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Sent: Wednesday, July 17, 2019 4:43 PM

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Subject: Feedback on the 2019 Tree Ordinance Rewrite Draft Outline

Dear Commissioner Keane, Ms. Johnson, and Mr. Walter,

First, I want to thank you for all the time and effort you are putting into the rewrite of the Atlanta Tree Protection Ordinance. Having worked extensively on a previous rewrite that never made it to a City Council vote, I have a tremendous amount of appreciation for the challenges you face in crafting a new tree ordinance that satisfies all your stakeholders and yet still saves the tree canopy. It is no easy task.

I am writing as the co-founder of the tree advocacy group, The Tree Next Door, as well as the Chair of the Buckhead Council of Neighborhoods' Tree Canopy Committee. I'd like to provide not only my personal feedback, but feedback I've gathered from others. I understand your deadline for accepting feedback on the draft outline is today, and I intentionally waited until today to respond to make sure that I had gathered as much feedback as possible – particularly from the Buckhead community -- before getting back to you.

A good bit of what I "heard" from others was taken from the sticky notes that were on the presentation boards at the June 6th presentation held in North Atlanta (Buckhead). I took photographs of those boards, transcribed all the sticky note comments, and wrote a summary of what the sticky notes said. I did not have the opportunity to attend or take photographs of the boards at the other meetings, but I have talked with people who attended each of the other meetings and they said much of the feedback expressed there was the same.

Also, I summarized the ideas and concepts proposed at the June 6th presentation and provided feedback on The Tree Next Door's website.

The Tree Next Door worked closely with Trees Atlanta to help craft the "Key Issues" document Trees Atlanta released last month in response to the ordinance draft outline. I fully support everything that is in that document. Also, I support what the City in the Forest has to say in their 4-point plan except for "Preserve Our Best Trees" as "best" is undefined, and thus has the same problem as the term "high value". Arbitrary definitions as to what is "best" or "high-value" should not replace the more scientific evaluation of a certified arborist.

All the summaries and documents I've mentioned above are linked at the end of this email to avoid sending numerous attachments. However, there are some key points I want to make as you move into the first draft of the ordinance rewrite:

- 1. The City's goal of reaching 50% canopy coverage – or even just maintaining the existing canopy – cannot be achieved without a full understanding of the data that explains how we have been losing our existing canopy.** Satellite snapshots of a moment in time do not replace the rich data that has been gathered on private property in Accela since 2008, data that can show us where we are losing trees, what kind of trees we are losing, and for what reasons. Any tree ordinance written without examining this data first is a tree ordinance that's based purely on *perception and people's requests* but has no hard data (or math) behind the policies that supposedly will help us achieve 50% canopy coverage.
- 2. Transparency and accountability need to increase, not decrease, with this new ordinance.** Citizens must be properly *informed of all proposed tree cuttings* and have the *right to appeal any cutting permit* which does not comply with the tree ordinance. Postings of all preliminary permits to cut trees on private property should be *listed as a group on the City website*, searchable by NPU and zip code, in addition to a sign being posted on each property.
- 3. The "one tree free a year" policy needs to be removed from the ordinance rewrite.** The existing DDH and landscape permits address the concerns of the few homeowners who do wish to take down a tree protected by the tree ordinance for non-construction related reasons. There is no need to introduce a redundant policy which does nothing but *make it easier to remove healthy trees*, and which has received overwhelming negative public feedback, including from Trees Atlanta.
- 4. Planning for trees at beginning of the permitting process should include a "planning" field arborist inspection.** An onsite inspection of all trees on a property must occur *at the beginning* of the permitting process to verify that trees have been captured accurately on the site plan and other issues not reflected on the site plan are also considered in the planning for tree conservation. Presently, the first time an arborist verifies the site plan is when the yellow sign is posted, *after* all the permitting decisions have been made. Site plans submitted by permit applicants often contain missing, misplaced, or inaccurately measured trees, and arborist resources are wasted evaluating an incorrect site plan. All impacted trees need to be verified, and non-impacted trees close to the limit of disturbance need to be checked to make sure they have been correctly measured.
- 5. Trees which have superior value as determined by a certified arborist inspection should receive greater protection than they do today.** However, no trees should receive *less protection* than they do under the current ordinance, regardless of their value, since the current protection provided has not resulted in "no net loss" of tree canopy. Also, there is no scientific definition for the term "high-value". The City needs to be clear that "high-value" trees are the trees the City has decided need enhanced protection based on the criteria the City has established and not a scientific formula.
- 6. Removed trees should be recompensed in actual dollars, not tradable credits, for their true ecological value as well as their economic value in relation to the value of the property being developed.** Recompense fees must ensure that the true and total cost of tree loss is being born

by the permit applicant and not externalized to others who live near the property. This recompense should be in the form of cash, not tradable credits, to make sure that the fees are getting paid and not indefinitely held as promissory notes. Also, recompense must be tied to property values to make sure the financial impact of recompense is proportional to the value of the land being developed.

7. **Streamlining the permitting process should include enhancing the back-office processes, particularly communication within and between the different Building departments and the Parks Department.** Many times, trees are lost (or not replanted) as required by the ordinance due to a breakdown in interdepartmental communications. Investments should be made in enhancing technology and work processes to facilitate timely communication and follow-up between the various departments.

8. **The devil is in the details... and we need ample time to work them out.** Most notable about the tree ordinance draft outline presentation was what it *didn't* include. A great deal of specificity was omitted and a number of sections of the current tree ordinance weren't addressed. A more specific and comprehensive tree ordinance outline should be created and submitted for public review to make sure that all proposed recommendations are vetted before codifying them into a first draft. Plus, the revised timeline shown at the Watershed Management Brown Bag Lunch session on July 11 indicates that there could be as little as a month between the first and second text drafts, which means the writing of the second draft will need to begin almost immediately after the first draft is published. This schedule leaves almost no time for the public to give thoughtful feedback that can be incorporated in the second draft. The City needs to take a step back, conduct the data analysis recommended in Item 1 above, create a more fleshed-out outline for public review, and then begin writing the first draft of the tree ordinance.

Below are the links to the documents referenced above. Please take time to review them as they include extensive feedback from not just me, but the other attendees at the June 6th meeting:

[Public Feedback on Presentation Boards](#) (a summary of sticky note comments)
[Presentation Boards](#) (with and without sticky notes; includes a transcript of all sticky notes by board)

[Public Feedback – Tree Ordinance Draft Outline](#)

- [What Did the People Say?](#)
- [What Did the City Say?](#)
- [Next Steps](#)

[Trees Atlanta Response to City of Atlanta “Tree Protection Ordinance – Draft Outline”](#)
[City in the Forest 4-Step Plan](#)

Thank you for giving me the opportunity to provide input into the tree ordinance rewrite draft outline. Please do not hesitate to contact me with any questions you have and if there is anything I can do to help facilitate the process of this tree ordinance rewrite to save more of our tree canopy, please ask!

Sincerely,
deLille Anthony