



*Follow the leaders, 2011-- Isaac Cordal  
Also referred to as "Politicians debating global warming"*

The City has been "updating" Atlanta's Tree Protection Ordinance for years now. We thought it was a given that the effort would *improve* tree protections, but the City has again released a draft that is **worse** than the current ordinance in many ways. As Atlanta's temperature climbs and more frequent heavy rain events make stormwater more challenging to manage, and as the world's climate crisis becomes more urgent, this is not the time to become less serious about protecting our local environment.

*Please let all City Council members know:  
**We will not tolerate backsliding***

*Residents demand:  
**Greater tree protection  
Greater transparency***

**No backsliding from current tree protections**

*Write to addresses below and call 404-330-6042, 4pm to 7pm, on Tuesday, February 16,  
to record comment (up to 3 minutes) to be played at Wednesday, February 17, 10am "Work Session."*

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## Background

- **June 28, 2017**, City Council issued resolution (17-R-3326) authorizing 18-month contract (\$1,208,300) with Biohabitats, Inc. to develop an "Urban Ecology Framework" to guide the City in making informed decisions about development compatible with the natural environment and to update the City's Greenspace Plan and Tree Protection Ordinance. Biohabitats held a series of public meetings to gather citizen input about what was needed to strengthen and improve the current ordinance:
  - **March 12-13, 2018**, Public meetings at Post Office Co-work Building, briefing and brainstorming.
  - **May 22, 2018**, Public meeting, Monday Night Brewery.
  - **December 12, 2018**, Public meetings, Spaces Midtown East, 8:30a; CA Scott Recreation Center 2p; MLK Recreation and Aquatic Center, 6:30p.
- **March 27, 2019**, Biohabitats had not completed its work within the original time frame, so the City Council authorized **extending their contract** (19-0-1084), which expired on April 22, 2019, for an additional 12 months. Biohabitats then scheduled more public meetings:
  - **April 23-24, 2019**, Public meetings, James Orange Recreation Center, to "hear about Urban Ecology Recommendations and Tree Ordinance."
  - **June 3, 4, 5, and 6, 2019**, Public meetings, Metropolitan Library (South), Church of the Master Presbyterian (West), Epworth Church (East), Trinity Presbyterian (North).
  - **August 22, 2019**, City Council **Work Session** on the Tree Protection Ordinance (rescheduled from June 19, 2019); **NO draft ordinance presented, (slide presentation).**
  - **November 6, 2019**, Public meeting, Atlanta Metropolitan College. Consultants presented concepts contrary to public comment up to this point (including removal of one tree per year for any reason; eliminating public right of appeal; linking cash recompense to "landscape appraisal" and allowing removal of even the highest value trees.) Audience expressed strong concerns. City Council Member Westmoreland apologized for status of the process and promised City Council would follow up.
  - **November 7, 2019**, Public meeting, Trinity Presbyterian Church, meeting abruptly **CANCELLED** hours prior to meeting.
- **January 30, 2020**, **new timeline** released, "The timeline calls for finishing a draft ordinance by mid-February, then **soliciting public comment** on a first draft in March, a second draft in June, and a third draft in July." (Reporter Newspapers, 1/30/20).
- **March 12, 2020**. **First Draft** ordinance released that **did not reflect public input**. City promised revisions. **No revisions** released before June Work Session.
- **June 25, 2020**, **City Council Work Session** on the Tree Protection Ordinance. **No new draft.**
  - Public voiced **strong opposition** to the first rough draft (March 2020).
  - Citizens group presented **alternative draft** and highlighted need for:
    - Early review of concept plans to enhance tree protection, with early public posting.
    - Multi-tier tree valuation system (for native Piedmont trees) to help set priorities for preservation.
    - Enhanced enforcement measures for ordinance.
  - City acknowledged need for better draft and presented slide show on "**current thinking.**"
    - All trees would be "valued more highly."
    - Design should be "sensitive to the site."
    - "Early tree review" will be incorporated into permitting.
    - Five levels of "significance categories" will be developed for valuing trees.

- **No further public engagement** after November 2019 other than June 2020 Work Session which allowed 3-minute pre-recorded phone messages, all of which were highly critical of the March Draft.
- **January 19, 2021, Second Draft** Ordinance submitted to City Council which still **does not reflect most of the public input** or the “**current thinking**” presented to City Council in June 2020 and is in many ways **LESS PROTECTIVE** than the existing Tree Ordinance.

**Now**

- **February 17, 2021, 10 am, "Work Session" scheduled;** (public comments up to 3-minutes may be recorded at 404-330-6042, 4pm to 7pm, the day prior).
- After **consistent** and **insistent** requests from the community for **BETTER TREE PROTECTION, GREATER TRANSPARENCY, a BETTER REVIEW PROCESS, and BETTER ENFORCEMENT** and **hundreds of comments, letters, calls, and thousands of hours of the public’s time**, the January 2021 draft **BACKSLIDES** on these most important issues.

There has been **NO** public engagement since November 2019 – with the exception of City’s Council’s June 25, 2020 “Work Session” (a virtual presentation where ideas were presented by the City that **STILL** are not reflected in the second draft). Yet, the Draft Tree Protection Ordinance released January 19 seems to be on a **fast track** at City Council.

Please let City Council know Atlanta’s voters will **not tolerate backsliding** and that we want **better tree protection now!**

<b>Summary of Significant Issues</b> Review January 2021 Draft <a href="https://www.atlantaga.gov/home/showpublisheddocument?id=49588">Draft Atlanta Tree Protection Ordinance</a> <a href="https://www.atlantaga.gov/home/showpublisheddocument?id=49588">https://www.atlantaga.gov/home/showpublisheddocument?id=49588</a>	
<b>GOAL 1: Tree Protection</b>	
ISSUE 1 Current ordinance goal of "no net loss of trees," is replaced with goal to "reverse loss over time."	
<i>Greater tree protection?</i>	<b>NO - backslides</b>
ISSUE 2 Draft ordinance <b>no longer requires tree preservation</b> during construction of multi-family, mixed-use, commercial, industrial, subdivisions, or <i>any other non-single-family</i> land use including “linear” projects (roads and sidewalks).	
<i>Greater tree protection?</i>	<b>NO - backslides</b>
ISSUE 3 The size <b>thresholds</b> for “Priority Trees” are <b>so high</b> as to <b>exclude most trees</b> . For example, the threshold size for some species is larger than the tree is typically biologically capable of growing.	
<i>Greater tree protection?</i>	<b>MINIMALLY</b>
ISSUE 4 In addition to defining very few trees as “Priority Trees,” and only requiring their preservation in single-family neighborhoods, the ordinance <b>sets a goal of saving only a fraction of Priority trees</b> on each single-family project.	
<i>Greater tree protection?</i>	<b>NO - backslides</b>

ISSUE 5 Draft <b>no longer protects trees in setbacks</b> (front yards, back yards, areas outside of the portion of the lot that can be used for buildings); trees in setbacks are currently protected unless they <i>must</i> be removed for car or utility access.	
<i>Greater tree protection?</i>	<b>NO - backslides</b>
ISSUE 6 In addition to waiving all preservation standards for trees on public property, public trees (parks, public facilities, right-of-way) are <b>no longer replaced</b> on an <b>inch-for-inch</b> basis.	
<i>Greater tree protection?</i>	<b>NO - backslides</b>
<b>GOAL 2: Transparency</b>	
ISSUE 1 <b>Public Notice</b> and Appeals virtually <b>eliminated</b> for projects removing up to 50% of “Priority Trees.”	
<i>Greater transparency?</i>	<b>NO - backslides</b>
ISSUE 2 Draft eliminates <b>quarterly reports</b> of <b>tree removal and planting</b> and replaces them with an annual report.	
<i>Greater transparency?</i>	<b>NO</b>
ISSUE 3 A companion ordinance (to the draft) proposes <b>administrative variances</b> that would allow a setback reduction of up to 80% to preserve a tree. <b>Excluding input</b> from affected neighbors is <b>unacceptable</b> . Reducing setbacks to save trees is already a sufficient reason for granting a setback variance under the current zoning code – <i>subject to a public process</i> . If an early review process for tree protection plans (as suggested by citizens and builders) were established, there would be ample time to request and receive variances to save trees without eliminating transparency.	
<i>Greater transparency?</i>	<b>NO</b>
<b>GOAL 3: Process</b>	
ISSUE 1 Builders and residents asked for Arborist plan review at the beginning of the permitting process to ensure better design for natural resource protection by ensuring each plan is developed to fit its site -- rather than trying to alter the site to fit a plan. This can protect trees and <b>prevent delays and frustration</b> when a City Arborist requires changes to save trees <i>after</i> design is underway. The draft states that a pre-application conference is “highly recommended” but does not offer details of early review, early posting and, or earlier plan approval.	
<i>Better process?</i>	<b>RIGHT DIRECTION</b>

***Some positive progress in the Draft:***

1. *Parking lot* tree planting requirements are better and *parking lot* trees that die must be replaced.
2. Specifications, and requirements for *planting new trees* are improved.
3. Plan review for projects removing trees from both private and public property will be *streamlined* into one department.
4. Arborists would be involved in selection of sites for purchase by the City and would make *siting recommendations* for City facilities to avoid sites with “significant trees” (need explicit criteria).
5. The City will require *tree professionals to register* to ensure they are aware of City’s tree ordinance and its requirements.
6. *Surety bonds* will be required for trees under a silvicultural prescription (which is utilized to save a tree that will sustain an impact between 20 and 33% of its critical rootzone).