain a City in the Forest.

The Atlanta Tree Ordinance must:

1. SAVE MORE TREES by planning for trees at the beginning of the development process.
2. PRESERVE OUR BEST TREES like healthy older oaks & native species in the best soils.
3. REDUCE GRADING & IMPERVIOUS SURFACE because to save trees we must protect soil.
4. ENFORCE TO DETER VIOLATIONS like illegal cutting & harm to trees on construction sites.

Sincerely,

[redacted]

[redacted]

[redacted]

Walter, Andrew

From: [redacted]
Sent: Wednesday, March 25, 2020 6:54 PM
To: Urban Ecology; Walter, Andrew; treeordinance
Subject: [External] Draft Tree Protection Ordinance

Follow Up Flag: Follow up
Flag Status: Completed

Thanks for letting us (the public) know about the cancelled work session.

You are asking for more feedback and state you are continuing conversations with stakeholders. The City in the Forest has produced an excellent alternative to your draft, one that includes citizen feedback (yours does not appear to do so). Plus, this alternate draft has been produced with development community input (architects, builders, consultants, developers). To my knowledge you have not given serious consideration to this alternate ordinance.

Please show us you are serious about getting input by sitting down with this group.

[redacted]

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Wednesday, March 25, 2020 6:25 PM
To: Urban Ecology <urbanecology@peqatl.com>
Subject: Draft Tree Protection Ordinance

After much consideration, the Tree Ordinance Council Work Session scheduled for Thursday, March 26th will be postponed for a number of weeks until our current health crisis is in a more stable place. We will continue working with City Council, community stakeholders, and the public to stay on track for submittal of final legislation to City Council for adoption in August of this year.

In order to keep the process of feedback moving forward, we plan to continue conversations with stakeholders as the City continues to work toward a second draft, including holding an in-person meeting with the public when safe to do so. In the meantime, we want your input.

Comments can be sent to the project team at treeordinance@atlantaga.gov. Please note that this is a new email address for comments. Any comments previously submitted to urbanecology@peqatl.com have been received and read. Additionally, feel free to contact Andrew Walter, UEF Project Manager, at awalter@atlantaga.gov or by calling 470-747-1605

Thank you,

Walter, Andrew

From: [redacted]
Sent: Wednesday, March 25, 2020 10:24 PM
To: treeordinance
Subject: [External] Neighborhood by Neighborhood Arborist Opportunities

Follow Up Flag: Follow up
Flag Status: Completed

Because of the age of the trees in metro Atlanta and the fact that most city residents don't know how care for or maintain trees, there is an opportunity for the city's arborists to activate a comprehensive plan - neighborhood by neighborhood - to help residents prune and trim hazardous trees. Moreover, tree removal is ridiculously expensive, thus causing many home owners to risk waiting for a tree to fall rather than pay thousands of dollars to cut it down. With support or finacial incentives from the city, a preventative effort led by arborist would save the city much money and redirect resources away from tree removal in emergency situations.

Thank you,
[redacted]

Walter, Andrew

From: Urban Ecology <urbanecology@peqatl.com>
Sent: Thursday, March 26, 2020 1:15 PM
To: treeordinance
Subject: [External] Fw: Tree Protection Ordinance comments

Follow Up Flag: Follow up
Flag Status: Completed

From: J[redacted]
Sent: Wednesday, March 25, 2020 2:22 PM
To: jrpulidindi@atlantaga.gov <jrpulidindi@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Tree Protection Ordinance comments

Different size species and succession of different aged-trees on any specific property are not considered or specially protected in this proposed ordinance. If we think of our city as a city in a forest, we should design the tree protections to protect the forest and not just individual trees. What this means is that we need to make sure we have a series of ages of trees on each property so when the oldest tree dies, a middle-age tree is already there to take over the canopy space, and a younger tree can mature into the middle-age, mid-canopy role. Similarly, different species serve different roles in the forest. If all we protect is the largest trees, we don't have a forest that includes understory and mid-canopy trees, we just have a canopy with nothing beneath.

Is our goal to protect trees? Or to make allow development? My guess is both, but this ordinance reads as something that will protect development more than trees. It is definitely a step forward from the current ordinance, but why not go further in protecting trees? Are there political concerns that our officials are considering a higher priority than our trees?

Why make the largest category of trees (category 3) a less-protected category, in terms of recompense?

What are the loopholes in this proposed ordinance that are going to allow developers to find ways to take down trees without spending a lot of money?

[redacted]

Walter, Andrew

From: [redacted]
Sent: Monday, March 30, 2020 1:51 PM
To: treeordinance; Walter, Andrew; urbanecology@peqatl.com
Subject: [External] Fwd: Atlanta Tree Canopy

Follow Up Flag: Follow up
Flag Status: Completed

Please see below regarding Atlanta's tree canopy.

---------- Forwarded message ---------
From: [redacted]
Date: Sun, Mar 29, 2020, 9:26 PM
Subject:
To: <csmith@atlantaga.gov>, <arfarokhi@atlantaga.gov>, <antoniobrown@atlantaga.gov>, <cwinslow@atlantaga.gov>, <narchibong@atlantaga.gov>, <jnide@atlantaga.gov>, <hshook@atlantaga.gov>, <jpmatzigkeit@atlantaga.gov>, <drhillis@atlantaga.gov>, <aboone@atlantaga.gov>, <mcoverstreet@atlantaga.gov>, <jmsheperd@atlantaga.gov>, <mbond@atlantaga.gov>, <mwestmoreland@atlantaga.gov>, <adickens@atlantaga.gov>, <fmoore@atlantaga.gov>, <jrpulidindi@atlantaga.gov>, <kbottoms@atlantaga.gov>

Dear City Council,

In 1994 I moved to the city of Atlanta, first Midtown then Lake Claire Park. When choosing Atlanta to settle in my husband and I also considered San Francisco and Chicago. We chose Atlanta because of the wonderful tree canopy of this city in a forest. We have seen a lot of change not for the better to the tree canopy since 1994. Please do more to protect the character of Atlanta by saving our trees.

The #1 priority for our new Tree Ordinance must be to protect existing trees!

For over two years Atlanta citizens have provided input and sound Tree Ordinance solutions that are supported as best practices by conscientious professionals including builders, developers, architects, and arborists. However the City's Planning Dept has failed – after spending over $1.2 million on consultants – to incorporate any effective ways to protect more existing trees, or our best trees. Instead they've pandered to the most regressive development interests who reap big profits while destroying valuable tree canopy in our neighborhoods, driving up housing costs, increasing the negative impacts of gentrification, and harming the health and well-being of our citizens – not to mention leaving City taxpayers burdened with extra costs of development, like increased costs for stormwater infrastructure.

It's long overdue to change this outdated paradigm in Atlanta.

Concerned citizens across Atlanta have played by the rules and jumped through hoops for public input, only to have the City ignore the majority of comments received. Now, the City's proposed Tree Ordinance draft protects existing trees even less than Atlanta's current Tree Protection Ordinance.

Examples of problems with the City's proposed draft include:

1. Removes protections for trees in setbacks
2. Removes protections for trees in stream buffers, wetlands & environmentally sensitive areas

3. No category of tree is fully protected; all trees can be cut for a price; new "financial hardship clause" created specifically for developers
4. Tree size requirements for "specimen trees" are so high that most overstory trees (even 200 years old) would not qualify
5. First posting changed to online only making it harder for citizens to know about tree removal; new limits on who can appeal
6. Language is overly complicated, confusing to read and use

The Planning Dept. uses "feel good" language and claims their proposed draft saves more trees, yet when we read the fine print, it does no such thing. The City's draft defines "specimen" trees in such a way that almost no trees will ever qualify – a disingenuous pretense, not a solution. It's insulting to so many who have taken time out of their busy lives to participate in the purported public process.

Protecting trees protects quality of life in our communities and leads to more affordable housing options where homes are designed for the lot – not the other way around. Extensive cutting and clear-cutting makes way for houses with much larger footprints, however this building trend creates false density. The same number of residents, often fewer, are living in larger, more expensive homes with more land disturbance – driving up housing costs and raising taxes for long-term residents who want to stay in their communities.

Please use the power of your office to reject the Planning Dept.'s proposed Tree Protection Ordinance draft which continues to allow cutting our highest value trees, allows any tree to be cut for a price, has no basis in ecology, increases inequity, is needlessly complicated yet filled with loopholes, enables high-dollar real estate projects to clear-cut, and at the end of the day only protects trees that poorer people cannot afford to cut down.

We know you are aware of excellent alternatives offered by City in the Forest and its partners:

1. Plan for trees up front before builders invest in site plans
2. Protect the best trees in size and species
3. Reduce unsustainable levels of grading and impervious surface while building in protections for builders and developers
4. Increase enforcement

Building professionals including developers, agree with many of our proposals. Why isn't the Planning Dept. listening? We even have better homeowner exceptions than the Planning Dept.'s draft.

Our draft alternative softens and slows the effects of gentrification and protects the integrity of our neighborhoods.

It's practical and it's good policy, and a desperately needed balance for our City to grow in a healthy and sustainable way to benefit all our citizens.

Thank you for doing the right thing.

Respectfully,

[redacted]NE

Kudos for inclusion of soil volume and soil area standards. This is vitally important for urban tree health. I think if this is really enforced it would have radical implications for development, and a large cost. My only comment on this is I think the required open soil volume areas are too large. The focus should be on regulating soil volume and providing enough room for the mature root crown. The open soil volume areas don't work well in dense urban areas, for example trees next to parallel parking, and urban plazas with trees. Flexibility should be offered for flexible rubber mulch and other measures in conditions like these.

Also really like the decrease in minimum tree spacing. The minimum tree spacing were spaced too far apart, and this hampers efforts to reach goals of more trees and reduced urban heat island effects. Also really hampers designers to create aesthetic goals.

Walter, Andrew

From: [redacted]
Sent: Thursday, March 26, 2020 3:14 PM
To: treeordinance; Walter, Andrew
Cc: Dee Morrow
Subject: [External] FEEDBACK: Tree Ordinance - - - [redacted] - - - To city of Atlanta Proposed Tree Ordinance Team

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Subject: Feedback on the proposed tree ordinance and address correction request

I have not attended previous tree ordinance sessions.

My real name, [redacted] is not the same as my email address, [redacted].
I have received Urban Ecology USPS mail using the incorrect zipcode. My correct address is [redacted]
I live in the Carroll Heights Neighborhood.

FEEDBACK: I have noticed that residents in my neighborhood have trees removed without involvement or consideration of the city of Atlanta
tree ordinance. This concerns me. I suggest that the new ordinance contain a provision for reporting trees being illegally cut down.
If this cannot be in the new ordinance, the agency responsible should have a tree ordinance response center for notifications. Also, If a large tree branch
from a vacant house is falling on the property next door (but not on public streets), residents should have a response center to contact and report
the matter.

From: City of Atlanta: Department of City Planning <pawalden@www-atlantaga.ccsend.com> on behalf of City of Atlanta: Department of City Planning <dcpcom@atlantaga.gov>
Sent: Wednesday, March 25, 2020 6:55 PM
To: [redacted]
Subject: Tree Ordinance

City of Atlanta Tree Ordinance
Council Work Session Postponed

After much consideration, the Tree Ordinance Council Work Session scheduled for Thursday, March 26th will be postponed for a number of weeks until our current health crisis is in a more stable place. We will continue working with City Council, community stakeholders, and the public to stay on track for submittal of final legislation to City Council for adoption in August of this year.

In order to keep the process of feedback moving forward, we plan to continue conversations with stakeholders as the City continues to work toward a second draft, including holding an in-person meeting with the public when safe to do so.

In the meantime, we want your input.

Comments can be sent to the project team: treeordinance@atlantaga.gov.
Please note that this is a new email address for comments. Any comments previously submitted to urbanecology@peqatl.com have been received and read.

Additional Contact:
Andrew Walter, Urban Ecology Framework Project Manager
Awalter@atlantaga.gov or by calling 470-747-1605.

City of Atlanta: Department of City Planning | 55 Trinity Avenue SW, Suite 1450, Atlanta , GA 30303

[redacted]

Sent by dcpcom@atlantaga.gov

Here are a few additional comments/questions:

Under section replacement for destroyed trees:
Replacement trees larger than 2.5 inches in caliper may be planted, but no more than four caliper inches recompense credit shall be given for any replacement tree.
I don't think it is fair that owners would not be given credit for planting a tree larger than 4" caliper. If someone is willing to invest in the high cost of planting a larger tree they should get replacement inch credit for this. Yes, larger trees take longer to establish and have a higher mortality rate. However, if they get proper irrigation and care they can provide more urban forest benefits sooner than a smaller tree. If there is a cap on the size credit, it should be at least six inch caliper. There are multiple projects in my 17 year career where trees larger than 4 inch caliper have been planted where the trees have thrived. Even trees up to 10 inch caliper.
Under the Guarantee period section:
Replacement trees and afforestation trees planted to meet site density requirements must live and thrive for a minimum of two years.
If the concern is that the larger caliper trees would not live then there is a mechanism for the arborist to address this issue.
Other ways to assuage concerns on larger caliper trees is to require permanent irrigation or a bond for trees planted. However, I don't think this is needed.

Under size and quality of replacement trees:
Text below is a great addition which should be kept in the ordinance! If the goal is to increase the diversity of tree species than the ordinance should support planting of smaller caliper trees because many species are not available in the trade. Ordinance needs to clarify how credit is given for smaller caliper trees- for example if (10) 1 inch caliper trees are planted then would that equal 10 inches replacement? It is not clear that credit is given for planting smaller trees.

The City arborist may approve the planting of trees smaller or larger than 2.5 inches in caliper as appropriate for the project type and site conditions. Smaller trees may be allowed or encouraged for environmental restoration, slope plantings, reforestation, or similar projects.

Spacing standards-
No tree that is anticipated to reach a mature height of 25 feet or greater may be planted within twenty lateral feet of overhead utility lines.
There are lots of columnar trees that have a height greater than 25 feet that could work well closer to overhead lines. For example, Pond Cypress, Slender Silhouette Sweetgum, Beacon Swamp White Oak. There is a clause that gives arborist discretion, but I think the ordinance should state a minimum distance from edge of mature canopy to lines.

The clause below is a great addition- this needs to be kept!
The City arborist may approve planting distances less than the standard spacing as appropriate for the project type and site conditions. Denser plantings may be allowed or encouraged for stabilization, environmental restoration, reforestation, or similar projects. Similarly, the City arborist may approve closer spacing distances to accommodate desired aesthetic or naturalistic intent of plantings or to allow flexibility to varied site constraints as long as the spacing allows for healthy, functioning trees at maturity.

Under tree planting specifications in parking lots:

When trees are planted in parking lots and are surrounded by hard surfaces, large open planting areas should be provided

Can you clarify if the requirements for minimum soil volume and soil surface area only applies to parking areas? That is how I read the draft ordinance language.

Walter, Andrew

From: [redacted]
Sent: Wednesday, April 22, 2020 2:10 PM
To: treeordinance
Subject: [External] Proposed changes to tree ordinance...NO!

Follow Up Flag: Follow up
Flag Status: Completed

A few weeks back, my daughter arrived home, a CoVid refugee from Brooklyn.
She walked around, somewhat speechless at first. “Was it always like this?”, she asked, finally breaking her awed silence. It had been 12 years since she had seen an Atlanta spring and she had forgotten. The next day, more silence, then, the comment, “It’s the trees, they’re spectacular! And so are the sounds of the birds singing in them!”
So let’s talk about those trees and what they mean to Atlanta, what increased density will do to our city. More trees mean a better eco system, cleaner air, better mental health as people receive generous respite from nature. Trees mean habitat for birds, yes, every tree is also a bird house. In the midst of CoVid, tree lined streets have been the refuge of nearly every resident. I think we appreciate our parks and nature preserves like never before. We are lucky for every tree we have. Increased density & sanctioning the removal of more trees does not serve the public; it strains our watershed with more runoff and contributes to the urban heat island effect. Part of why Atlanta has survived the “stay at home” order and successfully flattened the CoVid curve has been the relief we were all able to get walking the tree lined streets and parks. Trees get old and die. We already have an ordinance in place which serves our city.
I for one say no to making Atlanta ever more like NYC, with fewer and fewer trees given the space to live and contribute to life on earth.
Sincerely,
[redacted]

Sent from my iPad

Walter, Andrew

From: [redacted]
Sent: Tuesday, May 19, 2020 11:05 AM
To: treeordinance; Walter, Andrew; Bruce Morton; Margot Blam; Sarah Boles; Cebe, Jack; Dina Franch; Nabil Hammam; Katherine Moore; Lawrence Richardson; Charles Tisdale; Elizabeth Ward; Evans, Kathy A.
Cc: <deLille@treenextdoor.org>; Raenell Soller; Theresa Cromeans; Ide, Jennifer; Westmoreland, Matt; Moore, Felicia
Subject: [External] Tree Trust Fund/budget

Follow Up Flag: Follow up
Flag Status: Completed

Dear Tree Conservation Commission members:

On March 18 2020, The Tree Next Door reported to city auditors and city council members, the results of our year long investigation of the Tree Trust Fund. We found that the Planning and Parks Department misallocated over $3.3 million from the fund from 2009-2019. If you missed the announcement or news story in*The Saporta Report*, please go to The Tree Next Door website for the full report. It provides hard evidence with charts and graphs.

As a result of the preliminary evidence that we presented and earlier discussion with council member, Matt Westmoreland, the city funded an internal audit of the Tree Trust Fund. This audit is ongoing and should be completed in July, The Tree Next Door has had two other meetings with city auditors to share information. Our own investigation is on-going with several Open Record Requests and reports outstanding.

I would like to focus on another issue related to the investigation. We are concerned that the removal of funds from the Tree Trust Fund will continue. The majority of the money taken from the Tree Trust Fund was primarily in the form of salaries and benefits taken from the Fund by the Parks and Planning Departments. As you know Section 158-66 of the Atlanta Tree Protection Ordinance allows ONLY seven salaries to be covered by the Fund. The salaries and benefits were taken outside the defined salaries in Section 158-66.

Our concern is with the current budget now in progress. Although City Council members vote on the budget, the details down to the department levels are not included in the vote. We have written to the Finance Committee and chairwoman, Jennifer Ide, to make them aware of this long standing inclusion of inappropriate salaries in the budget. We have written to the City Council President, Felicia Moore, to alert her. Of course we have written to the Planning and Parks Commissioners as well as David Zaparanick and Greg Pace. The Law Department and Jonathan Futrell have been notified.

We want to make you aware of this situation also. Although the Tree Trust Fund budget does not need the approval of the Tree Conservation Commission, the budget might be available. Thank you for your attention and watchfulness.

Recompense is collected from homeowners, contractors and others with the express purpose of planting and taking care of trees along with buying forested land, Please help us guard the Fund so it can be used as the law intended,

Thank you,
[redacted]

Dear Atlanta City Council Members,

The #1 priority for our new Tree Ordinance must be to protect existing trees!

For over two years tree supporters provided input and sound Tree Ordinance solutions that are supported as best practices by conscientious professionals including builders, developers, architects and arborists.

However the City's Planning Dept has failed – after spending over $1.2 million on consultants – to incorporate any real ways to protect more existing trees, or our best trees. Instead they've pandered to the most regressive development interests who reap big profits while destroying valuable tree canopy in our neighborhoods, driving up housing costs, increasing the negative impacts of gentrification, and harming the health and well-being of our citizens – not to mention leaving City taxpayers burdened with extra costs of development, like increased costs for stormwater infrastructure.

It's long overdue to change this outdated paradigm in Atlanta.

Concerned residents have played by the rules and jumped through the hoops for public input – only to have the City ignore the majority of comments received. Now the Tree Ordinance draft offers even less protection for existing trees than we have in the current Tree Protection Ordinance today.

Examples of problems with the City's proposed draft include:

- Removes protections for trees in setbacks
- No category of tree is fully protected; all trees can be cut for a price; new "financial hardship clause" created specifically for developers
- Tree size requirements for "specimen trees" are so high that the majority of Atlanta's high value overstory trees, and even many two hundred year old trees, would not qualify

The Planning Dept. uses "feel good" language and claims their proposed draft saves more trees, yet when we read the fine print, it does no such thing. The City's draft defines "specimen" trees in such a way that almost no trees will ever qualify – a disingenuous pretense, not a solution. It's insulting to so many who have taken time out of their busy lives to participate in the purported public process.

Protecting trees protects quality of life in our communities and leads to more affordable housing options where homes are designed for the lot – not the other way around. Clearcutting is needed to build houses with larger footprints, but this creates false density because the same number of residents – often fewer – live in larger, more expensive homes with more land

disturbance which drives up housing costs for everyone and raises taxes for long-term residents who want to stay in their communities.

Please use the power of your office to reject the Planning Dept.'s proposed Tree Protection Ordinance draft which continues to allow cutting our highest value trees, allows any tree to be cut for a price, has no basis in ecology, increases inequity, is needlessly complicated yet filled with loopholes, and at the end of the day protects only those trees poorer people cannot afford to take down, while high dollar real estate projects clearcut even more.

We know you are well aware of excellent alternatives offered by City in the Forest and its partners:

1. Plan for trees up front before builders invest in site plans
2. Protect the best trees in size and species
3. Reduce unsustainable levels of grading and impervious surface while building in protections for builders and developers
4. Increase enforcement

Building professionals including developers, agree with many of our proposals. Why isn't the Planning Dept. listening? We even have better homeowner exceptions than the Planning Dept.'s draft.

Our draft alternative softens and slows the effects of gentrification and protects the integrity of our neighborhoods.

It's practical and it's good policy, and a desperately needed balance for our City to grow in a healthy and sustainable way to benefit all our citizens.

Thank you for doing the right thing.

Respectfully,

Department of
CITY PLANNING

TREE PROTECTION ORDINANCE

MARCH 12, 2020

TABLE OF CONTENTS

Division I. General Provisions 4

A. Title: City of Atlanta Tree Protection Ordinance 4

B. Authority 4

C. Effective Date: TBD 4

D. Goals, Intent, and Purpose 4

E. Relationship to Other Laws, Regulations, and Ordinances 4

F. Interpretation 5

G. Severability 5

H. Definitions 5

I. Jurisdiction and Enforcement 12

Division II. Applicability and Exemptions 13

A. Applicability 13

B. Exemptions and Modifications 13

C. Other Possible Exemptions 13

D. Emergencies 14

Division III. General Performance Standards for Public and Private Trees 15

A. Public Trees 15

B. Private Trees 15

Division IV. Tree Protection Standards 17

A. Minimum Criteria 17

Division V. Removal of dead, dying, or hazardous trees, and of invasive or undesirable species on private and public property. 18

A. Dead, Dying and Hazardous (DDH) Private Trees and Public Trees associated with planned construction activity. 18

B. Dead, Dying and Hazardous Public Trees 19

C. Removal of Invasive and Undesirable Tree Species 19

D. Invasive and Undesirable Species on Private Property 19

E. Applications to remove invasive or undesirable species within a stream buffer. 19

Division VI. Removal of healthy, non-hazardous trees 20

A. Tree Valuation and Significance Category; general. 20

B. Tree Significance Category Determination 20

Division VII. Protection of Healthy, Non-Hazardous trees: Procedure for Obtaining Removal Permit 20

A. Policy; general requirement. 20

B. Reasons for removal and destruction of healthy, non-hazardous trees. 21

C. Removal and destruction of healthy trees for the purposes of construction, demolition, and landscaping. 21

D. Removal and destruction of healthy, non-hazardous trees based upon stormwater management requirements for single family homes and duplexes. 23

E. Allowance for reasonable, periodic removal of healthy trees. 23

DRAFT

Division VIII. Protection of Healthy, Non-Hazardous Trees; Posting and Appeals 23
A. Notifications and Posting 23
B. Appeals 24
Division IX. Removal of healthy, non-hazardous trees - site plan requirements, review process, and site density requirements 26
A. Applicability. 26
B. Requirements for site plans....26
C. Minimum Tree Density Standards and Preservation Thresholds. 29
D. Calculating minimum tree density. 30
E. Afforestation and replacement trees. 30
F. Limits on tree removal. 30
G. Incentives and credits for meeting preservation thresholds 30
H. Commercial, Multifamily and Industrial Zones .... **Error! Bookmark not defined.**
I. Requirements for site plan review process and issuance of certificate of occupancy 31
Division X. Removal of healthy, non-hazardous trees; Tree replacement and recompense standards 32
A. Heritage and Specimen Tree standards. 32
B. Permitting and posting requirements. 32
C. Replacement Tree Requirements. 33
D. Recompense Requirements 33
E. Replacement and/or recompense required for residential, commercial, and public properties. 33
F. Planting standards. 36
Division XI. Parking lot landscaping and tree planting requirements 37
A. Applicability and Exemptions 37
B. Landscaping requirements for parking lots. 37
C. Tree planting specifications for parking lots....38
D. Alternative Design and Construction Methods. 38
E. Maintenance. 39
F. Adjustments and Exemptions 39
Division XII. Tree Trust Fund 39
A. Establishment and purpose. 39
B. Contributions 39
C. Authorized expenditures. 39
Division XIII Tree Conservation Commission 41
A. Establishment, functions, powers, and duties. 41
B. Appointment of members and Commission composition....42
C. Terms; vacancies; compensation....42
Division XIV. Heritage and Specimen trees 44
A. Authority to designate Heritage or Specimen tree. 44

DRAFT

B. Specimen Tree designation criteria. 44
C. Register of Heritage Trees established. 44
D. Historic Tree designation criteria. 44
E. Nomination for inclusion on the Register of Heritage Trees. 44
F. Penalties for unauthorized removal of special status trees. 44
G. Preservation of Heritage Trees. 44
Division XV. Right of Entry to Plant on Private Property 45
Division XVI. Conservation Easements and Fee Simple Donations 45
Division XVII. Violation, Penalties, and Enforcement 45
A. Finding of violation- notification to responsible party 45
B. Specification of violations and remedial acts required. 46
C. Appeal rights. 47
D. Penalties 47
Other Provisions: Urban Forest Master Plan 49
A. Purpose. 49

DRAFT

Division I. General Provisions

A. Title: City of Atlanta Tree Protection Ordinance

B. Authority

This Article is enacted pursuant to the city's planning authority granted by the constitution of the state, including but not limited to Ga. Const. Art. IX, § II, 3 and 4; the city's general police power; Article 1 of the City Charter, paragraphs 14, 20, 30, 42, 46, 54 and 56; and all other state and local laws applicable to this Article.

C. Effective Date: TBD

D. Goals, Intent, and Purpose

The goal of this Ordinance is to protect and advance a high-quality urban forest within the boundaries of the city and slow or halt canopy loss so that current and future citizens of the City of Atlanta can have access to the public safety, health and welfare benefits provided by trees. These goals are in support of and aligned with Atlanta City Design and the Urban Ecology Framework and are founded on the tenet that all citizens should have equal access to tree benefits.

It is the intent of the City to protect all trees, and especially mature trees, to the extent feasible and to ensure that when trees must be removed, trees that will yield the same quality of canopy shall be replanted wherever conditions permit.

The purpose of this Article is to establish the standards necessary to assure that these goals will be realized; therefore, the provisions of this Article are enacted to:

1. Establish and maintain an extensive high quality, and sustainable tree cover on public and private lands in the city by prohibiting the destruction and removal of trees except in accordance with the standards set forth in this Article;
2. Guide the maintenance of trees in the city through professionally accepted arboricultural practices.
3. Establish and revise as necessary standards for the planting and maintenance of trees so as, to improve the economic base of the city by improving property values, to improve sustainability through energy use reduction and carbon sequestration, to enhance the quality of the city and its neighborhoods and to improve public health by lessening air and water pollution, stormwater hazards, urban heat island effects, and the incidence of flooding;
4. Minimize hazards and damage to streets and sidewalks, and to lessen public park, public properties, and rights-of-way maintenance costs;
5. Provide for the designation of heritage and specimen trees; and
6. Provide latitude in the interpretation and application of city administrative rules, standards and guidelines when reasonable and necessary to minimize the destruction of trees, account for changes in arboricultural science and practices, and follow the guidelines and principles of Atlanta City Design and the findings of the Urban Ecology Framework and/or other ecological and urban forest studies.

To determine if these goals are met, this Article will be reevaluated five years after adoption. Thereafter, subsequent re-evaluations will occur after updated urban tree canopy assessments are performed, or as needed.

E. Relationship to Other Laws, Regulations, and Ordinances

1. No permit or approvals granted under this division shall remove an applicant’s or adjacent property owner’s obligation to also comply in all respects with the applicable provisions of any other federal, state, or local laws or regulations including, but not limited to, the City of Atlanta Building Code, the City of Atlanta Zoning Ordinance, the ordinances enforced by the Department of Watershed Management, and any other required permits and/or approvals.

DRAFT

2. The City of Atlanta Tree Protection Ordinance requires that obligations imposed on an owner of property pursuant to the enforcement of this Ordinance shall become the responsibility of subsequent owners, until such time as those obligations are fulfilled. Before any transfer of property, owners must disclose these obligations to the purchaser or recipient of the affected property.

F. Interpretation

When interpreting and applying the provisions of this ordinance, such provisions shall be held to the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

G. Severability

If any section, paragraph, sentence, clause, or phrase of this Article is found to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining portions of this chapter.

H. Definitions

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

Afforestation. For purposes of this ordinance, planting of trees necessary to bring the lot into compliance with minimum density standards required for that Zoning Category.

American National Standards Institute, Inc. (ANSI). A US-based non-profit organization that works to develop and promote standards in the United States and around the world.

Applicant. Any person seeking approval to take action under this Article.

Area Median Income (AMI). The current household median income for the Atlanta-Sandy Springs-Marietta, Georgia HUD Metro Fair Market Rent Area as published by the US Department of Housing and Urban Development.

Boundary tree. A tree, wholly or in part on adjacent property, with a critical root zone that crosses a property line

Buildable area. Area of a lot available for the construction of buildings and permissible accessory uses after having provided the front, side, rear and any other special yards required by Part 15 or Part 16 of the City Code, not to exceed the maximum impervious surface requirements of the City Code.

Building. A structure with a roof intended for shelter, or enclosure and constructed or erected with a fixed location in or on the ground or attached to something having a fixed location in or on the ground.

Caliper. The trunk diameter measured in inches at 6 inches above the soil for trees less than 4.5" caliper, and 12 inches above ground for 4.5" or larger, of smaller nursery-sized trees that are readily transplanted.

Cambium layer. The growing tissue of a tree's roots and stems that annually produces new bark and new wood.

City. The City of Atlanta.

City arboricultural standards. The arboricultural specifications and standards of practice prepared by the City Arborist, which must be consistent with this Article and with the American National Standards Institute, Inc. (ANSI) A300 series of standards for tree care management.

City Arborist. An employee of the City who is responsible for administering and enforcing this Article. City Arborists are in the Department of City Planning.

Code. The City of Atlanta Code of Ordinances.

DRAFT

Commission. The City of Atlanta Tree Conservation Commission.

Condition. A tree's overall health and structure expressed as a percentage using International Society of Arboriculture tree assessment protocols.

Context Factor. The factors that are used to determine a tree's Significance Category. The following terms are context factors and are defined below.

Floodplain. An area of land adjacent to a stream or river which stretches from the banks of its channel to the base of the enclosing topography, and which experiences flooding during periods of high discharge, and as delineated by the Federal Emergency Management Agency's 100-year floodplain map.

Grove Presence. Three overstory or midstory tree stems (excluding invasive or understory species) greater than 6 inches Diameter at Breast Height with critical root zones that are contiguous or overlapping within the property boundary or three or more tree stems greater than 6 inches (including off-site trees); excludes understory or invasive trees. The grove can be situated on the subject parcel or partially on an adjacent parcel. The assumption will be made that trees in a grove are native, midstory trees if an arborist is not used to verify the information, but a City Arborist may determine if trees are native, which could impact contact factor points.

Grove Age. An estimation of a tree community's maturity if another tree within the grove containing a subject tree is larger than 15 inches DBH.

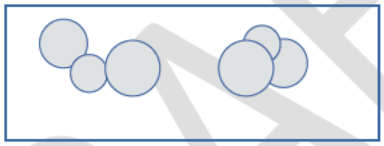


Figure 1: Example of potential grove configurations

Native. A plant species that has evolved to grow in a geologic area without having been introduced through human intervention.

Riparian Buffer. The land and vegetation that is within 75 feet of a perennial or intermittent stream.

Tree Size. A measurement in inches of tree diameter measured at 4.5 feet from the ground.

Steep Slope. A slope is the natural inclination of the land's surface. Steep slopes are defined as areas that exceed a certain percent of slope that is generally 15% or greater. After a construction project, a steep slope may not exist due to grading or other land modifying activities.

Street tree. A tree growing on public or private property whose trunk is within 15 feet of a public or private roadway, public sidewalk, or public paved multi-use trail.

Specimen or Heritage Tree – (see separate definitions)

Co-owned tree. A boundary tree where the trunk goes into the ground and straddles the property line, not including the root flare.

Critical root zone (CRZ). The minimum undisturbed soil and rooting area necessary for tree health and stability (from the most current revision of the American National Standards Institute, Inc. ([ANSI)] A300 Part 5). For the purposes of this Article, for a free-standing tree with no apparent root restrictions, the critical root zone shall consist of a circle having a radius of one foot for each one inch of diameter at breast height (DBH) of the tree and a depth of two feet. For example, for a 10-inch DBH tree, the Critical Root Zone is located at least 10 feet out from the trunk in all directions and is 24 inches deep. Adjustments to the CRZ may be made

DRAFT

by the City Arborist if justified by specific documented site conditions which indicate an irregularly shaped root zone based on obstructions such as buildings, retaining walls, or streets.

DCP. The City of Atlanta Department of City Planning.

Dead, Dying, or Hazardous (DDH) Tree and Permit. A permit issued by the City Arborist which is required for the removal of any tree (including hardwoods six inches DBH and greater and pines twelve inches DBH and greater) in dead, dying, or hazardous condition, or is causing or contributing to a severe conflict with hardscapes, overhead utilities, and underground utilities, as determined by a qualified professional, per Division V.A. of this Article.

Destroy. To perform or knowingly allow to be performed any act/failure to act for which there is a scientific finding that the conduct will more likely than not cause the tree to die within a period of five years. Examples of such conduct include without limitation: 1) failing to protect 100% of a tree's structural root plate during construction; 2) failing to protect 80% of a tree's critical root zone during construction or 67% of the critical root zone with a prescription approved by the City Arborist prior to construction; 3) damaging more than 20% of a tree's critical root zone by trenching or by performing grade changes (including lowering or filling the grade of soil); 4) cutting, girdling, or inflicting other severe mechanical injury to the trunk, structural root plate, roots, or other vital sections of a tree; 5) removing in excess of 20% of the live crown of a tree within two growing cycles; 6) damaging the critical root zone of a tree by applying toxic substances (including without limitation solvents, oils, gasoline and diesel fuel), operating heavy machinery and/or storing heavy materials thereon; 7) burning a tree; 8) topping, tipping, flush cutting, or utilizing any similar improper pruning practices upon a tree. In determining whether a tree is destroyed, the City Arborist will evaluate all conduct regarding the tree within a two-year period.

Diameter at breast height (DBH). The diameter of the main stem of a tree as measured in inches 4.5 feet above the natural grade at the base. Multi-stemmed trees shall be measured at 4.5 feet above natural grade by adding the diameter of the largest stem and one-half the diameter of each additional stem. The top diameter of a stump less than 4.5 feet tall shall be considered the DBH of an illegally destroyed tree for the purpose of calculating recompense. The DBH of a crepe myrtle shall be measured by adding the largest three canes together.

Disease. Any fungal, bacterial, or viral infection that will likely result in structural failure or death of the tree within two years and where treatment will not prevent the death of the tree, as determined by the City Arborist.

Dying tree. A tree that is diseased, injured, or in terminal decline to the extent that death is more likely than not within two years based upon a visual inspection and evaluation of canopy, leaves (if present), trunk, buttress roots, and other factors.

DPR. The City of Atlanta Department of Parks and Recreation.

Enforcement authority. The City entities with authority to enforce this Article, namely the Department of City Planning, the Department of Parks and Recreations, the Office of Buildings, the Atlanta Police Department, the Tree Conservation Commission, and the Atlanta Municipal Court.

Established recompense value. The dollar value assigned by the City to compensate for the removal or destruction of a healthy tree. This figure shall be evaluated periodically and adjusted as needed by amendment to this ordinance.

Flush cutting. The improper removal of limbs by cutting immediately adjacent to the trunk, destroying the protective branch collar and exposing the trunk to decay organisms.

Green Stormwater Infrastructure. An interconnected natural system and/or engineered system that strengthens and mimics natural hydrologic functions and processes using plants and soil to slow, filter, evapotranspire and infiltrate stormwater runoff close to its source; or the capture and reuse of stormwater runoff. Examples of projects on development sites that can help support tree growth and health include preserving conservation areas, reducing impervious surfaces, and installing structural measures such as

DRAFT

vegetated swales, permeable pavement, and infiltration planters. Such practices may include but are not limited to those currently addressed in the Georgia Stormwater Best Management Practices manual.

Hardship. A unique or special existing condition that is not addressed by the ordinance.

Hazardous tree. A tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by the City Arborist using the standards established by the most recent revision of the ANSI A300-Part 9.

Heat island. A ground area covered by an impervious surface that retains solar or other heat energy and thereby contributes to an increase in the average temperature of the ecosystem. An external heat island is one situated outside the boundaries of a site plan, including but not limited to public streets. An internal heat island is one found within a designated site, including but not limited to rooftops, patios, driveways, and other vehicular maneuvering or parking areas.

Healthy tree. Any tree subject to this Article that is a hardwood species with a DBH equal to or greater than 6 inches or pine species with a DBH equal to or greater than 12 inches DBH that is not dead, dying, diseased, hazardous or destroyed, or an invasive or undesirable species

Heritage Tree. A tree that has been designated upon application by the City Arborist or any other interested person, to be of notable historic value and interest because of its age, size, or historic association, in accordance with the City's arboricultural specifications and standards of practice. Also, a Heritage tree is one that has been designated upon application by a City Arborist or any other interested person, to be of notable value because the tree contributes to a significant view or spatial structure of a setting, the tree is an exemplary representative of a particular genus or species, or the tree possesses exceptional aesthetic quality in accordance with the City's arboricultural specifications and standards of practice. A complete listing of the location of all designated Heritage trees within the City of Atlanta is maintained by the Tree Conservation Commission and registered with the Municipal Clerk.

Illegally impacted tree. Any tree subject to this Article whose structural root plate is protected but whose critical root zone is impacted between 20-33% without obtaining a permit where required pursuant to this Article or in violation of conditions attached to a permit obtained pursuant to this Article. This tree may be saved with a prescription as defined below.

Illegally destroyed tree. Any tree subject to this Article whose structural root plate has been impacted or destroyed and/or whose critical root zone is impacted over 33% without obtaining a permit where required pursuant to this Article or in violation of conditions attached to a permit obtained pursuant to this Article.

Impervious Surface. A surface that does not allow for infiltration and/or penetration of liquids, typically created by roads, sidewalks, driveways, buildings, and other hard surfaces.

Incursion. Any activity that damages a tree's critical root zone including, without limitation, soil compaction, trenching, storage of materials, and parking vehicles.

Injure. The commission of any intentional or negligent act that damages a tree, including but not limited to spiking, trimming, flush cutting, topping, lion-tailing, over-lifting, or unpermitted incursion into a tree's critical root zone.

International Society of Arboriculture (ISA). A non-profit organization serving arborists, the tree care industry, and consumers as a scientific and educational organization.

Invasive species. A non-native tree, plant, insect, or other organism likely to spread, disrupting the natural balance of an ecosystem. A list of invasive tree species is available online and in the City Arborist's Office.

Landscaping permit. Permit issued for removal of a healthy, non-hazardous tree for reasons unrelated to a building permit.

Mechanical injury. A wound caused by a machine or motorized equipment operated by a person which exposes or destroys the cambium layer of a tree.

DRAFT

Mid-story or mid-canopy tree. A tree that normally attains a DBH of 10 to 25 inches, a height of 30 to 60 feet, and approximately 900 square feet of canopy at maturity. Examples include Georgia oak (*Quercus georgiana*), Chinquapin oak (*Quercus muehlenbergii*), Persimmon (*Diospyros virginiana*), American yellowwood (*Cladrastis kentukea*), American hornbeam (*Carpinus caroliniana*), American hophornbeam (*Ostrya virginiana*), Blackgum (*Nyssa sylvatica*), Chalk maple (*Acer leucoderme*), and others on the City of Atlanta's Recommended Tree List.

Minimum tree density – number of trees. For purposes of this Ordinance, minimum density is defined by the maximum number of trees that can be accommodated per acre. The number of trees per acre is assumed to be 70, based on Atlanta's 25-foot spacing standard. A minimum number of trees are required on a site after permitted removal activities. Minimum requirements are based upon zoning district classification. (See Division IX.C., Table 1).

MSA. Metropolitan Statistical Area.

Neighborhood Planning Unit (NPU). Hereinafter also referred to as N.P.U., means (1) a geographic area composed of one or more contiguous neighborhoods, which have been defined by the Department of City Planning, and development and neighborhood conservation based on criteria previously established by the department and approved by the council for the purpose of developing neighborhood plans and (2) a body of residents of such geographic area organized for the purpose of engaging in comprehensive planning matters affecting the livability of neighborhoods.

Nuisance tree. A tree with uncorrectable defects severe enough to pose an imminent danger to people or buildings on public property under normal conditions, as determined by the City Arborist.

Ornamental tree. A small tree grown for display purposes, typically an understory tree.

Overstory tree. A tree that normally attains a DBH in excess of 25 inches, a height in excess of 60 feet, and 1,600 square feet or more of canopy at maturity. Examples include White oak (*Quercus alba*), Overcup oak (*Quercus lyrata*), Nuttall oak *(Quercus nuttalli*), Post oak (*Quercus stellata*), Tulip poplar (*Liriodendron tulipifera*), Pignut hickory (*Carya glabra*), Mockernut hickory (*Carya tomentosa*), American beech (*Fagus grandifolia*), and others on the City of Atlanta's Recommended Tree List.

Pervious Surface. A surface that allows water to percolate through, typically this is uncompacted soil.

Pine. A tree that is a member of the genus *Pinus* in the family *Pinacea*. This does not include other needled trees in species commonly known as cedar, fir, spruce, and hemlock.

Redacted 3/13/2020 12:11 PM
Comment [1]: Pinaceae

Prescription/arboricultural prescription. A written directive developed by a private arborist for a site or individual tree for the purpose of preserving a tree(s). Prescriptions must include: 1) the private arborist's name, signature, qualifications, and contact information; 2) the site address and individually identified tree(s) at issue; 3) the current condition of the tree(s); 4) tree protection provisions to be implemented during construction or site disturbance such as a watering regime, mulching, fencing, physical barriers, and other methods to prevent soil compaction or damage; 5) a soil and foliar analysis; 6) a five-year survivability assessment; and 7) a schedule of recommended treatment, including any recommended soil amendments, fertilizer application, pesticide application (with copy of pesticide label), or pruning. Specifications for pruning, soil modification, and fertilization in the prescription shall be written in accordance with requirements of this Article and provisions of the ANSI A300 series of standards. A report of treatment actions, an assessment of the condition of the tree at the end of treatment, and an estimate of the survivability of the tree shall be provided to the City.

Preservation threshold. The cumulative DBH required on a lot, comprising both existing and replaced trees, to achieve incentives and credits for retention of existing trees. The tree protection plan, or site plan must be prepared by a certified arborist, and indicate the location, size, condition and species of the trees to be retained. The preservation threshold is determined by zoning classification.

Private arborist. Any person not employed by the City of Atlanta who is a Georgia Registered Forester or International Society of Arboriculture (ISA) Certified Arborist, or an American Society of Consulting Arborists

DRAFT

(ASCA) Registered Consulting Arborist or an arborist with a Tree Care Industry Association (TCIA)-accredited company.

Private property. Residential, commercial or other property located within the City of Atlanta that is not owned or leased by a governmental entity, except that property in the City of Atlanta that is owned or leased by the Atlanta Housing Authority or Atlanta Public Schools shall be deemed private property for purposes of this Article only.

Private property tree. For purposes of this Article, a tree for which more than 50% of the flare of the tree, where the tree interfaces with the earth, is located on private property.

Pruning. The selective removal of plant parts. For the purposes of this Article, proper pruning may not include the removal of more than 20% of the live crown of a tree within a two-year period, and cuts must be made in accordance with the American National Standards Institute, Inc. (ANSI) A300 series of standards for tree care management.

Public property. All property owned by the City, including without limitation City parks, Atlanta Beltline, streets, sidewalks and other rights-of-way, and all other governmental property for which the City has jurisdiction with the exception of property owned by the Atlanta Housing Authority or Atlanta Public Schools.

Public property tree. For purposes of this Article, a tree for which at least 50% of the trunk flare, found at the bottom of the tree where the tree interfaces with the earth, is located on public property.

Recommended Tree Planting List. A list of preferred species for planting and replacement trees in the City of Atlanta. The list includes information about the estimated size of trees at maturity.

Recompense. Monetary compensation assessed to recoup lost public value of healthy trees that are removed or destroyed. Recompense is required when tree replacement is not feasible and is calculated in accordance with the formulas contained in this Article.

Remedial action. The acts required to fulfill the requirements of this Article after a violation has occurred, including without limitation replanting, payment of recompense, and arboricultural prescriptions. Fines or other penalties assessed pursuant to Code Section 1-8 are not remedial actions.

Replacement or replanting. Planting new trees of equal or comparable number, size, species, vigor, health, and mature canopy potential (permitted by conditions) to restore the lost public value of healthy trees that are removed or destroyed.

Responsible party. Any person(s) and/or entities whose actions and/or failures to act violate this Article, including without limitation any person who knowingly allows his or her agent or contractor to violate this Article. Where a tree is injured, destroyed or damaged in violation of this Article, there may be more than one responsible party. A responsible party may include without limitation: the owner of the property on which a tree of concern is located; an agent of the owner; a tree removal company; a builder; and a landscaper.

Root Chase. A continuous soil trench created with culvert or piping material under pavement that allows tree roots to connect with nearby open space. Typically used in parking lots and for street tree plantings to provide more rooting area for trees.

Saved tree. Any tree that, under the terms of this Article, is to be protected from injury or destruction during construction.

Saved with prescription. Any tree suffering injury or impaction of more than 20%, but not more than 33%, of its critical root zone. As long as the structural root plate of the tree remains 100% protected and an arboricultural prescription is provided and approved by the City Arborist prior to construction in accordance with the provisions of this Article [Division 4. A. 7.]

DRAFT

Severe mechanical injury. A wound or combination of wounds that, when measured at the widest extent of the wound, exposes or destroys the cambium layer of 30% or more of the circumference of a tree. For the purposes of this definition, the circumference of the tree shall be measured at the top of the wounded area.

Significance Category. A classification for trees based on a weighted point system for various tree attributes, ecological factors, and site characteristics. Trees are scored and placed in one of five categories; trees in Category 1 have the lowest significance (i.e. are dead, diseased, hazardous, etc.) and trees in Category 5 have the highest significance (i.e. providing the highest environmental services, are specially designated trees, etc.).

Silviculture. The practice of managing trees according to current forestry and tree care standards to ensure their continued health and survival.

Specimen tree. A tree meeting the following criteria:

(1) All desirable tree species in good or better condition with a DBH equal to or greater than the categories below. These standards are derived from the average DBH of the Georgia state champion tree of that species; or

Overstory Tree: DBH of 35”
Mid-story Tree: DBH of 25”
Understory: DBH of 15”

(2) Lesser-sized trees of rare species or exceptional aesthetic quality.

Spiking. The use of metal spurs or gaffs to climb live trees, which is prohibited by this Article.

Standard Minimum DBH. The Standard Minimum DBH for a site is calculated by multiplying the number of stems required by 18”. The Standard Minimum DBH only applies if the applicant wishes to receive incentives based on the DBH remaining on the site. This number was derived by calculating the average-sized tree removed from residential sites for the past two years, and assuming that 2 ½ inch caliper trees planted will grow to that size over time.

Structural root plate or compression plate. The circumferential area around a tree within which roots provide stability against windthrow. The radius of the root plate is a function of a tree’s DBH.

Size of Structural Root Plate by DBH of Trees

DBH (inches)	7”	8”	9-11”	12-14”	15-19”	20-24”	25-31”	32”	33-38”	39-48"
SRP distance (radius’)	5’	5 5’	6’	7’	8’	9’	10’	10.5’	11”	12’

Structural soil. An engineered soil designed to bear the weight of pavement and provide the proper root environment for trees to grow beyond the confines of a tree pit into the compacted soil, such as Cornell or Amsterdam mixes.

Structure. Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on or in the ground.

Subdivision. A tract of land that has been subdivided within the past five years in accordance with the City of Atlanta’s Subdivision Ordinance and so recorded as a separate property of record with the county land registrar’s office.

Surface soil dimension. The measured length and width of a landscape area not covered by an impervious material.

Tipping. The cutting of a lateral limb of a tree in such a manner as to leave a prominent stub extending beyond a branch node or the trunk, which is prohibited by this Article.

Topping. Reduction of tree size using internodal cuts without regard to tree health or structural integrity, which is prohibited by this Article. For the purposes of this Article, topping refers to the cutting of a single

DRAFT

leader trunk or cutting a co-dominant leader in such manner as to leave a prominent stub extending beyond the node (crotch) of another leader trunk or major branch that may become a leader trunk.

Tree. Any self-supporting woody, perennial plant that has a trunk diameter of 2.5" or more when measured at a point 6" above ground level and which normally attains an overall height of at least 20 feet at maturity, usually with a single main stem or trunk and many branches.

Tree Conservation Commission. A citizen board, appointed by the Mayor and City Council Members to assist in the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta. The Commission hears and decides appeals of decisions of administrative officials related to trees.

Tree replacement plan. A drawing which depicts the location, size, and species of existing and replacement trees on the lot for which a permit is sought; a table detailing by species and DBH, the existing trees to be saved, lost, or destroyed; the preservation threshold; the replacement trees to be planted; the minimum tree density (post-construction) and other provisions as required by the City Arborist.

Tree trust fund. A municipal fund that includes monies collected from recompense to be spent on tree installation, maintenance, urban forestry-related environmental education, and other efforts supportive of urban forest management in the City.

Tree well. The defined area surrounding a tree that contains soil to support the growth of the tree; typically bordered by impervious structures such as curbs, sidewalks, and streets.

Understory tree. A tree that normally attains a DBH of less than 10 inches, a height of less than 30 feet, and a canopy of approximately 400 square feet at maturity. Examples include Pagoda dogwood (*Cornus alternifolia*), Redbud (*Cercis canadensis*), Sourwood (*Oxydendrum arboretum*), Sassafras (*Sassafras albidum*), Serviceberry (*Amelanchier arborea*), Bigleaf magnolia (*Magnolia macrophylla*), Fringe tree (*Chionanthus virginicus*), and others included on the City's Recommended Tree List.

Undesirable species. Undesirable species can be native or non-native trees that have demonstrated sufficient negative qualities as to warrant limited use in the City of Atlanta. Those qualities include without limitation: weak branch structure, chronic pest or disease problems, invasive tendencies, and over-population. A list of current undesirable tree species is maintained by and available from the City Arborist's office.

Yard area. The open space on a lot not occupied by a structure, including both buildable area and setbacks not occupied by a structure.

I. Jurisdiction and Enforcement

The Department of City Planning will have authority over the implementation and enforcement of this ordinance including permit authority for all projects on public and private property that include the protection, removal, and replanting of trees as part of a permitted land disturbance, building, or city infrastructure projects. The Department will also have authority over enforcement of illegal tree removals and impaction on private property and illegal tree removal or impaction on public properties associated with construction activity.

The Department of Parks and Recreation will have the responsibility for the maintenance, pruning, and removal of all right-of-way trees, including responding to maintenance requests unassociated with planned public or private construction activity. The Department of Parks will also have authority over enforcement of illegal tree removal or impaction on city owned land unassociated with planned public or private construction activity.

The Department of Parks and Recreation, the Department of City Planning, the Office of Buildings, the Atlanta Police Department, the Tree Conservation Commission and the Atlanta Municipal Court shall be charged with the enforcement of this Article. Employees of the Department of Parks and Recreation and the Department of City Planning Arborist Divisions shall have police power to perform all acts necessary for

DRAFT

enforcement. In instances in which an individual or firm is found cutting or otherwise destroying a tree without a permit to do so in their possession, the Atlanta Police Department shall require such person or persons to cease such operations until a permit is obtained.

Division II. Applicability and Exemptions

A. Applicability

This ordinance shall apply to the following:

1. All trees on public property, as described in Subsection (I) above;
2. Pines (Pinus sp.) twelve (12) inches diameter at breast height (DBH) or greater and all other tree species six (6) inches DBH or greater on private property.

B. Exemptions and Modifications

1. Nurseries and tree farms. All licensed plant or tree nurseries and tree farms shall be exempt from the terms and provisions of this Article only in relation to those trees which are planted and are being grown for sale or intended sale to the public, or for some other public purpose.
2. Arboreta and botanical gardens. All non-Specimen and non-Heritage trees in arboreta or licensed tree museums or public botanical gardens which meet the following conditions shall be exempt from the terms of this Article:
   a. The arboretum or botanical garden employs a full-time arborist or horticulturist;
   b. The arboretum or botanical garden is located upon property owned by the City and leased to said tree arboretum or botanical garden; and
   c. Trees were planted for the sole purpose of display or public education and are accessible to the public.
   d. Beltline Arboretum exemption language to come

C. Other Possible Exemptions

The City of Atlanta desires to have procedures for allowing modifications to the tree protection standards when other legitimate local government purposes and goals may conflict with tree canopy protection. In such cases, the Department of City Planning or the Department of Parks and Recreation may allow specific exemptions or modifications to these regulations and requirements when public purposes of the project are met, and tree removal supports other goals of the City, including but not limited to:

- goals of the Comprehensive Development Plan, Atlanta City Design, Urban Ecology Framework
- mobility improvement projects
- mass transportation improvement projects
- affordable housing developments
- "green" building, low impact development or other land use priorities as may be set by the City
- stormwater management
- provision of handicapped access facilities
- solar access for energy
- urban agriculture for community-building and food security
- single lots that were part of a planned development where open space and natural area preservation was accomplished through preservation of common space
- routine maintenance of existing public or private trees, including pruning done in a manner consistent with established arboricultural standards
- approved eradication of exotic, non-native, and invasive or otherwise undesirable species
- conflicts with existing or future federal or state statutory or regulatory requirements

To receive an exemption or approval for modification, the applicant or agency must demonstrate that alternative designs and tree protections strategies have been investigated.

Name Redacted 3/13/2020 12:45 PM
Comment [2]: And so what are these procedures going to be? Are they to be included in this ordinance?

Name Redacted 3/14/2020 11:53 AM
Comment [3]: This appears to me to be overly vague and open-ended Especially in contrast to the immediately following section, Division II D

DRAFT

D. Emergencies

1. During and immediately after a public emergency, such as a tornado, ice storm, flood, or any other act of nature, the requirements of this Article may be waived temporarily by the Mayor or the Mayor's designee.
2. Requirements and conditions for removal and destruction of healthy, non-hazardous trees for public safety emergency are below:

   a. Description of removal permit based on public safety emergency. A condition that has a substantial likelihood of causing significant personal injury or significant harm to property shall be deemed a public safety emergency, such as a gas leak, sewer backup, and energized utility line repair. The City Arborist may issue a tree removal permit for a healthy, non-hazardous tree on public or private property where the City Arborist determines that removal will abate the public safety emergency, or access for large equipment is required.
   b. Permitting process for removal based on public safety emergency. The permitting process for tree removal based upon a public safety emergency shall be exempt from the process for removal of healthy, non- hazardous trees set forth in Division VII. C. and instead shall be implemented as described in this section.
   c. Application. Where abatement of a public safety emergency requires removal of a healthy tree within less than 24 hours, an applicant may request approval for immediate removal by contacting the City Arborist by phone and providing the City Arborist with the information about the emergency circumstances and necessity of removing the tree. If the applicant is unable to reach the City Arborist, they may remove the tree without approval. Within five business days of the removal, the applicant shall apply for retroactive approval by submitting to the City Arborist: a tree removal application; photos and written descriptions that demonstrate the public safety hazard and the need to remove the tree to abate the emergency; and any other information reasonably requested by the City Arborist.
   d. Review of application by City Arborist. To determine whether to issue a tree removal permit based on a public safety emergency, including whether to issue a retroactive permit, the City Arborist, in consultation with the director of any City department with purview over the type of emergency alleged, must find at least one of the following conditions to be met:

      i. A public safety emergency exists, and removal of the subject tree(s) will be reasonably likely to abate the emergency; and/or
      ii. A public safety emergency existed, and the removal of the subject tree(s) abated the emergency; and/or
      iii. A public safety emergency existed, and it appeared reasonably likely that the removal of the trees would abate the emergency.

   e. Posting. No notification or posting of the property is required for a removal permit based on public safety emergency.
   f. Replanting and Recompense. No replanting or recompense, as described in Division X. C. and D. shall be required to obtain a removal permit based on public safety emergency.
   g. Denial. Where an applicant requests tree removal and the City Arborist denies the permit, the tree may not be removed pursuant to this Section.
   h. City Arborist findings. Where the City Arborist finds that the applicant did not follow procedures of this section and/or failed to demonstrate that the tree removal was required to abate a public emergency, the Arborist may charge the responsible party applicable recompense, replacement, and fines pursuant to Division X. C., D., and Division XVII. D.
   i. Right of appeal. No one other than the applicant or property owner on which the tree was located shall have the right to appeal a decision by the City Arborist made pursuant to this Section. Appeals must be filed within 15 business days of an applicant's/owner's receipt of the City Arborist's written decision and shall meet the requirements of Division VIII. of this Article.

DRAFT

Division III. General Performance Standards for Public and Private Trees

A. Public Trees

1. Prohibition. No person shall damage, prune, remove, maintain, plant, or otherwise affect any tree or shrub in any public street or other public place without having first obtained a permit from the Department of Parks and Recreation if the tree is on park land, or the Department of City Planning for all other public land and private property.

   a. Damage to public trees includes, but is not limited to, construction and excavations, vehicular accidents, vandalism, adhering advertisements, electrical wires, animal damage (tied to or damaged by), allowing toxic substances to come in contact with soil within the critical root zone, such as herbicides, gas, brine water, oil, liquid dye, or other substances deleterious to tree health.

   b. No known invasive or undesirable tree species, designated as such by the Georgia Forestry Commission, the Center for Invasive Species and Ecosystem Health at the University of Georgia, or on the list of invasive and undesirable species maintained by the City of Atlanta Arborist, may be planted on any public property or right-of-way.

2. Standards. Tree planting, pruning, fertilizing, other maintenance action, and/or disturbance in the CRZ performed on any public tree requires a permit and must be done according to the most current versions of the ANSI Standards and ISA Best Management Practices, and the provisions of this Article.

3. Collection of Repair Expenses for Public Trees. In addition to applicable penalties, repair or replanting necessitated by the damage or destruction to public or park trees may be executed by the Department of City Planning or the Department of Parks and Recreation and the expense of the repairs or replanting shall be collected from the person(s) responsible for the damage.

B. Private Trees

1. General provisions

   a. No person may remove a hardwood tree over 6 inches DBH or a pine over 12 inches DBH without a permit from the Department of City Planning.

   b. No replacement or afforestation requirements can be met by planting known invasive or undesirable tree species that are shown on the list of invasive and undesirable tree species maintained by the City of Atlanta Arborist.

   c. The removal of existing trees requires a permit from the Office of Buildings. Trees planted for recompense credit must comply with the most current versions of the ANSI Standards and ISA Best Management Practices, and the provisions of this Article.

2. Protection of the Public Right-of-Way Clearance, Traffic Safety, and Nuisance Trees

   a. Pruning for Clearance. Any person, being the owner of real property abutting a public street or sidewalk, shall prune any tree or other vegetation on the owner's property so that no tree or other vegetation shall obstruct or interfere with the view to oncoming traffic or pedestrians, nor obstruct or interfere with free passage of pedestrians on any sidewalk or the free passage of vehicles on the paved portion of any street or the view of traffic signs or signals or with the extension or maintenance of wires for street electric lights. Private trees shall be maintained to provide a minimum clearance of 8 feet over sidewalks and 14 feet over the paved portion of streets.

   b. Pruning or Removal for Traffic Safety. Whenever the Department of City Planning determines that any tree on any private premises in the city dangerously obstructs the view in the "visibility triangle" as defined in section 16-28.008 (9) the Department of City Planning may notify the owner or other person in control of the property where any tree is located that it is the duty of such person to remove, prune, or cut down the tree or part in accordance with directions of the

Name Redacted 3/14/2020 11:58 AM
Comment [4]: Is this correct? Is this supposed to be the Department of City Planning?

Name Redacted 3/14/2020 2:47 PM
Comment [5]: Should the definition referenced be included above in Division I H?

DRAFT

Department of City Planning. If the affected owner does not comply with directions of the Department of City Planning, DCP shall cause the required work to be done, thereafter rendering a bill to the affected owner for costs of services and materials resulting from such work.

c. Pruning and removal of Nuisance Trees on Private Property.

i. Generally. Any dead or diseased tree or part of a tree is a nuisance when, by reason of such condition, natural forces may, more readily than if such tree or part thereof were live or not diseased, fell or blow such tree or part thereof onto public ways or public property, off the property of the owner of such tree, and thereby imperil life or property or impede traffic. When a nuisance tree is brought to the attention of and confirmed by the City Arborist, the Office of Buildings shall commence nuisance abatement proceedings.

ii. Notice to owner to remedy conditions; failure to comply. The City Arborist shall give written notice to the owner or the person in possession, charge or control of the property where a tree nuisance as defined in this section exists, stating that in the city arborist's opinion the tree or part of a tree does constitute a nuisance that shall be removed, and requesting that such removal be done within a reasonable time to be specified in such notice. Mitigation of the nuisance shall be done by the property owner within 30 calendar days. Such notice shall further state that unless the tree or part thereof is voluntarily removed within the time specified, the city arborist may issue a citation requiring the party notified to appear in the municipal court to have determined whether the tree or part of a tree involved constitute a nuisance and should be abated. If the tree is not removed within the time specified by the city arborist, the city arborist may cause the owner of such tree, or the person in possession, charge or control thereof, to be summoned to appear before the judge of the municipal court to determine whether or not the tree or part of a tree involved constitutes a nuisance.

iii. Hearing; failure to comply with order to abate. If upon such a hearing as provided for before the judge of the municipal court, the judge shall find that the tree or part of a tree constitutes a nuisance and orders the defendant to abate the same within a specified time, then each ten days that the conditions adjudicated to be a nuisance by the judge are maintained subsequent to the expiration of the time fixed in the judgment of the judge the same to be abated shall constitute an offense.

iv. Emergencies. Such nuisance trees pose immediate hazards and, because of the imminence of danger, are too great a risk to leave standing while standard procedures for giving notice take place. In such cases where danger to the public is imminent, the director of the office of parks shall have the right, but not the obligation, to enter the property and abate the nuisance, and the reasonable costs of such work, as documented by the office of parks shall be reimbursed by the department of city planning. The department of city planning shall have the authority to obtain reimbursement from the property owner.

3. Work on Public Safety Hazards and Liability Trees

a. Examination/Inspection. The Department of City Planning, or their designee, shall have the right to examine all trees, alive or dead, standing or fallen, and logwood piles for determining whether some are contagiously diseased or infested. Such examinations shall include the right to take samples from such trees and logwood piles for laboratory testing purposes.

b. Removal, Pruning, or Treatment. The Department of City Planning shall have the power and is authorized and instructed, after proper notification as referred to above and noncompliance therewith, to cause such trees, or already-cut communicably diseased or infested wood, which are deemed to be a public safety risk or liability as referred to above, to be removed, pruned,

Name Redacted 3/14/2020 12:07 PM
Comment [6]: Is this correct, or should it be the Department of City Planning?

Name Redacted 3/14/2020 12:11 PM
Comment [7]: It says above that the "Department of City Planning [is responsible] for all other public land and private property " So this seems odd to me, to have Parks empowered to take this action, though it's a situation that probably involves a sidewalk/street, not a park?

DRAFT

or treated at the expense of the owner of the land. At the discretion of the Department of City Planning or designee, a "hardship exception" may be granted wherein the City will assume all or part of the expenses involved in removing, pruning or treating such trees.

4. Notice to and Responsibility of Owner of Private Trees. If clearance is not adequate, a hazard exits, or a tree is determined to be a public liability, the Department of City Planning shall give notice to the owner, agent, or occupant of such property to prune trees within a specified time in the notice, which shall not be less than ten (10) days, unless an emergency situation exists. Upon reinspection, if the owner, agent, or occupant who is served with notice fails to comply with the terms of the notice within the time prescribed, the Department of City Planning may arrange for the pruning or removal of any limbs, branches, or other tree parts to obtain proper clearance and abate the hazard, and for treatment of diseased trees. Upon completion of the work required to be done under the terms of this section, the owners of the premises upon which the work was done shall be billed for the work performed by the City.

Division IV. Tree Protection Standards

A. Minimum Criteria

The following standards are the minimum requirements for the protection of trees during construction, demolition or any other land disturbing activities.

1. A pre-demolition inspection must occur; no demolition activities can proceed without approval by the City Arborist.
2. A minimum of 80 percent of the critical root zone must be protected and preserved at natural grade, with natural ground cover. However, trees whose critical root zone is impacted between 20-33% may require an arboricultural prescription to be considered preserved.
3. No cut or fill or trenching is allowed within the structural root plate area.
4. Fencing must be erected at the perimeter of the CRZ or root save area as determined by the City Arborist. Fences must comply with City of Atlanta arboricultural standards. Tree protection fences must remain in place and upright until such time as the construction activities have ceased and/or the final landscaping of a site requires their removal.
5. Protected trees must be properly pruned prior to construction to provide clearance for equipment, as needed.
6. No materials storage or vehicle parking may occur within the CRZ or protected area.
7. As directed by the City Arborist, an arboricultural prescription for treatments to mitigate construction and disturbance impacts may be required.

    a. Greater impacts allowed. These criteria represent minimum standards for protecting trees. Greater impacts may be allowed by the City Arborist, provided that all design alternatives (referenced in Division IX.B.5.b.) have been proven unfeasible and that some acceptable form of mitigation such as a remedial care program that has been prepared by a Certified Arborist in the form of an arboricultural prescription is negotiated. Conversely, in some cases depending on the species and condition of the tree, and type of disturbance proposed the City Arborist may require that a larger area of root zone be preserved to increase the survival potential of particularly significant trees.
    b. Plan adjustments. These criteria are enforced in the field as well as on the plan. Plan adjustments made during construction must be reviewed by the City Arborist through submittal as a site plan revision, site plan correction, or tree permit.
    c. Injured, lost, or destroyed tree. The Arborist may deem a tree impacted or destroyed if, in the arborist's opinion, any action or incursion has converted trees from the status of protected tree to the status of injured, lost, or destroyed tree.

DRAFT

Division V. Removal of dead, dying, or hazardous trees, and of invasive or undesirable species on private and public property.

A. Dead, Dying and Hazardous (DDH) Private Trees and Public Trees associated with planned construction activity.

Any tree regulated by this article that is in a dead, dying, or hazardous condition due to structural or vitality failures and/or insect and disease infestations as confirmed by the City Arborist, and any tree which is causing severe hardscape damage or is in significant conflict with overhead and underground utilities both as determined by a professional qualified to make that determination may be removed following the provisions below.

1. Permit to remove dead, dying, and or hazardous tree; general.

   a. Submittal requirements and procedure. Applications to remove dead, dying, or hazardous trees may be submitted to the Arborist Division by e-mail, phone, or other means. Each application shall include the address of the property and the owner's name, phone, and email address, as available. If applicable, it shall also include the name, phone, and email of the tree service engaged to conduct the work. Each tree shall be identified by species (if known, or at least hardwood or pine), DBH, location, and any identifying characteristics or added markings. Applicants are encouraged to provide one or more photos of the tree in question. Permits to remove dead, dying, or hazardous trees shall be approved at the determination of the City Arborist.
   b. No posting or preliminary approval required. Removal of dead, dying, or hazardous trees does not require preliminary approval as set forth in Division VII. C. or notification or posting as set forth in Division VIII. A.
   c. Replacement and recompense. Removal of dead, dying, and hazardous trees are not subject to the replacement or recompense requirements of Division X. except for illegally destroyed trees pursuant to Division XVII.B.
   d. Right of Appeal. The applicant for a dead, dying, and hazardous tree removal permit regarding a tree on private property may appeal a notice of denial to the Tree Conservation Commission as provided in Division XIII. B. of this Article. Only a property owner or agent of the owner may appeal the denial of a DDH permit for a tree on private property. Appeals must be filed within six months of the date of the City Arborist's written decision.
   e. Permit approval and expiration. Permits to remove dead, dying, or hazardous trees shall be valid for six months from the date of issuance, though the City Arborist may extend the expiration date of the permit by up to six additional months.
   f. Permits available for public inspection. All dead, dying, and hazardous tree removal permits shall be available for public inspection on-line.

2. Permit to remove dead, dying, and hazardous trees; imminent danger.

   a. Authorization for immediate removal. When an applicant believes and can demonstrate that a tree on private property or on non-City-owned public property over which the City has jurisdiction, poses imminent danger to the health, safety and welfare of persons or property the applicant may request a permit for immediate removal by contacting the City Arborist by phone or email to request verbal approval for the removal. Examples of imminent danger include without limitation: sudden change of pitch of the main stem; cracked or heaved soil opposite the tree's lean; visibly raised root plate; and cracks or breaks in the main stem or large leader Should the Arborist deny the permit, the tree shall not be deemed imminently dangerous. If the applicant is unable to reach the City Arborist, they may remove the tree without approval. Within five working days of said removal, the applicant shall apply for post-approval by submitting to the City Arborist a tree removal application and photos

Name Redacted 3/14/2020 12:45 PM

Comment [8]: This provision is ripe for abuse Neither "severe" nor "hardscape" is defined If an otherwise healthy, high-quality tree can be removed because an asphalt driveway is showing cracks, I am strongly opposed to this provision

Name Redacted 3/14/2020 2:02 PM

Comment [9]: A birdbath? A toolshed? A wall of stacked stone? This needs more specificity and greater clarification

Name Redacted 3/14/2020 2:06 PM

Comment [10]: This gives examples of problems with a tree It doesn't clarify what "imminent danger" involves Suppose someone sees a crack in a tree The tree leans over this homeowner's back yard Her children occasionally play in the back yard Is that "imminent"?

DRAFT

demonstrating that the tree at issue was imminently dangerous, and any other information reasonably requested by the City Arborist.

b. City Arborist Findings. Where the Arborist finds that the applicant did not follow the procedures of this Subsection and/or failed to demonstrate an imminent danger, the City may charge the responsible party applicable recompense, replacement, and fines per Division XVII.

c. Right of appeal. No one other than the applicant or property owner shall have the right to appeal a decision by the City Arborist regarding imminent danger and/or tree removal associated therewith. Appeals must be filed within 15 business days of the applicant's/owner's receipt of the City Arborist's written decision and shall meet the requirements of Division VII. B. of this Article.

B. Dead, Dying and Hazardous Public Trees

1. Reporting public property trees in dead, dying, or hazardous condition. Any person who believes that a tree on City-owned property is in dead, dying, or a hazardous condition may request an inspection of the tree by calling the Department of Parks and Recreation and/or the ATL311 system and providing the nearest street address to the tree.
2. Reporting public property trees posing imminent danger. Any person who believes that a tree on City-owned property or in the right-of-way is imminently dangerous may notify the City by calling 911.
3. City Arborist Determination. The City Arborist will determine the tree's condition, assign a response priority, and prescribe appropriate action as needed.

Name Redacted 3/14/2020 2:12 PM

Comment [11]: Presumably this ordinance applies not only to City residents but to City government as well Why doesn't this provision create expectations for the City's response to these requests? It says nothing about follow-up If I call, will I notified when the City responds? If I call, how long should I have to wait until the City responds?

C. Removal of Invasive and Undesirable Tree Species.

1. Invasive and Undesirable Species on Public Property. At the City Arborist's discretion, invasive or undesirable species may be removed from public property. A permit for removal is required, though no posting, replanting, recompense payment, or option to appeal are required.

D. Invasive and Undesirable Species on Private Property

1. The lists of invasive species and undesirable species are maintained by and available from the City Arborist.
2. Permit required. Prior to removal or destruction of an invasive or undesirable species tree, a permit must be approved from the City Arborist.

a. Application. Permit submittal requirements and procedures are the same as those for Dead, Dying, and Hazardous trees; refer to Division V. A. for details.

b. Replacement. Tree replacement or afforestation requirements set forth in Division IX. E. shall be applied for removal of an invasive or undesirable species tree only if the property at issue does not meet the site density requirements of Table 1 after the invasive or undesirable tree(s) is removed. Where afforestation is needed, the applicant must satisfy only the minimum tree quantity requirements of Division IX. D. The requirements of this subsection notwithstanding, in no event shall the applicant be required to plant more replacement trees than the quantity of undesirable trees removed. Replacement tree planting requirements may be waived or modified based on the site density standards and the City Arborist's judgement.

c. Posting. No notification or posting of an invasive or undesirable species is required to obtain a removal permit.

d. Recompense. No recompense shall be assessed for removal of an invasive or undesirable species tree.

e. Appeals. No appeal may be filed.

E. Applications to remove invasive or undesirable species within a stream buffer.

DRAFT

Applications that removes a significant amount of the vegetative cover or involves the use of heavy mechanized equipment may require notification and/or permitting through the Department of Watershed Management.

Division VI. Removal of healthy, non-hazardous trees

A. Tree Valuation and Significance Category; general.

1. Applicability. The provisions of this Section shall pertain to healthy non-hazardous trees on public and private property only when an application for removal is made.
2. Replacement and/or recompense required based on Significance Category.
   a. Any person removing or destroying a tree must replace one or more trees and/or pay recompense based on the calculated value of the tree pursuant to the rules set forth in this Article, unless otherwise exempted by this Article.
   b. Further, the determination of a tree's Significance Category must be performed to determine the final protection, replanting and recompense requirements.
3. Tree Valuation Method.
   a. The value of a healthy tree will be determined by a formula based on the number of replacement trees or equivalent dollar value per diameter inch specific to the tree's Significance Category.
4. The valuation calculations shall be done at the applicant's sole expense, unless reasonable hardship is documented.
5. The valuation calculations should appear on the site plan, or on a separate document that is provided to the City Arborist with the submission of a site plan and permit application.

B. Tree Significance Category Determination

1. Automatic categorization. If a tree is determined to be dead, dying, hazardous, or an invasive undesirable species it is automatically classified as Category 1; an undesirable species on public property is in Category 2; and a Heritage or Specimen tree is automatically in Category 5. All other trees must be categorized to determine permitting, replanting, and recompense requirements.
2. Significance Category Method. Based on a weighted point system for context factors that include various tree attributes, ecological factors, site characteristics, and project type, trees are scored and placed into one of five categories, with Category 1 being the lowest, least restrictive and Category 5 being the highest, most restrictive in terms of permitting, replacement planting, and recompense.
3. Categorization Standards and Methods. The Department of City Planning will maintain the categorization standards and will provide applicants with a form and instructions for determining the Significance Category. When requested, applicants, must provide the completed form to the city, along with information stating who performed the categorization, and their arboricultural qualifications if any.

Name Redacted 3/14/2020 3:13 PM
Comment [12]: Why does this ordinance not have a clear, detailed description of these different rubrics? What is a Category 3 tree, for example?

Division VII. Protection of Healthy, Non-Hazardous trees: Procedure for Obtaining Removal Permit

A. Policy; general requirement.

1. Policy. It is the policy of the City of Atlanta to encourage the preservation of existing healthy trees.
2. Permit required. No person shall directly or indirectly remove or destroy any healthy, non - hazardous tree meeting one of the following three descriptions without first obtaining a permit from the City Arborist except as otherwise set forth in this Article:
   a. Healthy, non-hazardous trees located on public property;

b. Healthy, non-hazardous pine trees located on private property that are 12 inches DBH or greater; and
c. Healthy, non-hazardous trees, other than pine trees, located on private property, that are six inches DBH or greater.

3. Minimal damage to trees. Each applicant for a permit to remove or destroy a healthy, non-hazardous tree shall be required to minimize the damage to trees on the site to the maximum extent feasible.
4. Permits available for public inspection upon request to the City Arborist's office.

B. Reasons for removal and destruction of healthy, non-hazardous trees.

Healthy, non-hazardous trees may be permitted for removal or destruction only for the following purposes, provided that the requirements of this Article are met.

1. Construction and/or demolition
2. Landscaping
3. Public safety emergency
4. Construction and maintenance of public facilities and infrastructure
5. Invasive and undesirable tree species

C. Removal and destruction of healthy trees for the purposes of construction, demolition, and landscaping.

For purposes of this Section, construction shall refer to both construction and demolition work and/or permits (as applicable) unless specifically stated otherwise.

1. Permit required.

a. Permits for tree removal based on construction and demolition. A permit may be issued by the City Arborist to remove or destroy a tree in order to accommodate construction of a property improvement for which a building permit is required, or to accommodate installation of infrastructure associated with the improvement, including without limitation dwellings, garages, free- standing buildings, pools, patios, driveways, retaining walls and utility lines. Tree removal for demolition will only be permitted when the arborist determines that it is unfeasible to perform the demolition without destruction or removal of trees. The City Arborist may require certain areas of proposed demolition to be deferred until a building permit is issued, where such deferral may preserve trees.
b. Permits for tree removal based on landscaping improvements. A permit may be issued by the City Arborist to remove or destroy a tree in order to accommodate landscaping projects, or other activities for which a construction permit is not otherwise required. Any person or entity performing a landscaping project which may require the removal or destruction of a tree, or incursion into the structural root plate or more than 20% of a tree's critical root zone must submit a complete application to the City Arborist. The application shall be subject to the requirements of Division VII. C and shall meet landscaping plan requirements as described in Division IX. B.

2. Application for tree removal permit.

a. Site Plan/Tree Protection Plan submittal. Any person or entity performing a construction project which may require the removal, destruction, or incursion into the critical root zone of a tree must submit a tree protection plan to the Department of City Planning along with the building permit application. The plan shall be in a form prescribed by the City Arborist, as further described in Division IX. B., and shall include without limitation, a survey of all hardwood trees over six inches DBH, and pines over 12 inches DBH as well as boundary trees on the property and any boundary trees or Grove trees off the property.

DRAFT

b. Tree survey. All trees whose critical root zone overlaps into the limit of disturbance must be surveyed. Other trees shall be surveyed to prove minimum site density requirements and incentive standards.

3. Review and requirements for issuing construction-related removal permit.

To issue a tree removal permit, the City Arborist must review the application and determine that the following conditions exist:

a. The construction necessitates destruction of the tree;
b. No boundary trees are proposed for removal or destruction without a letter of agreement from the adjacent property owner;
c. There has been a successful appeal for the removal of any Heritage or Specimen tree(s), if applicable;
d. The improvement cannot reasonably be positioned to further increase tree protection;
e. All reasonable efforts have been made to plan the construction or demolition methods and site access with protection of trees as a priority; and
f. Whether the lot in question has met or will meet the minimum tree density standards required by this ordinance.

4. Review of landscaping-related tree removal applications.

To issue a landscaping-related tree removal permit, the City Arborist must determine that the following conditions exist:

a. No previous permit has been issued within the last 3 years for trees to be removed under the allowance for reasonable, periodic removal of healthy trees as described in Subsection E. below.
b. The property meets the minimum tree density standards set forth in Table 1 prior to and/or after the proposed removal or destruction of the tree(s) at issue through the remaining trees on-site or in conjunction with replacement planting. No landscape or construction permit will be approved that proposes to remove all trees on the site without approval from the Tree Conservation Commission. For purposes of this subsection, where the applicant calculates tree density based upon the quantity of trees on the property pursuant to Table 1, only healthy trees may be counted.
c. The tree is not a Heritage or Specimen tree.

5. Minimum Density Requirements.

Before issuing a permit for removals related to construction or landscaping, the City Arborist shall determine, based on information supplied by the applicant, the extent to which the property in question meets, exceeds, or falls below the minimum tree density requirements before removals as described in Division IX. C. and Table 1. Notwithstanding any other provisions of this ordinance, the City Arborist may require afforestation, along with replacement and/or recompense by the applicant to bring the lot in conformance with the minimum density requirements as described in Table 1.

6. Notice of City Arborist decision.

The City Arborist shall give a notice of preliminary approval or denial consistent with the terms of this Article. The notice shall include the approved tree replacement and/or monetary recompense requirements associated with the removals, as described in Division X. D. and E.

7. Conditions of approval and preliminary approval.

The City Arborist may require tree-protection measures consistent with this Article as a condition of the issuance of preliminary approval.

8. Re-submission.

DRAFT

An applicant may submit a new application at any time after receiving a notice of denial

9. Appeals of denial of application.

   A notice of denial may be appealed to the Tree Conservation Commission by the applicant only.

D. Removal and destruction of healthy, non-hazardous trees based upon stormwater management requirements for single family homes and duplexes.

1. The City Arborist may not approve permits for tree removals solely for the construction of stormwater retention on single family residential properties unless the applicant can show that no other method is feasible, including but not limited to pervious paving, green roofs, infiltration under driveway, cisterns, and/or treatment train of separated best management practices.

E. Allowance for reasonable, periodic removal of healthy trees.

1. One (1) tree or 5% of the total DBH on the site, whichever is greater, may be removed per parcel every three years with no required replanting or recompense as long as the site meets or exceeds 150% of the minimum site density requirements before and after the removal. To use the 5% total DBH method, a tree survey showing total density on the site must be submitted to the City Arborist.
2. No Category 4 or Category 5 trees can be removed under this provision.
3. Trees removed under this provision may not be associated with any tree removal permit. If a permit is applied for and approved within three years of a tree removal using this allowance, then the applicant must pay recompense for the tree(s) previously removed.

Name Redacted 3/14/2020 3:12 PM

Comment [13]: This appears to me to conflict with Division VII B There it gives five (5) reasons why a healthy tree may be removed None of the five (5) reasons mentions "reasonable, periodic removal "

I suppose that's why you call it an "allowance " I am personally opposed to this allowance What is the rationale for it? "I have a lot of trees I don't like that otherwise healthy, non-hazardous, thriving, Category 3 white oak I want it gone "

And further, what is the rationale for no recompense, so that a tree may be planted on a site that does not meet or exceed 150% of the minimum density requirements?

We have an ordinance based on the principle that every Atlantan has some stake in every tree — if that were not true, then there would be no valid basis for regulating trees on private property And yet with this allowance, you appear to endorse the view that a property owner may do as he or she wishes, up to a point

As a practical matter, this allowance is so circumscribed that it will probably be used infrequently But I predict that it will encourage illegal removals and create headaches for the City arborists

Division VIII. Protection of Healthy, Non-Hazardous Trees; Posting and Appeals

A. Notifications and Posting

1. Applicability. The notification and posting criteria set forth below in this subsection apply to construction-related and landscaping-related tree removal permits only.
2. Notification and posting of tree removal for private development, demolition, and landscaping projects. For trees located on public and private property, two notifications shall be required.

   a. Notice of Tree Removal Request. The first notification shall be made to the public that an application to remove a designated tree(s) was filed with the City. The notification will be placed on www.atlantaga.gov and shall remain for a minimum of ten calendar days. The City will not accept any appeals during this notice period.

3. Notice of Preliminary Approval. A second notification in the form of a physical posting shall notify the public that the City Arborist has given preliminary approval to an application to remove one or more trees, and that appeals of such decision may be submitted. This posting will be a physical sign visible to passers-by on the property where the tree removal is requested.
4. Posting Sign Contents. The notice of preliminary approval shall inform any reader that an appeal may be filed with the clerk of the tree conservation commission and shall indicate the deadline by which the appeal must be filed. The notice shall further indicate that the failure to appeal within the designated time period will result in the issuance of the removal permit without further right of appeal. If the notice of preliminary approval is not posted as required by this section, no permit shall be issued.
5. Posting Sign Location. Only one posting sign per property will be required regardless of the number of trees requested for removal on a single permit application. Property postings shall be placed in a prominent location on the affected property so that the posting sign is clearly visible, and so that the sign may be seen and read by passers-by. Where the affected property has frontage on more than one road, at least one sign shall be placed on each side of the property with road frontage. If the notice of preliminary approval is not posted as required by this section, no permit shall be issued.
6. The second posting shall remain in place for five (5) business days, during which time the City will accept appeals.

7. Tree marking. Immediately after an applicant receives preliminary approval of a tree protection plan or removal application, they shall mark all trees preliminarily approved for removal or destruction by painting an orange "X" on the tree that is visible from the road unless the tree's location or site conditions make compliance with this requirement unreasonable, as determined by the City Arborist.
8. Permits available for public inspection. All tree removal permits shall be available for public inspection.

B. Appeals

1. Applicability of this subsection. The appeal criteria set forth below in this subsection apply to construction-related and landscaping-related tree removal permits only.
2. Who may appeal. Appeal rights are set forth throughout this Article, and further:
   a. Appeals regarding trees impacted for private development, demolition, and landscaping projects. Appeals of a City Arborist's decision regarding a healthy, non-hazardous tree impacted by private development may be filed by any person who is aggrieved by the decision and who resides or owns property or a business either within 500 feet or within the NPU of the property on which the tree(s) at issue are located.
   b. Appeals regarding trees impacted by public projects. Appeals of a City Arborist's decision regarding a healthy, non-hazardous tree on public property may be filed by any aggrieved party who is: 1) an individual who resides or owns property or a business in the City of Atlanta; and/or 2) a civic association in the NPU in which the tree(s) at issue are located.
3. Timing of appeal.
   a. Timing of appeal for trees impacted by private and public development. Appeals regarding trees impacted by private and public development must be filed within five business days of the date on the second sign posting after preliminary approval has been granted by the City Arborist, per posting requirements described in Division VIII. A.
4. Appeal requirements.
   a. Submission of appeals. All appeals must be filed with the clerk of the Tree Conservation Commission.
   b. Filing fee. An appeal shall not be deemed filed until the clerk receives a completed appeal package, along with either a $75.00 filing fee used to defray the administrative costs of the appeal or a hardship letter requesting a fee waiver. Where a hardship letter is submitted, it must explain in detail why the appellant is unable to pay the fee. The Tree Conservation Commission shall determine whether to waive the filing fee at or before the time of the appeal hearing.
   c. Appeal content. The Notice of Appeal shall state, at a minimum, the name, address, phone number, and email address (if any) of the appellant and whether the appellant is a resident of the City of Atlanta. If the appellant is not a resident of Atlanta, the address of a property or business owned by the appellant within the City of Atlanta shall be included. The appeal also shall include the address of the subject property and, if known and applicable, the name of the person(s) who filed a permit application for the property about which the appeal is being made.
   d. Basis of appeal must be stated. The Notice of Appeal shall specify, at a minimum: the section(s) of this Article that the appellant believes was misinterpreted or misapplied by the administrative officer; the way in which the appellant believes the section should be interpreted or applied; and any facts material to the administrative officer's decision that the appellant believes were inaccurate or missing from the tree removal application, misinterpreted, or misunderstood.

DRAFT

e. Appeal for only one property or project. An appeal may challenge a decision(s) regarding one property or one project only.

5. Stay of activity after appeal is filed

   a. Appeal by non-applicant challenging issuance of Preliminary Approval. If an appeal is filed by a non-applicant challenging the City Arborist's decision to issue preliminary approval of tree removal(s), the preliminarily approved activities, including tree removal and related earth disturbance, shall be stayed automatically. The City Arborist shall not grant final approval until the appeal is resolved.
   b. Appeal of recompense and /or replacement requirements. If an appeal is filed challenging only the recompense and/or replacement requirements associated with a Notice of Preliminary Approval, the Applicant may receive a permit before resolution of the appeal by paying the recompense amount required by the Preliminary Approval, or the financial equivalent of the replacement requirement as determined by the City Arborist. The applicant will be reimbursed if so directed on appeal. The appeal shall not stay the preliminarily approved activities and shall not prevent the City Arborist from issuing a permit for construction.

6. Submission of evidence. The property owner on which the subject tree is located, and each additional party shall submit to the Commission Clerk all documentary evidence supporting their arguments at least one calendar week prior to the hearing except rebuttal evidence and evidence not available one week prior to the hearing. Evidence shall consist without limitations of photographs, proof of tree maintenance records, a letter or report from an independent Certified Arborist or other professional with expertise in the issue. The appellant must describe how the decision or action of the City Arborist erred in applying the relevant standards or review factors prescribed in this Article.
7. Notice of hearing. The Commission shall give public notice of an appeal hearing as well as prompt written notice to the parties to the appeal. Public notice shall be given by the clerk of the Tree Conservation Commission in such a manner as shall be provided for in the rules for appeals adopted by the Tree Conservation Commission, but in no event shall such notice be given less than ten business days before the date of the hearing.
8. The appeal hearing.

   a. Representation at Appeal. At the hearing, the property owner and any party shall appear in person or be represented by an agent or by an attorney.
   b. Quorum. Three members constitute a quorum of the Tree Conservation Commission for an appeal hearing. The decision on any appeal shall be determined by a majority vote of the Tree Conservation Commission members present and voting on the appeal.

9. Appeal of decision. The Tree Conservation Commission shall decide the appeal within a reasonable time. All appeals to the Tree Conservation Commission must be concluded or resolved within two months of the initial hearing. If the appeal is not concluded or resolved within that time, the tree conservation commission will issue an "appeal approved" or "appeal denied" final ruling no later than the two-month deadline.
10. Tree Conservation Commission's ruling.

   a. Decision of Commission. Except as described in Subsection 11 and 12 below, the Tree Conservation Commission shall sustain an appeal upon an express finding that the City Arborist's action was based upon a misinterpretation or erroneous finding of a material fact, or a misapplication of law. If no such finding is made, or if it is found that the applicant provided the City Arborist with erroneous or incomplete information, the Commission shall deny the appeal.
   b. The Commission shall have the authority to reverse, affirm, wholly or partly, or modify the City Arborist's decision being appealed, and to that end shall have all of the powers of the City Arborist. These powers shall include, where applicable, the power to direct the issuance of a

DRAFT

tree removal permit, provided that all requirements imposed by this Article and all other applicable laws are met.

11. Financial hardship. The Tree Conservation Commission shall establish written guidelines for determining the existence of financial hardship and shall apply the guidelines uniformly. Where an appeal of recompense, fines and/or filing fee amount is premised on a claim of financial hardship, the Commission shall decide the appeal based upon the application of these guidelines. The Commission shall issue a written decision stating the basis for the hardship determination.
12. Development hardship. If the parcel is made unbuildable because of the requirements of this Article, an appellant may claim a hardship, and the Commission, in consultation with the City Arborist, will decide on the claim of the hardship.
13. Appeal of decision of Tree Conservation Commission
    a. Appeal of Tree Conservation Commission decision to Superior Court. Any person aggrieved by a decision of the Tree Conservation Commission, or any City official, bureau, office, department or board affected by such decision, may appeal such decision through a writ of certiorari to the Superior Court of Fulton County, pursuant to the procedures set forth by Georgia law.
14. Lifting of stay. Any person desiring to appeal a decision of the Tree Conservation Commission shall notify the clerk of the Commission, in writing, of such intent within six business days of the date of the written decision of the Commission. Barring such notice of intent, the stay shall be lifted, and the Commission's decision shall take effect.
15. Issuance of permit where no timely appeal filed. If no appeal is filed within the time frames prescribed above, the permit shall be issued in accordance with the terms of said Notice of Preliminary Approval.
16. Minor amendments. After the time for appeals has expired with respect to any notice of preliminary approval, the city arborist may approve minor amendments to the permit without there being any new right of appeal from such approval, provided that the arborist, in connection with such approval, shall certify in writing to the following, which certification shall be attached to the permitted amendments:
    a. That the amendments do not alter or amend any rulings of the tree conservation commission made in connection with the particular case; and
    b. That the amendments do not affect any trees on the property in question which are eligible under this article to be designated historic or specimen trees; and
    c. That the amendments in the aggregate do not increase by more than ten percent of the total DBH of the trees permitted for removal or destruction.

Division IX. Removal of healthy, non-hazardous trees - site plan requirements, review process, and site density requirements

A. Applicability.

The provisions of this Division shall pertain to only healthy trees on both public and private property.

1. Public facilities – The City Arborist should be consulted during site selection and must review land purchase or acquisition and concept plans for public/City facilities and other non-linear capital improvement projects prior to the final purchase or acquisition. If the proposed site for the capital project has significant trees, tree cover, and/or Heritage or specimen trees, alternative sites should be considered, particularly grayfields or predeveloped parcels.
2. Private property – All land development in all zoning classes are required to adhere to the requirements of this section.

B. Requirements for site plans.

DRAFT

All requests for soil disturbance, second story additions, and the removal, destruction, or incursion into the critical root zone of a healthy tree must include a tree protection plan/site plan pursuant to Division IX. B. For purposes of this Division, "site plan" and "tree protection plan" are synonymous.

1. General requirements. Any site plan required under this Article shall contain topographic information at two-foot contour intervals and shall show all existing and proposed buildings and structures, driveways and parking areas, drainage structures, water detention areas, streams and stream buffers, wetlands, existing and proposed utilities, construction material staging grounds and all areas of requiring cut and fill of earth and limits of land disturbing activity. Single family lots of record may be exempt from the requirement of the topographic survey provided that there are no slopes equal to or greater than 15%. The survey and tree protection plan shall be signed or stamped by an ISA Certified Arborist, landscape architect, architect, engineer, or professional surveyor. Minor site plans and landscape plans may be hand-drawn to scale by the applicant, subject to approval by the City Arborist.
2. Tree survey. The site plan shall include an inventory of existing trees, size in DBH, species, condition, and location of all trees having a DBH of six inches or greater and pines over 12 inches. Site density shall be measured as described in Division IX.C.
    a. Boundary trees. Boundary trees shall be included in the site plan. The portion of the critical root zone of all boundary trees that lies outside the limits of disturbance shall be enclosed in a tree protection fence according to established arboricultural standards set forth in this Article. In consultation with a boundary tree's owner or their agent, the City Arborist may prescribe, and the applicant shall institute additional protective measures to limit damage to a boundary tree during construction, including but not limited to watering regimes, root treatments, mulching, deadwood removal, and protective pruning.
    b. Heritage and specimen trees. The site plan shall identify which (if any) trees on the site plan are Heritage or specimen trees, and provide species, size, and condition information.
3. Context factors
    a. The site plan shall identify any jurisdictional ecologically sensitive areas, noting the specific designation, including without limitation stream buffers, wetlands and 100-year floodplains. Any requested disturbance of such areas shall be detailed on the plan.
    b. The site plan shall also show and/or contain information indicating tree, site, and/or project attributes that are Context Factors as described in Definitions, such as slopes over 15% and trees in public rights-of-way.
    c. The site plan shall identify all trees on or off-site that contribute to the "Grove "and "Age of Grove" context factors. Trees on adjacent properties can contribute to the grove context factor.
4. Identification of trees to be saved or removed. The site plan shall denote the location of each healthy tree the extent of the critical root zone, and the percentage of any critical root zone that will be damaged. If no trees exist, the property owner or contractor must submit at least two photos clearly depicting the area affected by proposed construction and a signed statement attesting to this fact.
5. Protection for saved trees. The site plan must demonstrate that the location of improvements and appropriate preventive actions will protect existing trees on the property and abutting properties unless the plan identifies the tree as being removed or destroyed. The site plan must further show that damage to trees during grading, construction, or demolition will be minimized to the greatest degree possible under the circumstances, as determined by the City Arborist.
    a. Tree protection fencing. Protection must include tree fencing that is shown on the site plan and that meets the following requirements:
        i. Location. Tree fencing must be located to protect a minimum of 80% of a saved tree's critical root zone throughout construction. Where the City Arborist determines that this

DRAFT

level of protection is not possible and pre-approves an arboricultural prescription as part of the site plan, the tree fencing must be located so as to protect at least 33% of the critical root zone and 100% of the structural root plate.

ii. Material. Tree fencing must be constructed of chain link or substantial mesh material that is erected around critical root zones of trees at a minimum height of four feet before the commencement of any land disturbance, demolition, or construction. Chain link fencing must be used for trees in the front yards of residential properties and other locations as prescribed by the City Arborist. The City Arborist may also require more substantial wood or steel fencing and secured posts where they find a significant risk of damage to the saved tree's critical root zone. The City Arborist may require these measures at any time, including after commencement of site disturbance.

iii. Signage. The site plan shall indicate that highly visible signage will be attached to the protection fencing for each protected tree indicating that no person or equipment is allowed to enter or violate the tree protection area. The applicant is responsible for purchasing the signage, and signage should be produced in both English and Spanish. The City Arborist will apply penalties if signs are not posted properly.

b. Protection of saved trees and construction methods. In consultation with the City Arborist, the site plan must further show that damage to trees during grading, construction, demolition, and/or utility installation will be eliminated or minimized to the greatest degree possible under the particular circumstances, by using construction methods and products proven to protect existing trees. Protection measures must be indicated on the site plans and may include without limitation methods and techniques such as:

i. Directional boring instead of open trenching for utility installation;

ii. Root bridging for sidewalks, driveways, and other hardscapes;

iii. Retaining walls and use of pier and beam foundations to reduce tree impacts from site grading;

iv. Use of mulch, gravel, plywood, geotextiles, swamp/access mats, and temporary decking, alone or in combination per City of Atlanta Arborist standards to prevent soil compaction from vehicular traffic and material storage; and

v. Any other methods, materials, or techniques that meet with current arboricultural industry standards and are approved by the City Arborist.

c. Arboricultural prescriptions. Where more than 20% and up to 33% of a tree's critical root zone is damaged (known as a "technically destroyed tree") the City Arborist will not consider the tree to be destroyed, and will not assess recompense or require replanting or posting, but only if the following conditions are included in the site plan and satisfied throughout the construction and/or landscaping project:

i. Tree save fencing is established and maintained throughout the project to protect at least 67% of the tree's critical root zone, or as directed by the City Arborist;

ii. The tree's structural root plate is not disturbed;

iii. An ISA-certified arborist or registered forester is retained to prescribe and monitor the implementation of measures to maximize the survival and protection of the tree, including but not limited to root pruning, canopy pruning, mulching, watering, fertilization, and enhanced protective fencing;

iv. The prescription of the retained arborist is approved by the City Arborist in advance of the permit issuance and a signed, paid-in-full receipt or the equivalent for implementation is provided; and

v. A report on the effectiveness of the prescribed measures, such as the current and projected condition of the tree, the status of the measures taken, etc., is submitted by the retained arborist to the City Arborist prior to issuance of a Certificate of Occupancy or completion of the landscaping project as applicable.

DRAFT

6. Tree replacement plan and recompense calculations. The site plan shall contain or reference a separately submitted proposed tree replacement plan and recompense calculations that meet all the specifications set forth in Division IX.

C. Minimum Tree Density Standards and Preservation Thresholds.

Preservation of existing trees is strongly encouraged when public and private properties are developed. All properties, based on zoning category, have minimum density standards based on the number of healthy trees on site after construction. Owners are required, after construction, to meet the minimum density standard for the lot according to its size and zoning classification.

1. Application. Applicants must achieve Preservation Thresholds/Minimum Density Standards relevant to their lot size and zoning classification, as shown in Table 1 below. These standards will not apply to residential projects that disturb 1,000 square feet or less of land and have construction cost less than $50,000. By meeting or exceeding these Preservation Thresholds, applicants may be entitled to incentives and reductions in recompense as indicated in Table 2.
2. Minimum density allowance for non-single-family residential properties. If, based on a site plan created by a qualified professional arborist, architect, landscape architect, or surveyor, the City Arborist concludes that minimum density requirements cannot be met on site, permittees may pay recompense for planting remaining trees on other sites as described and calculated in Division X. C. D. and E.
3. City Design Incentives. To promote new construction or substantial reconstruction in City Design Growth Areas, the City may reduce site density levels and preservation thresholds for non-single-family zoning categories by 50% for projects planned in the City Design Growth areas. See Figure 1 for map of City Design Growth Areas.
4. Three trees required. No plan for single-family residential development will be approved which specifies fewer than three trees on the lot, either preserved or newly planted, except for Zoning Category R-4B for which two trees will be required. These trees will count toward minimum density requirements set for that Zoning Category.
5. Non-residential density requirements. All commercial, multifamily and industrial projects must meet a minimum density standard of 27 trees per acre, regardless of zoning classification category.

Table 1. Minimum Density Requirements and Preservation Thresholds

Zone	Minimum Acreage	Maximum Impervious Cover	Preservation Threshold, DBH/Acre	Minimum Density, Post-Construction # of Trees/Acre
R-1	2	25%	333	27
R-2	1	35%	289	23
R-2A	0.69	35%	289	23
R-2B	0.64	40%	267	21
R-3	0.41	40%	267	21
R-3A	0.31	45%	244	20
R-4	0.21	50%	222	18
R-4A	0.17	55%	200	16
R-4B	0.06	85%	67	6
R-5	0.17	55%	200	16
All other zoning categories	N/A	N/A	200	27

DRAFT

D. Calculating minimum tree density.

1. Before removals. Applicant shall indicate the number of all trees on site, not including hardwoods less than 6-inch DBH and pines less than 12-inch DBH before removals. No dead, dying or hazardous trees may be counted. The applicant shall further note the cumulative DBH of all remaining trees on site before removals.
2. After removals. Applicant's site plan must indicate the number, size, and cumulative DBH of trees remaining on site after proposed removals, and the species and placement of trees required for replacement and afforestation to meet minimum density requirements.

E. Afforestation and replacement trees.

1. Tree selection. Trees for replacement and/or afforestation purposes shall be selected from the city's approved list and be no smaller than 2 ½ inches caliper.
2. Priority planning areas. Where afforestation and/or replacement trees are required on residential properties, if feasible, at least one tree shall be planted in both the front and rear yards as delineated for that zoning classification. Priorities for additional plantings include side yards that abut public rights-of-way and boundary trees where feasible.

F. Limits on tree removal.

1. Restrictions on removing all trees from a lot. It is the intent of this Article to prevent the clearing and removal of all trees on a lot for construction or landscaping. Permits to allow removal of all trees on sites that contain 3 or more healthy (i.e., non-invasive/undesirable) trees, not including hardwoods less than 6-inch DBH and pines less than 12-inch DBH, will be reviewed by the City Arborist and referred with their recommendation to the Tree Conservation Commission for final approval or disapproval. Tree Conservation Commission hearing procedures apply.
    a. Cost savings and/or commitment to a specific landscape or building design may not in itself constitute grounds for approval of a permit to remove all trees from a lot.
    b. The City Arborist will endeavor to work with applicants to identify feasible tree conservation strategies consistent with the requirements of this Ordinance.

G. Incentives and credits for meeting preservation thresholds

1. Eligibility. In order for an applicant to be eligible for the preservation threshold and tree retention incentives, the applicant is required to submit a site plan stamped and/or signed by an ISA-Certified Arborist registered with the City that identifies the species of all trees over 6 inches and 12 inches for pines, and indicates any Heritage trees as well as all dead, dying, or hazardous trees.
2. Preservation credits. If applicants preserve existing trees on site – except for hardwoods less than 6 inches and pines less than 12 inches – so as to meet or exceed the preservation thresholds described in Table 1, they may reduce replanting and recompense for Category 2 and Category 3 trees only, by the percentages shown in Table 2.
3. Protection of significant trees. If applicants preserve existing Category 4 and Category 5 trees on site, they will be eligible for an additional incentive as described in Table 2. This incentive can be applied in addition to any incentives earned by meeting the conditions described above.
4. Affordable Housing. All provisions of this Article shall apply to the development of affordable housing, with the exception of the calculation of tree recompense fees. Development projects on private property that provide a defined number of units or floor area of affordable housing shall have tree recompense fees reduced based on the following standards:
    a. Required replacement and afforestation trees should be planted on the site to the greatest extent practical, subject to the planting standards in Division X.F.
    b. Recompense fees for trees unable to be planted on site shall be reduced by the percentage of affordable units available to individuals earning up to 80% of AMI. Thus, a development with

DRAFT

30% of its units priced as affordable housing shall have the total recompense fee reduced by 30%.

c. For mixed use developments, the recompense fee shall be reduced by a percentage equal to the percentage of the development's total floor area dedicated to affordable housing. Thus, a mixed-use development with 8% of its total floor area dedicated to affordable housing shall have the recompense fee reduced by 8%.

5. Administrative zoning setback variances for the preservation of trees

   a. The Department of City Planning will be authorized to approve administrative variances to reduce zoning setbacks by up to 50% of their width if recommended by the City Arborist to allow the preservation of trees.

6. Incentive for planting trees in green stormwater infrastructure facilities. All replacement or afforestation trees planted in a vegetated green stormwater infrastructure facility, including but not limited to bioretention, stormwater planters, enhanced swales, and constructed wetlands, will be counted as two trees of the size planted. This credit will count towards minimum tree density standards and any required replanting/recompense but does not reduce or alter the parking lot tree planting requirements described in Division XI.

Table 2. Preservation Incentives

Credit for Exceeding Preservation Threshold	
Percent by Which Site DBH After Permitted Activities Exceeds Preservation Threshold	**Reduction in Replanting & Recompense**
101-149%	Reduced by 25%
150-199%	Reduced by 50%
Over 200%	Reduced by 75%
Credit for Retaining Significant Trees	
Number of Trees Retained	**Reduction in Replacement & Recompense**
For every Category 5 tree preserved	Replanting & Recompense reduced by the DBH of preserved Category 5 tree [s]
For every Category 4 tree preserved	Replanting & Recompense reduced by half of the DBH of the preserved Category 4 tree[s]

H. Requirements for site plan review process and issuance of certificate of occupancy

1. Submission. For development projects requiring a building permit that involve the removal of healthy, non-hazardous trees, site plans and the tree removal permit application shall be submitted simultaneously with the building permit application.
2. Preconstruction conference required. Upon approval of any permit involving grading, demolition, or construction, no work shall commence, no grading shall be undertaken, and no trees shall be removed prior to a preconstruction conference on the site between the City Arborist and the applicant or their designee. The City Arborist shall inspect the site to assure the accuracy of permit application data and shall inspect tree protection fences and other protective devices which have been installed to protect trees. After the inspection is complete, the City Arborist shall document inspection results. Demolition, grading, or construction may proceed only upon City Arborist approval.

DRAFT

3. Exception. For any permit for an addition to a one-family or two-family residence, the City Arborist may elect to rely on data submitted in the application and certified by the applicant for the building permit in lieu of a preconstruction conference on the site.
4. Site inspection required prior to demolition. A site inspection shall be conducted at least once prior to demolition activities to verify that tree protection fencing, and other tree protection measures are in place.
5. Site inspection required during construction. A site inspection shall be conducted at least once during land disturbance and construction activities to verify that the site work is proceeding in accordance with the approved site plan and all requirements of this Article.
6. Tree Protection fencing during construction. No activity, including construction material storage, shall occur in tree protection areas. Tree protection fences with appropriate signage must remain upright and in place as shown on the site plan at all times after land disturbance, construction or demolition begins. Fences must comply with all provisions of this Article, approved site plans, and any permit conditions at all times throughout land disturbance, construction, or demolition activities. Fencing must remain in place until such time as construction is complete and final landscaping of a site requires its removal. Until the final Certificate of Occupancy is issued, the tree protection area shall contain two to four inches of organic mulch; no sod or turf shall be placed in this area.
7. Site inspection required prior to issuance of Certificate of Occupancy. No Certificate of Occupancy shall be issued by the Director of the Department of City Planning or a designee with respect to any permit unless and until the City Arborist has inspected such site and confirmed that all replacement trees have been planted in accordance with this Article, all trees shown to be saved on the City Arborist-approved site plan have been saved in accordance with the provisions of this Article, and all tree recompense payments and fines and fees associated with illegal destruction or removal of trees have been paid in full.

Division X. Removal of healthy, non-hazardous trees; Tree replacement and recompense standards

The following sections indicate the permitting, limitations, replacement planting, and/or recompense requirements per Significance Category.

A. Heritage and Specimen Tree standards.

1. Heritage and Specimen trees may not be approved for removal by the City Arborist unless exempted by Subsection 2 below. Applicants that seek a permit to remove a Heritage or Specimen tree must seek approval from the Tree Conservation Commission through the appeals process.
2. Exception: Heritage and Specimen trees may be approved for removal by the City Arborist if preserving the tree would prevent development of the property, defined here as:
    a. the critical root zone of one or more Heritage or Specimen trees occupies 40% or more of the buildable area of the lot that is not occupied by floodplain, stream buffer (minus any authorized encroachment), or easements that prohibit construction.
    b. construction access of no less than 20 feet in width from an adjacent street cannot be achieved without destroying the tree. Or,
    c. Service connections to existing utilities cannot be made without destroying the tree.

B. Permitting and posting requirements.

Category 1. Removal with approved simplified permit process. No posting required.

Category 2. Removal only with approved permit. One online notification is required, unless being removed in conjunction with higher category trees which require more notification actions.

Category 3. Removal only with approved permit. One online posting and one physical posting are required.

DRAFT

Category 4. Removal only with approved permit. One online posting and one physical posting are required.

Category 5 – Other than Heritage and Specimen Trees. Removal only with approved permit. One online posting and one physical posting are required.

Category 5 – Heritage and Specimen Trees. Removal of Heritage and Specimen Trees are prohibited without authorization by the Tree Conservation Commission or as exempted under Division X.A.2. Hardships and exceptions will be considered only through the appeals process.

Name Redacted 3/14/2020 2:53 PM
Comment [14]: Why are there two (2) Category 5s? Why not a Category 6?

C. Replacement Tree Requirements.

Replacement trees owed are determined by the DBH of the tree(s) removed per their Significance Category. The total number of replacement trees can be calculated either as a number of 2.5-inch caliper trees or a total number of inches that must be replaced.

The formulas for each method per Category are presented in Table 3.

Table 3. Replacement Tree Calculation Per Significance Category

Significance Category	Replacement trees owed (total inches)
1	N/A
2	DBH x .375
3	DBH x .75
4	DBH x 1
5	DBH x 3

D. Recompense Requirements

1. General. Recompense payment will be allowed when the required number of replacement trees cannot be planted on-site. The recompense fee per DBH inch will be established based on the typical cost for the City to plant a 2.5" caliper canopy tree and maintain it for 2 years. This cost will be established every two years by evaluating current and recent City contract prices for planting trees and made available to applicants.
2. Recompense calculation. Recompense payment will be calculated by multiplying the current Established Recompense Value times 133% of the difference between the inches owed and the inches planted. A negative recompense cost will not result in a credit from the City.
3. Recompense cost formula:

   [(caliper inches owed - caliper inches planted) x 1.33] x Established Recompense Value) = recompense

   Editor's note: $200 per DBH is the estimated "Established Recompense Value". This number is tentative until verified by a fee study.

4. Recompense cap: Recompense will not exceed 50% of the assessed land value of the property determined by its respective County.

E. Replacement and/or recompense required for residential, commercial, and public properties.

The following requirements and standards shall apply unless otherwise exempted by this Article:

1. Replacement or recompense for trees required. Any person removing or destroying a tree must replace the tree and/or pay recompense pursuant to the rules set forth in this Article.

   a. Residential property. The City Arborist may allow payment of recompense to offset the number of replacement trees required to be planted only after minimum density standards have been

DRAFT

met on the subject property, or if not feasible, by planting any additional required trees on other sites identified by the applicant and approved by the City Arborist

b. Commercial property. The City Arborist may allow payment of recompense to offset the number of replacement trees required to be planted if it is not feasible to plant the required number of trees on-site.

c. Public project relief.

vi. Linear infrastructure projects. For trees impacted by development of linear public infrastructure projects, including roadway and transportation projects, and City-owned water, sewer, and other utility projects, the following replanting and recompense standards shall apply. Non-linear infrastructure projects including but not limited to pump-stations, vaults, and storage tanks that must, by their functional nature, be in close spatial proximity to the City-owned linear infrastructure projects shall also be subject to the following replanting and standards.

a) All linear infrastructure projects shall be required to minimize tree impacts to the greatest extent possible and shall be required to have a tree protection and replacement plan that meets the requirements of Division IX. B approved by the City Arborist.

b) All trees removed for the linear infrastructure projects shall be assigned to the Environmental Significance category 3 for purposes of permitting, replanting and recompense calculations.

c) Replacement trees required due to tree removals shall be planted on the project site to the extent possible per the replanting standards in Subsection f. below, streetscaping requirements, or planting standards established by the City for the pertinent type of infrastructure project.

d) Recompense payments for trees unable to be planted on the project site shall be paid into the Tree Trust Fund. However, in no case shall the replanting and recompense value of any one project exceed 5% of the total construction cost for the project.

2. Replacement and recompense for destroyed trees. Replacement and recompense shall be required for a destroyed tree(s) regardless of whether it is removed from the site.

a. Right of appeal and hardships. The applicant or property owner shall have the right to appeal a decision by the City Arborist regarding tree removal or destruction, and present hardships per Division VIII. B.

b. Replacement tree planting guidance. It is the intent of this Article that when required replacement tree planting be done such that it will support the livability and ecological integrity of the City of Atlanta. Therefore, where consistent with the requirements of this Article and with guidance of the City Arborist, trees shall be replanted on-site and off-site in priority areas and/or to maximize specific tree benefits. Priority replanting locations include: urban heat islands, slopes and other erodible areas, stream corridors, wetlands and other water resources, areas with little or no tree canopy, adjacent to existing forests or groves, in conjunction with post-development stormwater management, and other areas as guided by the findings of the Urban Ecology Framework the Urban Forestry Master Plan, and urban tree canopy assessments.

c. Replacement tree type and on-site planting requirements. Where tree replacement is required, the applicant must plant overstory and/or mid -story trees on-site. This rule notwithstanding, where the City Arborist determines that these requirements cannot feasibly be met due to site conditions (ex. overhead lines or likely overcrowding of trees), the Arborist may allow one or more of the following alternatives, or a combination thereof:

i. Planting understory trees on-site;

DRAFT

ii. Planting of overstory and/or mid-story trees off-site; and
iii. Payment of recompense.

d. Off-site replacement locations. Where off-site replanting is permitted, the City Arborist may approve planting in a City park, other City-owned property, or along a right-of-way or at locations identified by the City's tree canopy study or Urban Forest Master Plan as an appropriate planting area. Trees may be planted on off-site private property with City Arborist approval and the submission of a site plan detailing the proposed planting location(s), and the number, size, and species of the trees.

e. Size and quality of replacement trees.

i. Replacement trees and trees planted to meet site density requirements shall be a minimum of 2.5 inches in caliper and must meet ANSI Z60.1 nursery standard and be of high quality with appropriate branch structure for the species and intended use, free of trunk and branch damage, without insect or disease infestation, and in good vigor. Installed trees must be allowed to grow to their natural size and shape and not be pruned in conflict with ANSI A300 standards. The City Arborist can reject or disapprove the use of sub-standard landscape trees.

ii. The City arborist may approve the planting of trees smaller or larger than 2.5 inches in caliper as appropriate for the project type and site conditions. Smaller trees may be allowed or encouraged for environmental restoration, slope plantings, reforestation, or similar projects. Replacement trees larger than 2.5 inches in caliper may be planted, but no more than four caliper inches recompense credit shall be given for any replacement tree.

f. Species of replacement trees.

i. Recommended Tree List. The species of acceptable replacement trees for credit are listed on the City's Recommended Tree List which may be obtained from the City Arborist. The City Arborist may approve a species not on the list if the presence of extenuating circumstances dictates and it is in their professional judgement to do so.

ii. Prohibited replacement trees. The undesirable species of trees that may not be used as replacement trees may be found in the Arborist Division's Standards and Practices documents.

iii. Species and mature tree size diversity required. When three to ten trees are proposed to be planted, at least 2 species shall be planted.

a) When eleven to twenty trees are proposed to be planted, at least four species shall be planted.
b) When twenty-one to thirty trees are proposed for replanting at least five species are to be planted.
c) When thirty-one or more trees are proposed to be planted, no more than 10% of overall trees planted on a lot shall be of the same species, no more than 20% shall be of the same genus, and no more than 30% shall be of the same family.
d) New tree planting projects associated with a new streetscape design for a continuous corridor must also reflect species diversity standards, set in a-d above, but may be exempted at the discretion of the City Arborist.

iv. Where appropriate site conditions exist, replacement trees shall be overstory or mid-canopy species. Understory trees shall be permitted where site conditions do not allow the planting of overstory or mid-canopy trees. In general, approximately 75% of the replacement trees should be species that are large and medium in stature at maturity with 25% being understory trees. The City Arborist must approve the species selection based on mature size based on site conditions and other factors.

DRAFT

F. Planting standards.

1. Trees shall be planted on the day of delivery. If this is not possible the contractor shall water, care for, and protect stock not planted using ANSI A300 Standards. Trees shall not remain unplanted for longer than a three-day period after delivery. Any tree not installed during this period shall be rejected.
2. No stakes or guys shall be used to stabilize trees unless directed or approved by the City Arborist.
    a. Trees shall be planted in holes two to three times as wide as the root ball and to a depth equal to the vertical measurement from the root flare to the bottom of the root ball.
    b. Containerized trees must have the root mass scored on all sides to prevent girdling roots. Balled and burlapped trees shall have the wire basket, burlap, and all binding rope removed.
    c. Injured roots shall be pruned with clean sharp tools before planting. Broken or crossing branches may be removed, but the leader shall not be cut back.
    d. Trees shall be planted in healthy, uncompacted native soil; no amendments are required unless approved by the City Arborist.
    e. Trees planted shall receive a 3-inch-thick layer of mulch in a 4 to 6-foot ring surrounding the tree, with a 6-inch clear area near the trunk.
    f. All replacement trees planted pursuant to this Article are subject to inspection by the City Arborist.
3. Spacing and planting area standards. Unless, approved by the City Arborist, replacement trees shall meet the following spacing standards:
    a. Overstory trees shall be planted at a minimum of 25 feet apart on center
    b. Mid-story trees shall be planted at a minimum of 20 feet apart on center.
    c. Understory trees shall be planted at a minimum of 15 feet apart on center.
    d. No replacement tree shall be planted closer than eighteen inches from a curb or sidewalk, five feet from an underground utility line or access box, or ten feet from a building. No tree that is anticipated to reach a mature height of 25 feet or greater may be planted within twenty lateral feet of overhead utility lines.
    e. The City arborist may approve planting distances less than the standard spacing as appropriate for the project type and site conditions. Denser plantings may be allowed or encouraged for stabilization, environmental restoration, reforestation, or similar projects. Similarly, the City arborist may approve closer spacing distances to accommodate desired aesthetic or naturalistic intent of plantings or to allow flexibility to varied site constraints as long as the spacing allows for healthy, functioning trees at maturity.
    f. All replacement trees shall be planted in areas that meet the minimum soil area and volume standards described in Division XI. C.
4. Guarantee period, maintenance, and monitoring.
    a. Replacement trees and afforestation trees planted to meet site density requirements must live and thrive for a minimum of two years. The owner and their successor(s) in title shall be responsible for maintaining the health of all replacement trees for a minimum of two years from the date of planting or the date of issuance of the certificate of occupancy (where applicable), whichever is later.
    b. The City Arborist, at their discretion, can inspect and monitor any replacement tree planting during the guarantee period, and will notify the owner of any corrections needed and/or of information required concerning the maintenance of the replacement trees. Correction may include structural pruning, removing dead and broken branches, replanting, or restaking as needed.

DRAFT

c. If a replacement tree is not thriving or is significantly damaged or dead in the opinion of the City Arborist, during the guarantee period the owner or their successor shall make corrections or replace during the next appropriate planting season.

5. Removal or destruction of replacement trees not authorized.

a. Once planted, regardless of caliper or DBH, replacement trees shall not be removed or destroyed, unless it is to replace dead, dying, or damaged trees during the guarantee period or as directed by the City Arborist, without a permit pursuant to this Article.

b. If removal of a replacement tree(s) is granted, and it is a hardwood under 6 inches caliper or a pine under 12 inches in diameter, it must be replaced by a tree(s) equal in caliper or diameter.

Division XI. Parking lot landscaping and tree planting requirements

A. Applicability and Exemptions

1. Landscaped parking lots can unify development by enhancing and defining public and private spaces, promote compatibility between land uses by reducing visual, noise, and lighting impacts, promote energy conservation by maximizing the cooling and shading effects of trees, provide shade protection, reduce urban heat islands and stormwater runoff, and improve air quality through environmental design.
2. Therefore, all surface parking lots, whether commercial or non-commercial which have a total of 15 or more parking spaces, shall meet the landscaping and tree planting requirements set forth in this section, subject to the following applicability standards.

a. Parking lots that are being built, expanded or substantially renovated where there is excavation and/or alteration of the grade or soil conditions require a plan, permit application, and approval from the City Arborist.

b. Parking lots that are being sealed, restriped, or resurfaced by overlayment on existing impervious paved surfaces are exempt and no site plan, City Arborist review, or approval is needed. Owners are still responsible for any damage to public or private trees caused by these maintenance and improvement activities.

B. Landscaping requirements for parking lots.

1. Landscaped areas adjacent to sidewalks and other rights-of-way. Continuous landscaped areas of at least six feet in width that contain trees shall be constructed and maintained along sidewalks and public rights -of-way that are adjacent to the surface parking lot, except at points of a facility's ingress and egress. Trees planted in this area will count toward the requirements of this Article.
2. Trees must be planted on the perimeter and interior of the parking lot so that no parking space is further than 45 feet from a tree, as measured from the tree trunk to any portion of the parking space.
3. All trees used to meet the parking lot planting requirement shall be overstory or mid-story trees, with at least forty-percent of the trees being overstory trees.
4. Where overhead power lines prohibit the planting of mid-canopy or overstory trees, the City arborist may permit the use of understory trees to meet the parking lot planting requirements.
5. Barrier curbs and wheel stops. Where the end of a parking space abuts a landscaped area, barrier curbs or wheel stops shall be installed in the parking space at a minimum of two feet from the landscaped area. The two-foot area may be comprised of a pervious material. Barrier curbs and wheel stops shall be a minimum of six inches high and six inches wide. The barrier curbs and wheel stops must be constructed of concrete, stone or other durable material, and may have openings that allow drainage from the pavement to enter and percolate through the landscaped areas.
6. Ground cover of landscaped areas. Landscaped areas shall contain one or more of the following types of ground cover in order to protect tree roots and prevent erosion: shrubs, non-invasive herbaceous plants, organic mulch, pine straw, or other similar landscaping materials. Ground cover

DRAFT

shall be maintained at all times and mulch shall not exceed three inches in depth. Shrubs shall be maintained at a maximum height of 2.5 feet, except where such shrubs screen the parking surface from an adjacent property. Plants shall not be planted within the structural root plate of trees; plantings within the critical root zone of trees shall be dug by hand.

7. Irrigation. Newly planted parking lot trees should have permanent irrigation systems to ensure new tree survival and improve tree long-term tree health.

C. Tree planting specifications for parking lots.

In evaluating the tree plan for parking lots, the City Arborist shall require that trees be planted in a location and manner that supports survival and growth of the tree(s). Newly planted trees shall meet the following requirements:

1. Trees shall be a minimum of 2.5 inches in caliper as measured at a height six inches above ground level and shall meet nursery standards per ANSI Z60.1 Standards and City standards for quality.
2. Trees shall have an anticipated mature height of at least 40 feet, except under utility lines or other permanent overhead obstruction.
3. Trees shall have an initial minimum limb clearance of 4.5 feet above the planting grade.
4. Tree species shall be able to thrive in poor soil conditions, restricted rooting areas, and be drought-tolerant. Trees shall be on the City's Recommended Planting List and approved by the City Arborist. Red maple - Acer rubrum or cultivars thereof, shall not be planted in parking lots.
5. Columnar and fastigiate tree cultivars may not be used to meet the parking lot tree planting requirements.
6. Adequate tree soil volumes must be achieved to support healthy tree growth.
7. When trees are planted in parking lots and are surrounded by hard surfaces, large open planting areas should be provided. Where conditions or the design restricts the establishment of large open planting areas, suspended pavement techniques, structural soils, or other comparable methods such as larger tree openings to provide adequate rootable soil volumes must be used. Minimum areas for planting and minimum rootable soil volume per tree are described below.

   a. Soil surface area. Each tree must meet the following soil surface dimensions and utilize uncompacted, high quality native or amended planting soil per arborist approval.

      i. Large canopy (overstory) trees: 400 square feet with one dimension of at least 5 feet.
      ii. Medium canopy (mid-story) trees: 225 square feet with one dimension of at least 5 feet.
      iii. Small canopy (understory) trees: 100 square feet with one dimension of at least 5 feet.

   b. Soil volume for planting within hardscaped areas. For landscaped areas containing one or more trees where total soil surface area requirements cannot be met, rooting area for trees below paving may be created by using structural soil, suspended paving over soil cells filled with high quality topsoil or other approved design/method provided that the criteria below are met.

      i. Minimum soil volume must be as follows:

         - Large canopy (overstory) trees: 1,200 cubic feet; minimum soil depth of three feet.
         - Medium canopy (midstory) trees: 800 cubic feet; minimum soil depth of three feet.
         - Small canopy (understory) trees: 400 cubic feet; minimum soil depth of three feet.

      ii. Structural soils such as Amsterdam or Cornell mixes or an equivalent system, or high-quality soil in soil cells or other suspended paving systems to be used are approved by the City Arborist
      iii. Installation and inspection requirements prescribed by the City Arborist must be followed.

D. Alternative Design and Construction Methods.

DRAFT

1. The City Arborist may require that pervious pavers or pervious pavement be used in a manner that increases water retention and gas exchange by the structural soils if the Arborist determines that these improvements are needed to ensure that the tree will flourish and have a reasonable life expectancy.
2. When applicable, the City Arborist may require alternative methods and materials to be used, such as engineered underground channels, or root chases, that direct root growth and allow tree roots to establish soil connections by having access to adjacent open space as a means of increasing available soil.

E. Maintenance.

Maintenance of trees planted pursuant to this Article shall meet the requirements of Replacement Tree maintenance set forth in Division X.F.3. All trees and associated landscaping, such as shrubs and turf, planted or installed pursuant to this section shall be properly maintained for the life of the facility. Any required trees or other plantings that are destroyed, die, or are improperly maintained shall be replaced with healthy specimens of similar species and size, provided that replacement trees shall not be required to exceed 4 inches in caliper.

F. Adjustments and Exemptions

1. If it is determined by the City Arborist that implementation of these regulations will result in the loss of parking spaces in an existing lot, the Director of the Department of City Planning or their designee may increase the allowable percentage of compact car spaces from 25% up to 35% to minimize the loss of parking spaces.
2. Under the following listed conditions, the City Arborist may alter the requirements of this section for a particular site if a strict application of these requirements is not feasible.
   a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, subsurface conditions, and/or overhead structures; and
3. Such conditions are peculiar to the particular piece of property involved; and
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Article and of Part 16 (Zoning) of the Code.

Division XII. Tree Trust Fund

A. Establishment and purpose.

The City of Atlanta shall maintain a Tree Trust Fund for the protection, maintenance, and regeneration of trees and other forest resources of Atlanta. It is the policy of the City of Atlanta to utilize the Tree Trust Fund for the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta when healthy trees are removed from private and public property and trees cannot be replaced on site in accordance with the provisions of this Article.

B. Contributions

Contributions to the Tree Trust Fund may occur through a number of means, including but not limited to:

1. All monies collected for recompense pursuant to this Article shall be paid to the Tree Trust Fund;
2. Payment of civil penalties, or civil remedies resulting from public tree enforcement actions;
3. Grant funds;
4. Sale of wood products from public trees; and
5. Voluntary contributions.

C. Authorized expenditures.

The Tree Trust Fund may be used for the following program expenses:

DRAFT

1. Tree planting. The Fund may be used to support tree planting projects on public and private property.

   a. Record of location. The location of trees planted and maintained utilizing Tree Trust Funds shall be recorded by the City or its agent. The agent shall provide those locations to the Department of City Planning at the end of the tree planting season, but no later than June 30th.
   b. Replacement. The City shall require a minimum two-year replacement guarantee for all trees planted utilizing Tree Trust Funds.
   c. Monitoring. The City Arborist or designee shall inspect all trees planted under the Tree Trust Fund at least once between 12 and 24 months after planting, assess the condition and survival of the trees, and shall notify responsible party of any corrections or replacements that are needed.

2. Management of City-owned land. Management may include, but is not limited to invasive species control, treatment or management of insect infestation or diseases.
3. Maintenance for public trees. As recommended and prescribed by the City Arborist, Tree Trust Funds may be used for the maintenance of public trees, including but not limited to pruning, mulching, fertilizing, treating for pests, cabling, bracing, advanced diagnostic testing, etc.
4. Planting enhancements. The Fund may be used to support the purchase and/or installation of structural soil, soil cells, or other suspended pavement systems for public street tree plantings.
5. Forested land purchases. Trust funds may be utilized to purchase land meeting minimum forestation standards of 1,000 DBH inches and/or 50 trees per acre, provided that 1) the Departments of City Planning and Parks and Recreation shall establish written criteria for selection of eligible land purchases; 2) the Commissioner of the Department of Parks and Recreation and the Commissioner of the Department of City Planning provide a recommendation regarding the proposed purchase; and 3) legislative approval of the purchase requires that the land be preserved in perpetuity as forested land.
6. Forested easement purchases. Trust funds may be utilized to purchase easements on land meeting minimum forestation standards of 1,000 DBH inches and/or 50 trees per acre, provided that 1) the Commissioner of the Department of Parks and Recreation and the Commissioner of the Department of City Planning provide a recommendation regarding the proposed purchase; and 2) legislative approval of the purchase requires that the land be preserved in perpetuity as forested land.
7. Administration of Tree Protection Ordinance. A maximum of $50,000 per fiscal year of the fund monies may be used for costs arising directly from administering and enforcing this Article. These costs include, but are not limited to, the cost of posting trees to be removed, the cost of supplies and field equipment, the cost of court reporter services at Tree Conservation Commission hearings, and honoraria for Tree Conservation Commission members
8. Educational expenditures. During any given fiscal year, five percent of the funds received by the Tree Trust Fund during the immediately preceding fiscal year or $100,000, whichever is greater, shall be placed into a Tree Trust Fund Education Outreach account, and such monies shall be used for educational materials, educational programs, and educational outreach. Any amount not expended in the given fiscal year shall remain in the account to be utilized in future years.
9. Heritage Tree financial assistance. Monies from the tree trust fund may be allocated for the maintenance and protection of Heritage trees with property owner consent at the recommendation of the City Arborist and approval of the Commission.
10. Salary expenditures. *Note: These positions are subject to change but will be codified upon final resource planning and allocation among DPR and DCP.*

    a. Funds for City Arborist positions. A maximum of $110,000 per year of the Tree Trust Fund may be used for the annual salary and benefits of 2 arborist positions in the Department of City Planning. If the costs of the salary and benefits of these positions exceed $110,000, the remainder of the cost shall be assumed by the General Fund budget in the Department of City Planning.

Name Redacted 3/14/2020 3:26 PM

Comment [15]: This does not mention trees but is intended to apply to them Can this be made clear?

Name Redacted 3/14/2020 3:33 PM

Comment [16]: The fund should not underwrite salaries for City employees I know that it currently does, but salaries should be paid out of the City's General Fund Budget, for several reasons Arborists should not be open to charges that their decisions, e g , on assessment of penalties, are financially motivated

DRAFT

b. Funds for Senior Arborist. A maximum of $75,000 per fiscal year of the Tree Trust Fund may be used to pay for the annual salary and benefits of an Arborist Senior/Project Manager position. The person in this position shall act as a project manager for the various projects funded by Tree Trust Fund monies, namely new tree plantings, tree maintenance, removal of invasive plant species from forested areas, and master planning. All of the responsibilities of this position must be related to oversight of projects financed by the Tree Trust Fund, including planting and maintenance of trees within the City, research and identification of qualifications required for proposals for contractors that will perform tree maintenance and planting, and preparation of requests for proposals for contractors that will perform tree maintenance and planting.

c. Urban Forestry Crew. A maximum of $200,000 per year of the fund may be used to pay for the annual salary and benefits of a Tree Pruning Crew. The Tree Pruning Crew shall be comprised of one Forestry Crew Supervisor, one Tree Trimmer Senior, and one Tree Trimmer. The members of this crew will be responsible for providing services that maintain and enhance the health of the City's tree canopy, including pruning trees that are located in City-owned parks and rights-of-way.

d. Administrative analyst. A maximum of $60,000 per year of the Tree Trust Fund may be used to pay for the annual salary and benefits of the administrative analyst. If the cost of the salary and benefits exceeds $60,000, the remainder of the cost may be paid for from the Tree Trust Fund's education account.

e. Clerk. A maximum of $X per year of the Tree Trust Fund may be used to pay for the annual salary and benefits of the Clerk, who shall serve as a secretary to the Commission and shall be responsible for the clerical administration of the appeals process

11. Urban Forest Master Plan. Tree Trust Fund monies may be expended on activities associated with the creation and implementation of the City's Urban Forest Master Plan.
12. Tree canopy studies. Tree Trust Fund monies may be expended to update tree canopy imagery and analyses on a four to seven-year update cycle, as needed.

Division XIII Tree Conservation Commission

A. Establishment, functions, powers, and duties.

1. Commission established. There is established a Tree Conservation Commission of the City of Atlanta.
2. Commission authority. The Commission's functions, powers and duties shall be as follows:

a. Hearing and ruling upon appeals of decisions made by a City Arborist regarding application of this Article.

b. Hearing and ruling upon requests for waivers and reductions of fees, recompense and fines based upon a claim of hardship.

c. Serving as a citizen advisory panel for administration and enforcement procedures of this Article.

d. Providing consultation and assistance regarding the preparation and implementation of an Urban Forestry Master Plan, and other urban forest management planning projects.

e. Designating and maintaining a written record of Heritage and Specimen Trees.

f. Providing review of and recommendations to the Atlanta City Council regarding expenditures from the Tree Trust Fund.

g. Establishing educational and other programs to encourage proper management and maintenance of trees on private and public property in the City.

h. Accepting charitable gifts and contributions, on behalf of the City, which are specifically designated for the purpose of planting or maintaining trees and advancing the urban forest management program within the city. Gifts may include: nursery stock and planting supplies, vehicles, tools, pro bono consultation, education and outreach services, and real property for

DRAFT

the purposes of open space and tree planting or preservation. Contributions may also be made to the Tree Trust Fund as described in this Article. Nothing in this Division obligates the Tree Conservation Commission to accept such gifts when the Commission determines it is not in the best interests of the city to do so.

B. Appointment of members and Commission composition

The Commission shall consist of 15 members, 8 of which shall be appointed by the Mayor and 7 by the City Council. All members shall be confirmed by the City Council pursuant to the process set forth in Code Section 2-1855. Each of the members shall have specialized knowledge about trees, the Tree Protection Ordinance, and/or the impact of construction activities on trees.

1. Mayoral appointees.
   a. One registered architect;
   b. One registered landscape architect or design professional;
   c. One ISA-certified private arborist;
   d. One lawyer;
   e. One residential or commercial real estate builder or professional;
   f. One member of an environmental organization;
   g. Two lay citizens.
2. City Council appointees.
   a. One residential builder appointed by the full City Council;
   b. One commercial developer appointed by the full City Council;
   c. One urban or environmental planner appointed by the President of the City Council;
   d. One member of an environmental or community organization; and
   e. Three citizens appointed by the paired districts in consultation with the at-large City Council member. Manner of appointment for members from paired Council districts. The Council shall appoint the three members in the following manner: One representative of Districts 1, 2, 3, and 4 and at-large post 1. One representative of Districts 5, 6, 7, and 8 and at-large post 2. One representative of Districts 9, 10, 11, and 12 and at-large post 3.

C. Terms; vacancies; compensation

1. Terms of members. All appointments to the Commission shall be for a term of two years. Members may be appointed for a maximum of four full terms or eight years, whichever is greater, pursuant to Code Section 2-1854.
2. Chairperson selection and term. The Commission shall select from its members a chairperson who will serve for a one-year term.
3. Temporary appointment for vacant position. If a Commission position becomes vacant and a permanent member is not appointed within six months, the Tree Conservation Commission, by a majority vote of the remaining members, may appoint a temporary member to the missing category until such time that a permanent member is appointed. The temporary appointee need not meet the specific requirements of the vacant position, but must have specialized knowledge about trees, this Article, and/or the impact of construction activities on trees.
4. Compensation of members. Each Commission member shall receive a $75.00 per month honorarium, but only if the member attends at least two of the hearings and/or business meetings per month.
5. Removal and replacement of members. The Mayor, or the Commission by majority vote of all members, may remove a Commission member for nonperformance of duty or failure to meet the attendance requirements established by the Commission.
6. Administrative meetings and hearings. The Commission shall hold regular business meetings and appeal hearings and shall adopt procedural rules for each.

DRAFT

7. Staff; administrative analyst; court reporter.

   a. Clerk to Commission. The Commissioner of the Department of City Planning shall designate an employee of the department as clerk to the Tree Conservation Commission. The clerk also shall be responsible for the administration of the appeals process established in Division VIII. B. including the creation and maintenance of files in appeals cases, the filing of documents submitted by the parties to an appeal, and the maintenance of evidence submitted in connection with appeals cases. The clerk shall send out notices required by the Commission and by this Article in connection with appeals, and shall certify, when necessary, the actions of the Commission in such matters. The clerk shall also be responsible for the maintenance and preservation of all records of the commission.

8. Tree Conservation Commission staff. The Commissioner of the City Planning shall designate an additional employee of the department to serve as the Tree Commission's administrative analyst. The administrative analyst's primary responsibility shall be education, outreach, and policy development regarding tree maintenance and preservation, implementation of the Urban Forestry Master Plan, and other similar issues arising from this Article.
9. Court reporter. The Commission's appeal hearings shall be recorded by a court reporter who is paid for from the proceeds of the Tree Trust Fund.
10. Annual reports to Tree Conservation Commission

   a. Annual report required. The City Arborist and Parks Arborist shall each prepare an annual report containing the items listed in Subsection (B) below, and shall provide the report to the Tree Conservation Commission.; the Department of City Planning Arborist's report shall pertain to all trees on private property and public property that were impacted by, or planted as a result of, an authorized tree removal permit associated with construction or other activity, and trees destroyed through illegal activity associated with the permitted project. The Department of Parks and Recreation Arborist's report shall report on all other public trees.
   b. Report contents. At a minimum, the report shall include the following:

      i. Total number and DBH of trees removed (pines and hardwoods) and the total number and caliper inches of trees replanted during the preceding quarter in each of the following categories: dead/dying/hazardous tree permits; landscaping permits; removals for construction of parking lots; illegal removals; public property and off -site planting; total caliper inches approved for green infrastructure credits; and any other permit or penalty category not listed.
      ii. Acreage for any newly-created conservation easements, newly created parklands, and newly acquired forest lands.
      iii. Other significant urban forest management activities and achievements.

11. Authority to hear appeal of decisions of City Arborist.

   a. Authority to hear appeals. The Tree Conservation Commission is authorized to hear and rule upon the following issues provided that the application for appeal meets all of the requirements of this Article.

      i. Appeals of decisions made by a City Arborist regarding application of this Article;
      ii. Requests for waivers and reductions of fees, recompense and fines based upon a claim of hardship;
      iii. Appeals of denial to remove an alleged dead, dying or hazardous tree on private property or on non-City-owned property, but only where the appeal is filed by the applicant and are accompanied by a signed report from an independent Certified Arborist.

12. Who may appeal and timing of appeal. Appeal rights are set forth throughout this Article.

DRAFT

13. Tree Conservation Commission's ruling. The Tree Conservation Commission ruling is final unless as allowed by Division XII. C.

Division XIV. Heritage and Specimen trees

Heritage and specimen trees are elements of the City's tree canopy that deserve special protections under this Article due to their exceptional characteristics.

A. Authority to designate Heritage or Specimen tree.

B. Specimen Tree designation criteria.

A tree may be designated a Specimen Tree based on the standards set forth in Division I.H. Specimen tree size thresholds for species without a designated state champion may be determined by the City Arborist based on botanically similar species.

C. Register of Heritage Trees established.

The City shall maintain a Register of Heritage Trees within the corporate boundary recognized as having notable historic value and other qualities that contribute to Atlanta's urban forest and aesthetic character.

D. Historic Tree designation criteria.

A tree may be included in the Register of Heritage Trees if it meets at least three of the following:

1. The tree is associated with a historic location, event, or person;
2. The tree is at least 50 years old;
3. Contributes to a significant view or spatial structure of a setting;
4. The tree is an exemplary representative of a particular genus or species;
5. The tree possesses exceptional aesthetic quality;
6. The tree is a Specimen tree as defined in this Article; and
7. All of the following:
    a. The tree is free from uncorrectable disease, pests, or severe mechanical injury;
    b. The tree has a life expectancy of at least ten years, as determined by a city arborist; and
8. The tree is free from uncorrectable structural defects that present a hazard to the public or surrounding property.

E. Nomination for inclusion on the Register of Heritage Trees.

Note: This designation process is pending further development and will mirror existing historic designation nomination process within the Department of City Planning for historic properties.

F. Penalties for unauthorized removal of special status trees.

A violation of this Article that involves a specimen tree or a tree on the Register of Heritage Trees will incur special penalties under Division XVII.D.4.

G. Preservation of Heritage Trees.

To preserve and protect a Heritage tree, the City will provide at no cost to the property owner:

1. Recommendations regarding the proper care and maintenance of a Heritage tree from a Certified Arborist.
2. An inspection of each Heritage tree every 4 years. The inspection shall be conducted by City arborist staff using ISA standards with findings provided to the owner.
3. If considering removal or an action that would damage a Designated Heritage Tree, the City will, upon request, consult with the owner regarding possible alternatives to address the condition(s) necessitating removal or potential damage to the tree.

DRAFT

4. Financial assistance may be provided from the Tree Trust Fund for maintenance and protection at the discretion of the City Arborist.
5. An identifying plaque would be provided for the owner for optional display to promote public awareness. The plaque would identify the special designation type, tree species, date of designation, reference number, and other information as may be determined by the Commission.

Division XV. Right of Entry to Plant on Private Property

The City is hereby authorized, but not required, to enter into agreements with private property owners within the City of Atlanta, upon the consent of said property owners, for the purpose of planting trees within thirty (30) feet of the public right-of-way or public property line provided the private property owner pays no fee for the tree planting thereof. No additional legislation shall be required to authorize said agreements. Private property owners shall acquire ownership of such trees and shall agree to maintain the trees planted thereon for at least two years and also shall agree to hold the City harmless for any liability attributable to the planting or presence of the trees on the private property.

Division XVI. Conservation Easements and Fee Simple Donations

The mayor is hereby authorized but is not required to accept conservation easements created pursuant to the provisions of the Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1 et seq., as amended from time to time, or any successor provision of law, the' purpose of which easements are to preserve land in its natural scenic landscape or in a forest use. Such easements must be perpetual in duration and shall contain such other terms and provisions as the mayor or her/his designee shall deem appropriate. In addition, the mayor is authorized, but not required, to accept fee simple donations of land, the purpose of which is to preserve the land in its natural scenic landscape or in a forest use. Such donation shall contain the terms and provisions deemed appropriate by the mayor or her/his designee

Division XVII. Violation, Penalties, and Enforcement

A. Finding of violation- notification to responsible party

Where a person with enforcement authority finds that a violation of this Article has been committed, they shall provide written notice of said finding to the responsible party/parties by issuance of a Correction Notice/Warning, a Notice of Violation or a Citation. Violations of this Article include without limitation failure to perform remedial acts required by the City Arborist, and failure to pay recompense or fines assessed pursuant to this Article.

1. Written notice. The forms of written notice are:

   a. Correction Notice/Warning. A warning may be issued by the City Arborist where: a) none of the responsible parties has been charged previously with a violation of this Article (including receipt of a warning); and b) the City Arborist finds that the violation has not caused any illegal destruction to the tree, including without limitation any part of the tree's critical root zone. A correction notice or warning may be issued verbally first but must be documented and issued to the responsible party in writing by the next business day. Where the responsible party is issued a warning only, they shall not be charged penalties pursuant to Code Section 1-8.
   b. Notice of Violation. Any person with enforcement authority of this Article, as described herein above, may issue a notice of violation to a responsible party or parties for an alleged violation of this Article. Notices of Violation are subject to the jurisdiction and rules of the Tree Protection Ordinance and may be appealed to the Tree Conservation Commission. The Code Section 1-8 penalties applied pursuant to a Notice of Violation shall be limited to monetary fines.
   c. Citation. Any person with enforcement authority of this Article, as described herein above, may issue a citation to a responsible party for an alleged violation of this Article.

DRAFT

i. Citations are subject to the jurisdiction and rules of the Atlanta Municipal Court and may be appealed thereto. Citations may not be appealed to the Tree Conservation Commission.

ii. If the Municipal Court finds the defendant in violation of this Article, it shall order that the actions required by the City Arborist to obtain compliance with this Article be implemented and shall assess fines or other penalties pursuant to Code Section 1-8.

B. Specification of violations and remedial acts required.

Notices of Violation, Citations, and the Correction Notice shall state with specificity the actions or failures to act that are the basis of the charges and the Code sections that have been violated. The City Arborist shall identify the remedial actions required in order to comply with this Article.

1. Penalties. Where a Notice of Violation or Citation is issued, all responsible parties may be subject to the penalties set forth in this Article and in Code Section 1-8.
2. Depositing funds. Any recompense and fines recovered pursuant to this section, excluding court costs, shall be deposited into the Tree Trust Fund.
3. Remedial actions required for compliance with Article after violation

   a. Remedial actions. If the City Arborist reasonably determines that someone has violated the terms of this Article, they shall determine recompense and fines owed, and/or replacement if the tree is destroyed, or may require alternatives to replacement and recompense where the tree may be saved ("remedial actions"). Where more than one responsible party exists, only one shall be required to perform the remedial actions. The City Arborist shall have authority to require remedial actions by a responsible party whose specific actions or inaction violated the Article; however, the property owner shall be the party ultimately responsible for performing such remedial actions.

   b. No apparent harm to tree. Where the City Arborist finds that the violation has not caused any apparent harm to the tree, including without limitation any part of its critical root zone, they shall identify the acts needed to comply with the Article and shall require that the responsible party perform said remedial actions within a set period of time. No recompense or fines shall be charged.

   c. Tree is destroyed or removed: replacement and recompense. Where the City Arborist finds that the violation has resulted in the destruction of the tree, as defined in this Article, the City Arborist shall assess the replacement and recompense owed. The density requirements for the property, as set forth in Table 1, must be met. The responsible party shall be required to replant and/or pay recompense as described in Division X.C and D. Where the City Arborist is unable to determine the DBH inches of trees removed and/or the quantity of trees removed, replacement and recompense calculations shall assume the existence of 1,000 inches of DBH per acre, and specifically shall assume that the lot contains 60 trees of 16.67 inches DBH per acre, and shall impose a fine based on the tree valuation for the these 60 trees where the offenses occurred, prorated for property less than one acre in size.

   d. Tree may be saved: prescriptive measures. Where the City Arborist finds that despite the violation, the tree may be saved, they may require performance of specific tree-saving measures, including without limitation application of arboricultural prescription, and shall establish a timeframe for performing such measures. The City Arborist may require that the responsible party obtain an assessment of the condition of the tree(s) prior to deciding whether the tree can be saved. Where the City Arborist requires tree-saving measures, replacement and recompense shall not be assessed. If the assessment indicates that the tree cannot be saved, or if the responsible party fails to implement the tree-saving measures within the established timeframe, replacement and/or recompense will be owed. In addition, failure to implement the required tree saving measures within the established timeframe shall be deemed an additional violation of this Article.

DRAFT

4. Cost of assessment. Where the City Arborist requires the responsible party to obtain an assessment of the tree's condition and the assessment reveals that the tree cannot be saved, the reasonable, documented cost of the assessment shall be deducted from the recompense owed by the responsible party.
5. Cap on assessment and tree saving costs. The City shall not require assessments and tree saving measures for which combined costs exceed the recompense that would be owed if the tree were destroyed.

C. Appeal rights.

Any party aggrieved by a City Arborist decision made pursuant to this Article may appeal the decision to the Tree Conservation Commission as set forth in Division VIII. B.

D. Penalties

1. Violations. In addition to the violations described above, for which a Notice of Violation or Citation is issued, the following shall be deemed violations of this Article and the Responsible Party shall be issued a Notice of Violation or Citation:
   a. It shall be a violation of this Article to knowingly submit to the City materially false or materially inaccurate information on a tree removal application or the supporting documentation, including without limitation a tree replacement plan, site plan, and photographs.
   b. It shall be a violation of this Article to fail to abide by the material conditions set forth in a tree removal permit issued by the City.
2. Penalties. Any person who is issued a Notice of Violation or a Citation, and who is found in violation of any of the provisions of this Article shall be deemed guilty of an offense and shall be subject to the penalties set forth in Code Section 1-8. These penalties shall be in addition to the remedial actions and other payments required of the violator.
3. Calculation of fine owed. The following factors shall be considered when calculating a fine owed pursuant to Code Section 1-8 for violation of this Article:
   a. Where the Enforcement Authority is able to determine the exact number of trees removed or destroyed in violation of this Article, the responsible party shall be fined no less than $500.00 for the first tree violation plus illegal recompense. The fine for all subsequent tree removal or destruction violations by the responsible party shall be $1,000, regardless of whether the violations occur on separate properties or at other times. Each tree upon which a violation occurred may be deemed a separate violation of this Article.
   b. Where the Enforcement Authority is able to determine the responsible party is not abiding by the City Arborist approved plans for tree protection and have passed a pre-construction inspection, pre-demolition inspection or have been issued a correction notice or stop work order, the responsible party shall be fined no less than $500.00 for the first violation. The fine for all subsequent violations by the responsible party shall be $1,000, regardless of whether the violations occur on separate properties or at other times. Each violation occurred may be deemed a separate violation of this Article.
   c. Each day's continuance of a violation may be considered a separate offense. The penalty assessed for each such violation shall be at the discretion of the Enforcement Authority, and no minimum amount shall apply.
   d. The owner of any building, structure, site, or part thereof where any violation of this Article exists, and any agent of the owner, tenant, or agent of the tenant who commits or assists in the commission of any violation of this Article may be deemed guilty of a separate offense.
4. Recompense owed for trees destroyed in violation of this article.
   a. Replanting or recompense for all illegally destroyed trees is required based on the category of the trees (if the size is known).

DRAFT

b. If size or quantity of trees is unable to be determined, recompense shall be assessed at the Significance Category 5 fee level, assuming one 44" DBH tree per 1000 square feet of area disturbed or cleared. Replanting or recompense for an unknown quantity or size of trees shall not be less than that required for one 44" DBH Category 5 tree per violation.

5. Suspension or revocation of tree removal permit.

   a. Where the City Arborist reasonably finds that the material terms of a permit issued pursuant to this Article are not being met, the City Arborist may suspend or revoke the permit via written notification to the permittee(s).
   b. Contents of notice of suspension or revocation. Notice of suspension or revocation must be provided in writing to the property owner and shall include without limitation the basis for the action, the evidence supporting the determination, and the right to appeal the decision to the Tree Conservation Commission.
   c. Term of suspension or revocation. The permit suspension or revocation shall remain in effect until the City Arborist finds that the permittee has come into compliance with the material permit terms and conditions and any related provisions of this Article.

6. Stop work orders. Any person with enforcement authority of this Article may issue a stop work order to a property owner or other responsible party for an alleged violation of this Article where the immediate cessation of work is needed to address, prevent, or assess harmful actions or damage associated with the alleged violation, including without limitation to stop the unpermitted removal or destruction of a healthy non-hazardous tree.

   a. Applicability. The stop work order may apply to any location where and/or activity for which the immediate cessation is needed as described above.
   b. Activity permitted after receipt of order. In a location that is subject to a stop work order, only activities needed to correct the violation and/or prevent or eliminate hazardous conditions are permitted or as approved by the City Arborist.
   c. Term of order. A stop work order will be lifted upon a finding by the City Arborist that the necessary corrective actions or remedial measures have been implemented as required.
   d. Penalties for violating order provisions. Violating the provisions of a stop work Order constitutes an offense subject to the penalties set forth in Code Section 1-8. Penalties shall be cumulative.
   e. Relation to other enforcement actions. The issuance of a stop work order does not preclude the City from proceeding with any other enforcement actions authorized by this Article.

7. Cease and desist orders. The Atlanta Police Department shall have the authority to respond to a report of suspected illegal removal or destruction of trees. If an officer determines that a stop work order is warranted, including without limitation because a tree is being removed or destroyed and no tree-removal permit is on the premises, the Atlanta Police Department may issue a cease and desist order that terminates at the conclusion of two business days from the date of issuance. The City Arborist shall assess the alleged illegal activity and determine what, if any, corrective action is needed, including without limitation issuance of a stop work order. The City Arborist shall have the authority to lift the cease and desist order prior to its natural expiration.
8. Appeal of penalties Where a penalty citation indicates that a hearing will be held in the Atlanta Municipal Court, the aggrieved party shall not have the right to appeal to the Tree Conservation Commission. All other aggrieved parties may appeal the penalties to the Tree Conservation Commission under the procedures established by Division VIII. B.

DRAFT

Other Provisions: Urban Forest Master Plan

A. Purpose.

The City shall develop an Urban Forest Master Plan to guide long-term management of Atlanta's tree canopy, equally and equitably throughout the city.

1. Plan objectives. The Urban Forest Master Plan shall include policies and strategies which will ensure that:

   a. Members of the public and City officials and employees are familiar with the public benefits of a mature tree canopy.
   b. Data are available for evaluating trends in the urban forest and can be used to inform tree planting and management decisions.
   c. Residents, tree professionals, and commercial and residential builders have a working knowledge of best management practices for tree care and protection.
   d. Atlanta's Tree Protection Ordinance is effective, easy to understand, and fairly administered.
   e. Plan development. The City Arborist, Parks Arborist, and the Tree Conservation Commission shall be responsible for the development of the Urban Forest Master Plan.

2. Plan updates. The Urban Forest Master Plan shall be updated as needed to reflect changing conditions and new best practices in tree and urban forestry management as recommended by the City Arborist and Tree Conservation Commission.

DRAFT

Walter, Andrew

From: Urban Ecology
Sent: Sunday, March 1, 2020 12:23 PM
To: Inga Kennedy
Subject: Fw: Tree Preservation Ordinance Rewrite

From: [redacted]
Sent: Friday, February 28, 2020 8:40 PM
To: awalter@atlantaga.gov <awalter@atlantaga.gov>; Urban Ecology <urbanecology@peqatl.com>
Subject: Tree Preservation Ordinance Rewrite

I read a notice in Nextdoor from a Lake Claire resident about the Tree Protection Ordinance Rewrite. Unfortunately, I know I will not be able to attend a lot of meetings, because of my non-typical work days and hours, but I would like to be put on an email address list for information and updates so that I can keep up with the project and hopefully attend any meetings when I can.

I think the tree protection ordinance rewrite is extremely important, besides I have witnessed so many large trees in like Claire go down. And almost no concern is shown for cutting the smaller, still protectable size ones, because of the low cost for killing them. Many developers just see the removal of trees as part of the expense of building and make no effort to save them. And protections for specimen trees are greatly needed, as the casual cutting of these trees shows that there is little corcern about the enormous loss the of tree canopy in Atlanta.

Thank you so much.

[redacted]

Sent from my Verizon LG Smartphone

Sent: Monday, March 2, 2020 4:30 PM
To: Urban Ecology <urbanecology@peqatl.com>; awalter@atlantaga.gov <awalter@atlantaga.gov>
Subject: Re: Advisory Committee Meeting Scheduled

Thanks for the invitation to this meeting. I am happy to continue to be helpful with this process, but wanted to provide some feedback on the last meeting, and ask about the process for this one.

In November, the Technical and Stakeholder Advisory committees were called to a meeting held one day in advance of the public meetings. At these meetings, many of us had critical (but I hope constructive) feedback that could have helped with the public meeting presentation if we had been consulted farther in advance. Instead, the public meeting presentation was presented "as is" and was received quite poorly by the public. My understanding is that both Advisory Committees are made up of highly qualified leaders in the Atlanta ecology field and our input could be very effective in guiding both the technical side of the tree ordinance proposal and how it's presented to the public. We were not utilized in that way in November and I felt ignored and that my time was used poorly.

Can you tell me the goals for the March 11th meeting and how feedback from the Advisory Committees will affect the content of the tree ordinance proposal? I'd like to be helpful, but I guess I'm asking for some reassurance that my attendance will be utilized better than it was in November.

Thanks in advance!