

Trees Atlanta's Recommended Amendments to the Proposed TPO

3/27/21

Trees Atlanta believes the City's proposed TPO has been rewritten with an approach that works to balance guidelines with incentives that reward tree preservation. We have identified 23 standards that have been changed and the subject of the most feedback and debate among Trees Atlanta's staff, supporters, nonprofit and conservation peers, and the tree advocacy community at large.

We address 23 standards that would be improved with the following Amendments. We believe, these recommended changes will improve outcomes for:

- Preserving existing trees, especially more ecologically valuable species and sizes.
- Increasing the quality and quantity of tree planting, and
- Recompense for replacing lost trees through better funding for replanting, purchase of forested land for conservation, education, and enforcement.

We submit these Amendments for your consideration and incorporation into the final TPO text that will be presented to the City Council for vote.

1. Recompense Allowed for Public Trees

- a. Trees in linear infrastructure projects are to be considered Priority trees (e.g., sewer lines, parks, public projects, etc.); evaluate all city trees in the same manner in all formulas as private trees.
- b. Except trees being removed for infrastructure projects in Right-of-Way (ROW). These trees should be the exception and receive a discount because there are limited design alternatives for linear infrastructure projects in narrow ROWs. The discount percentage should be between the Priority and Non-Priority tree discounts.

2. Priority Trees Definition (Table TPO-1)

- a. Reduce size threshold to 14" for Group 1 species.
- b. Exclude any Group 1 regulated trees whether or not it meets Priority size from Homeowner Allowance to remove trees every 3 years.
- c. Correct and continue to review size requirements for some species to be included as Priority Tree; e.g., bald cypress, maples, etc.

3. Recompense Tree Value

- a. Simplify the calculator by eliminating the "unearned" and immediate reduction of replacement and recompense owed (75% or 50% of removed DBH). Incentives should be triggered when providing a benefit to the preservation of trees.

- b. Add an incentive for decreasing the amount of impervious surface area than is allowed by zoning. Houses that are designed to reduce lot coverage by 30% from what is allowed can take advantage of this incentive (suggest 30% discount on recompense due for 30% reduction in impervious surface allowed). Many “affordable” houses are smaller with less impervious surface and may be more influenced by recompense incentives, for example Habitat for Humanity houses.
- 4. Incentives for Single Family Lots When Priority Tree Preservation Standard is Met
 - a. Eliminate automatic reduction in tree valuation (75% and 50%).
 - b. Retain posting requirements and appeal rights to NPU. Trees are a community resource and not limited in benefit or impact to abutting neighbors.
- 5. Site Density for Single Family Developments
 - a. Slightly increase the minimum number of trees required; suggest 24 trees per acre.
- 6. Pre-application Meeting
 - a. Align with existing Concept Review Committee (CRC) consultation to occur at the earliest opportunity prior to permit application/plan submittal. During this early review:
 - i. Review the “concept site plan” for working around and saving trees before advanced building plans are finalized.
 - ii. Have participants attest to awareness of the TPO, options, and requirements.
 - iii. Record the suggestion made to increase tree saving plan and communicate to other city staff reviewing permits; allows for follow up as necessary.
 - b. Make meeting mandatory for all new construction projects, including construction of Single Family Developments.
 - c. Administratively, review the internal permit approval workflow. The tree permit should be stamped for approval at the head of the line prior to any other plan reviews. This enables early posting and helps to mitigate potential delays by allowing city revisions and/or public appeals (when applicable) to start and end in a timely manner. This helps to work around trees earlier in the process.
- 7. Alternative Maximum Disturbance Area (AMDA)
 - a. Require a specific minimum width for land that may be included as part of the preserved area calculation.

- b. Require the use of chainPosting link fencing to separate AMDA from preserved areas to prevent incursion into these areas.
8. Allowance for Periodic Tree Removal by Homeowners
- a. No regulated trees species in Group 1 can be removed by this standard.
 - b. Remove allowance for two “small” non-priority trees, and allow only one Non-Priority to be removed every 3 years.
 - c. Administratively, as part of landscaping application, require applicants to review and acknowledge the benefits of trees, the potential impacts of removing trees, and encourage or incentivize homeowners to replant a tree for each removed. Generally improve public awareness and increase education to inform and influence residents to help preserve and plant trees.
9. Posting
- a. Increase Yellow Sign posting to 15 days.
 - b. Require Yellow Signs for all sites with preliminary approvals for removing any healthy regulated tree (i.e., no Priority Tree Preservation Standard exception).
 - c. Other Tree Removal self-posted notice (paper) for all other tree removals including DDH, invasive species, or Homeowner Allowance to Remove Trees; standard form including permit number displayed on frontage with visibility from street on day of work.
 - d. Administrative:
 - i. Electronic notifications must be posted on the city website with 24 hours of approval.
 - ii. A posted schedule for publishing Quarterly Reports on the city website should be created and followed.
 - iii. Create standard form for Other Tree Removal notice which is downloadable/printable by homeowner or registered tree professional. This notice is required but informational only, and aims to reduce complaints for fully permitted work and help to identify illegal activity.
10. Appeals
- a. No waiver of Yellow Sign posting even if Priority Tree Preservation Standard is met.
 - b. Increase appeals to 15 days from posting.

- c. Include a standard form to be used when notifying abutting neighbors; include information on potential impacts caused by tree removal.
- d. Remove fees for filing appeals.

11. Data & Reporting Schedule

- a. Retain quarterly reporting schedule for permitting data.
- b. Post reports submitted to the TCC (e.g., financial reports for the TTF, arborists' variance to TPO, etc.) for public access.
- c. Administrative:
 - i. Design easy-to-use look up tool for the public:
 - 1. Registered Tree Professionals (RTP) current, suspended, or former
 - 2. Sites and RTP with violations
 - 3. Homeowner lookup for existing bonds or tree removal histories per site
 - 4. Other histories required for enforcement
 - ii. Improve user guides for Acela.
 - iii. Quarterly permitting reports needs to be formatted and standardized so that it is clear to understand, including data legends and explanations of tables.
 - iv. Open source data is suggested.

12. Urban Forestry Master Plan

- a. Establish a specific and measurable goal for Atlanta's Urban Tree Canopy (UTC): suggest 50%.
 - i. Align and forecast how the Master Plan strategies can achieve the UTC goal.
 - ii. Quarterly permitting data should be used to perform continuous analysis by City Planning staff to monitor progress toward Master Plan strategies; conducted annually, at minimum.
 - iii. Estimate or forecast of canopy changes based on reported permitting data should be published at year end.

- b. Create an actionable plan with strategies and recommendations specific to city District level (and below, when possible).
- c. Review and report progress in 3-year updates:
 - i. Data should provide breakdown by neighborhood, NPU, and City Council Districts.
 - ii. Identify priority neighborhoods for protection and/or (re)planting to create healthy forested communities and achieve canopy equity.
 - iii. Develop a maintenance and management plan for city trees. Maintenance should be funded by the general city budget like other city infrastructure, whereas planting is funded by the TTF.
 - iv. Create tree planting plans for every City property, especially schools and city parks.
 - v. Create tree inventory: planting locations, count of number of trees to plant, additional work that requires funding (e.g., concrete cutting, wells, etc.) to inform the budgeting process.
 - vi. Identify locations for invasive removal and forest restoration.
 - vii. Timelines and budgets should be estimated and aligned to achieve the UTC goal.
- d. Provide a framework to explore and identify innovative solutions to improve the canopy, for example:
 - i. Guidance on changing city codes to help protect canopy (e.g., zoning and building codes).
 - ii. Best practices for underground utilities (e.g., powerlines) to improve tree planting.

13. Commercial Developments

- a. Create a middle category for Multi-unit housing and Institutional projects (e.g., schools, parks, and other public projects, for example):
 - i. Include a Priority Tree Preservation Standard for this new category.
 - ii. Include Site Density requirement that is between the Single Family and Commercial Developments requirements.
- b. Buffer area of trees preserved or replanted between properties should be required for commercial developments that are not in the Urban Core:

- i. 20' buffers with a minimum of 10 'undisturbed.
 - 1. Reduces "internal heat islands".
 - 2. Allows pedestrian trails and wildlife connectivity.
- ii. Conservation Areas can be used to meet this requirement.

14. Parking Lots

- a. Only overstory trees are allowed unless prevented by existing structure or overhead utility lines.
- b. Smallest dimension of planting area is 10 feet or 6 feet for landscape strips that separate parking lots from sidewalks or the entire connected row of parking spaces.
- c. Increase 20% more cubic feet of soil volume and planting area per tree, and:
 - i. When 2 trees are together, soil volume can be reduced by 10% per tree.
 - ii. When 3 or more trees are together, soil volume can be reduced by 20% per tree.

15. DDH: Dead, Dying, and Hazardous Trees

- a. Trees should not be approved as DDH if they can be remedied by prescription.
- b. All trees, including DDH, removed in 100-year floodplains should be counted as part of the 10% tree removal limit. (DDH trees have significant value in floodplains, especially to control erosion and benefit wildlife.)
- c. Require Other Tree Removal self-posted notice as noted in Postings recommendations.
- d. All DDH removed must be recorded in Accela regardless of method of notice of removal.

16. Registered Tree Professional

- a. Increase renewal period for registration to 2 years on application date.
- b. Excessive repeated violations (e.g., after 5th violation) results in a 5-year suspension.
- c. Immediate 5-year suspension for unpermitted (illegal) removal of any Regulated Trees.

17. Deterrents & Enforcement

- a. Create weekend and evening enforcement procedures.
- b. Clarify penalties for citations and Standard Operating Procedures (SOPs) for police engagement, and track violations on parcel records.
- c. Establish a single “Exemption” process that applies overall to the TPO (as opposed to numerous exemption variations throughout the TPO).
- d. Administrative:
 - i. Add tracking number to 311 systems when requests are submitted for tree issues (and set level of service for reply). Include resolution before closing each ticket.

18. Fencing/Protection from Construction

- a. Fencing must be upgraded to chain link for all trees if any tree violation occurs on project site (or if developer has been cited for a tree violation within the past 2 years).
- b. All preserved trees on commercial lots required chain link fencing.
- c. Conservation Areas must be protected with chain link fencing.

19. TTF: Tree Trust Fund

- a. Purchasing and protecting Forested Land should be prioritized (rapidly disappearing opportunity).
- b. Funding tree planting is a priority for the TTF: set aside minimum percentage for tree planting expenses.
- c. Limit staffing paid with TTF to no more than half of all City Arborists and no more than 20% of the amount of recompense collected in the previous year.
- d. TCC and the Department of Parks & Recreation should be included in reviewing and commenting on proposed public projects and TTF budget and expenditures prior to approval.
- e. Allocated funding for financial assistance for DDH removal (\$200,000/year) does not carry over to the next fiscal year and should be returned to TTF at end of fiscal year. This fund should only be for removal and strategic pruning when the resident’s home is the target or prevents safe access to the home but cannot be used for trees without a target.

20. TCC: Tree Conservation Commission

- a. Provide comments and recommendations to City Planning for projects to be funded by TTF.
- b. Submit an annual summary of issues raised by residents and permit holders, along with TCC recommendations.
- c. Receives annual report from City Planning of accomplishments/outcomes of TTF funded projects.

Supported Standards without Amendments

21. Conservation of Forested Areas

22. Heritage Trees

23. Invasive Vine Removal

- a. Administrative: Specify that cut vines should spot treated with herbicide or roots removed manually.

General Suggestions to Improve Understanding and Use of the TPO

1. Improve organization of the document overall
 - a. Consolidate concepts by permit type
 - b. Eliminate redundancy where possible
 - c. Move definitions to the end of the document
 - d. Provide a list of all referred documents and where the documents included by reference can be found.
2. Design a communication and public education plan for residents (non-professionals) as well as the building community. Collateral should be developed which outlines key points and checklists by common use cases (Single Family development, small remodel, commercial, landscaping, etc.)
3. After Amendments are incorporated into the proposed TPO text, new text in whole will be published. Allow for at least 2 weeks for public review prior to City Council vote.
4. Create a timetable for delivering programming updates to Accela that reflect requirements of new standards.

These twenty-three standards and the recommended amendments have (or will be) addressed in Trees Atlanta's 4-part series of webinars. These online presentations was hosted by Trees Atlanta and open to the public.

Recordings of each webinar and slides are available on our website: [Is the New Draft Tree Protection Ordinance Good?](#)

To date, two sessions have been conducted and two sessions are upcoming. Recommended amendments to the remaining 15 standards will be addressed in the 3rd and 4th session of the series, scheduled for Thurs., 4/1 and Thurs., 4/8 at noon to 1 pm. These sessions remain open for the public registration: [Evaluating Atlanta's Proposed Tree Protection Ordinance \(TPO\)](#). Those registering for any session will receive a reminder for all sessions.

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