

BUILDING A BETTER URBAN FOREST

Council Work Session - June 2020



Department of

CITY PLANNING

1

**ATLANTA CITY DESIGN ESTABLISHES NATURE AS A CORE
VALUE**

2

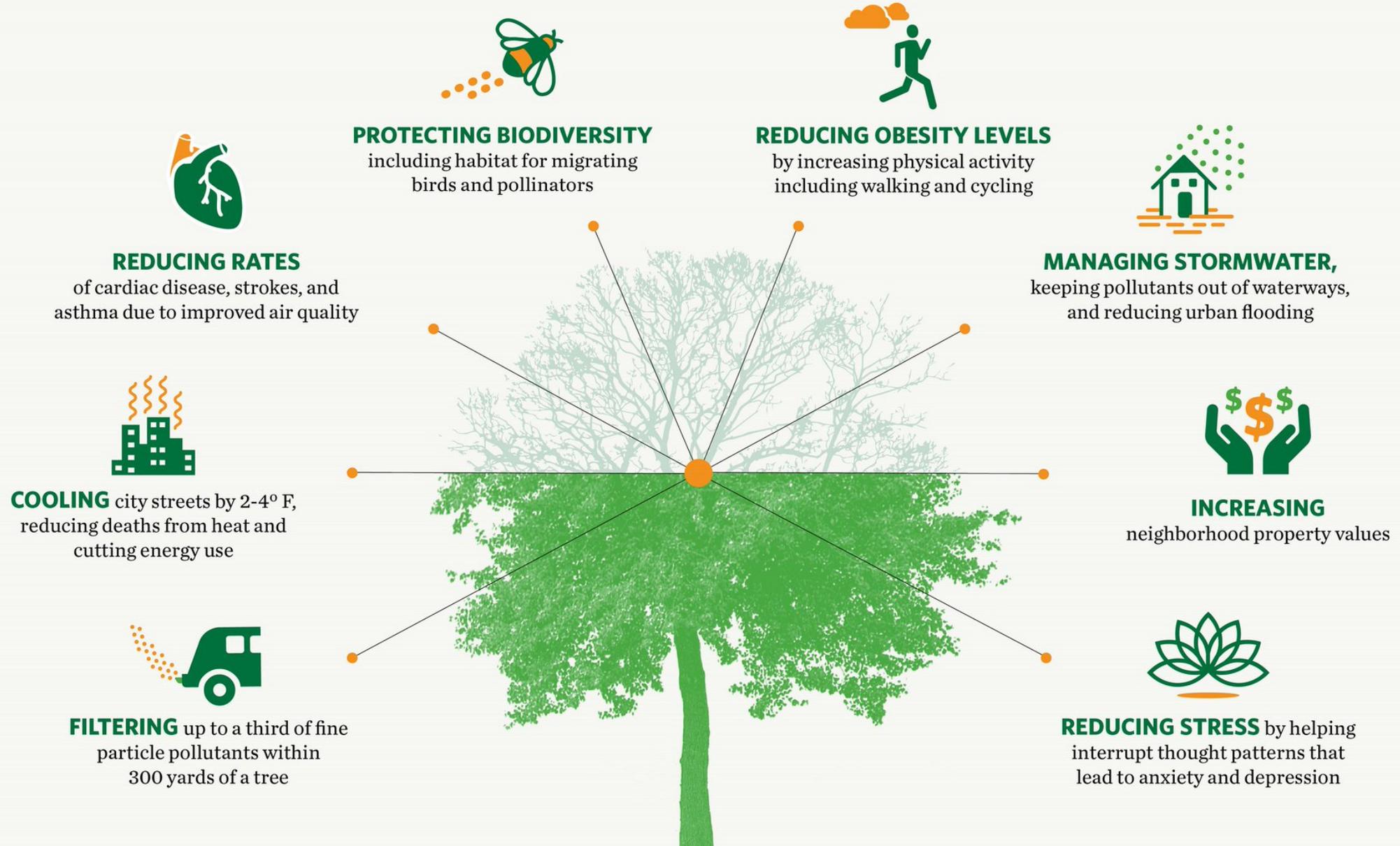
**URBAN ECOLOGY FRAMEWORK IDENTIFIES WHAT TO
PROTECT, RESTORE, ACCENTUATE**

3

**TREE PROTECTION ORDINANCE REWRITE ROOTED IN
ECOLOGY**

Benefits of Urban Trees

Research has linked the presence of urban trees to...



**ATLANTA'S FORESTS ARE A DEFINING FEATURE OF THE CITY
AND CENTRAL TO THE CHARACTER OF OUR NEIGHBORHOODS**



THE VISION FOR PRESERVATION

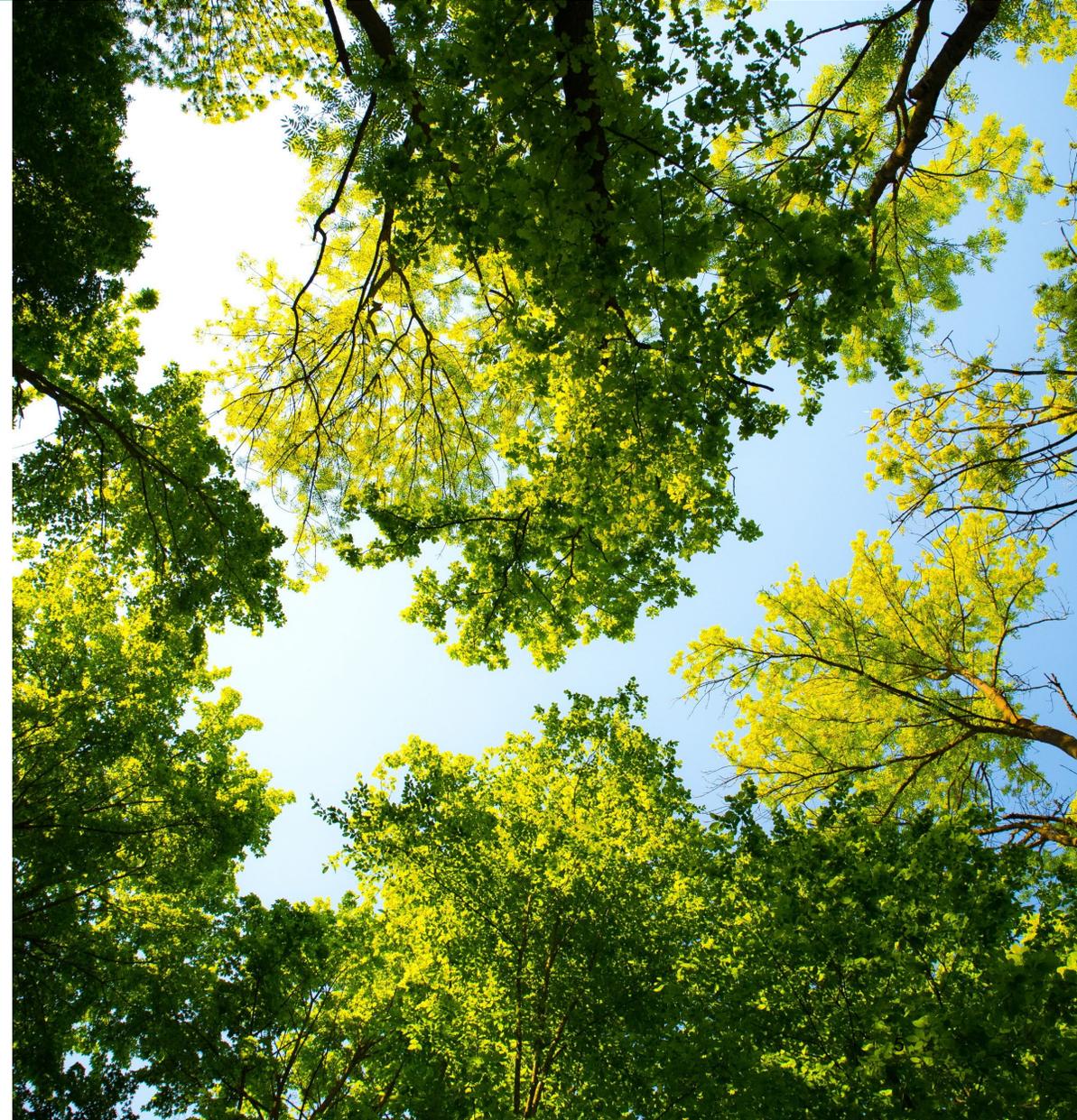
Parcel specific
preservation goals

AND

All trees are valued
more highly

AND

Certain highly valued
trees must be preserved



OUR APPROACH

Better Design

Designs need to be sensitive to the site, with the buildings designed to accommodate the natural features of the site, including the trees. This may mean, in some cases, restrictions on what and where you can build on site.

Accommodate City's priorities

TPO must support City's anticipated growth and other priorities such as equity, affordability, mobility

Clarity

The ordinance must be clear and able to be applied uniformly and consistently across the City with as few grey areas as possible

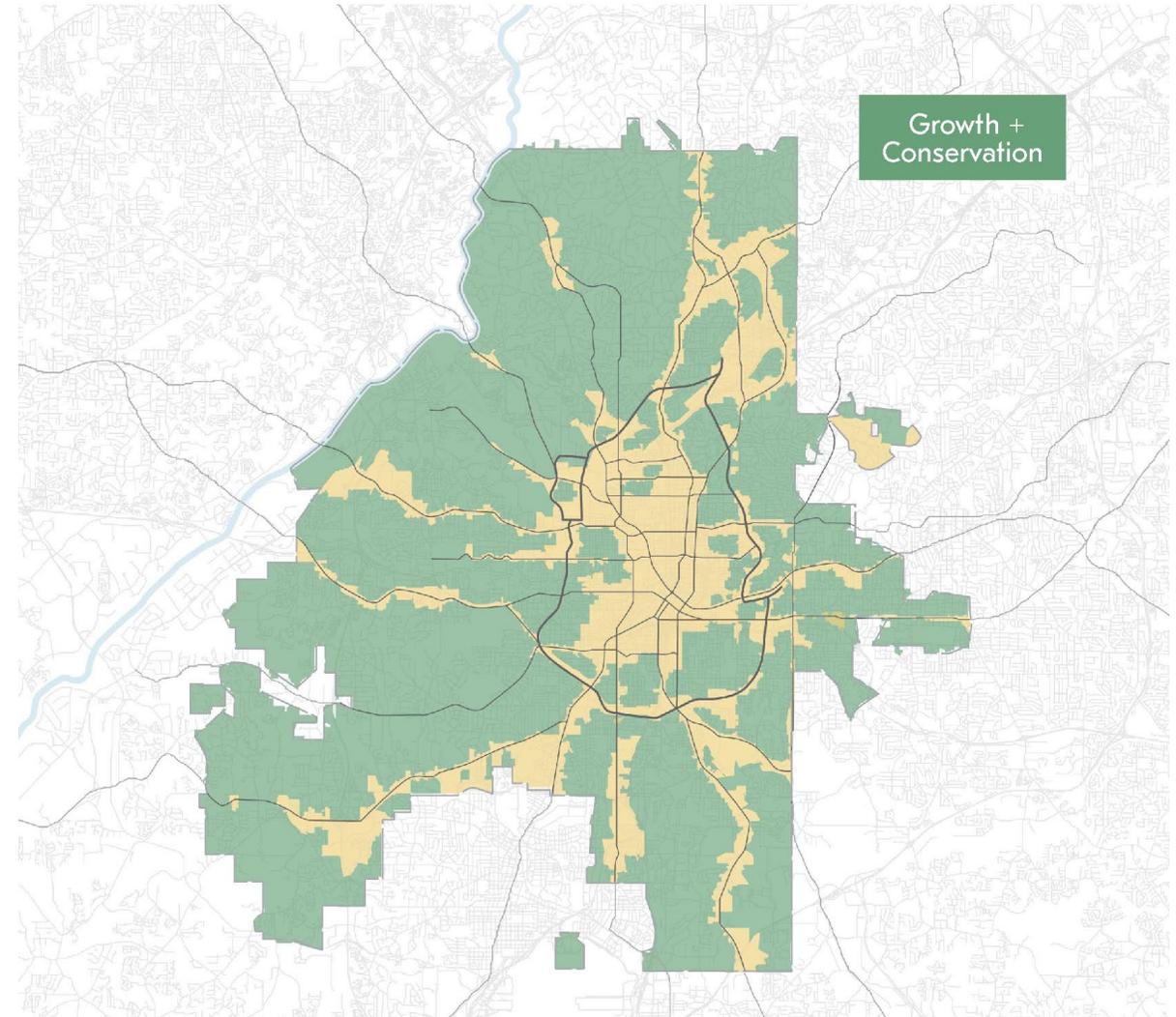
Implementable

To be enforceable, the ordinance cannot conflict with other regulations. Additionally, consideration of available staff and resources is critical to implementation. The more complex or nuanced the ordinance is, the more resources will be needed to implement it.

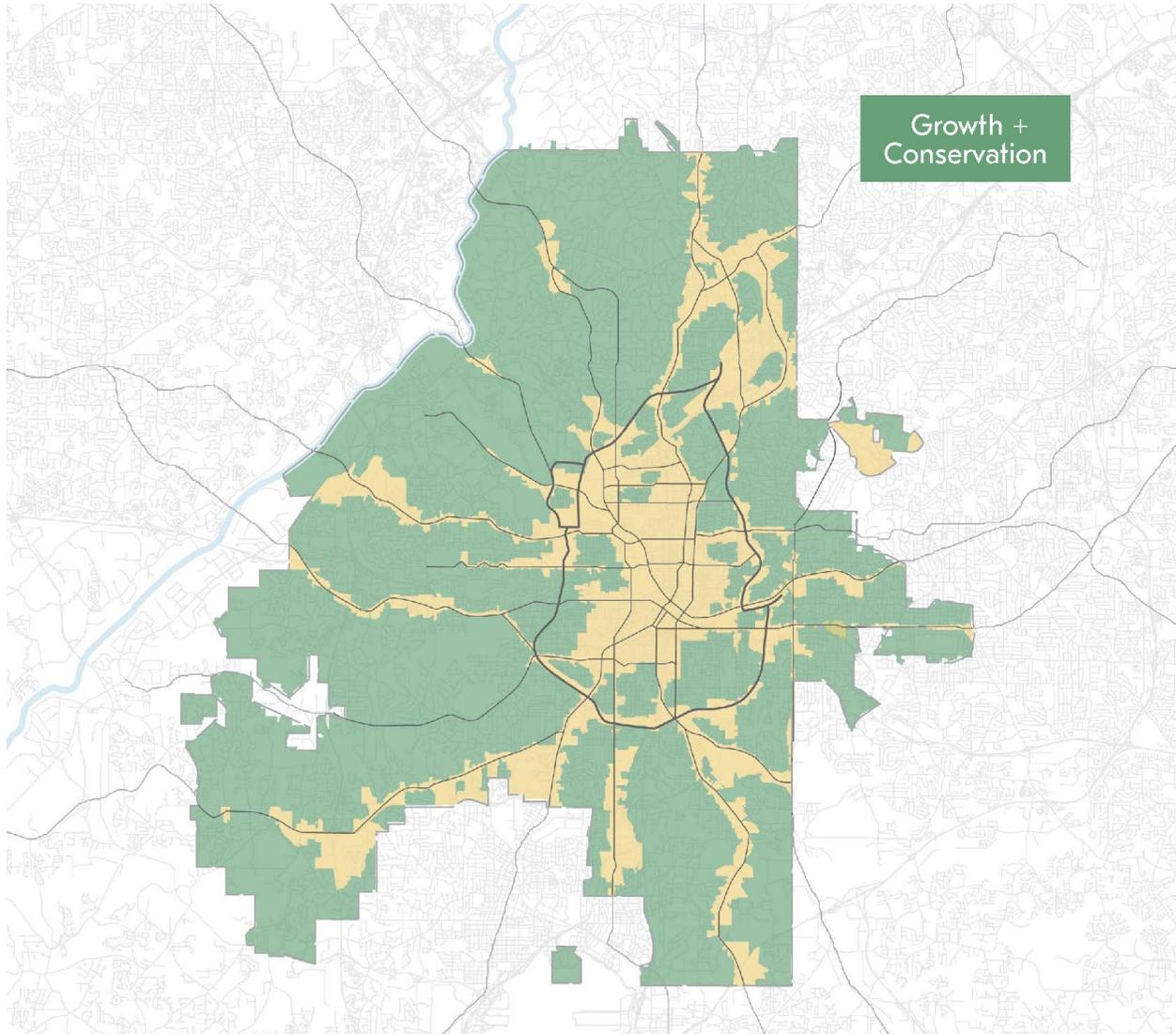
A FOCUS ON CITY DESIGN CONSERVATION AREAS

76% of the City area
89% of the Canopy

City Design Category	% City Area	% Canopy Cover
Core	4%	2%
Cluster	5%	1%
Corridors	15%	8%
Production Areas	5%	3%
Urban	11%	19%
Suburban	34%	39%
Rural	26%	28%
	100%	100%



**THIS IS HOW ATLANTA GROWS ANYWAY.
WE'RE JUST GOING TO BE MORE
INTENTIONAL ABOUT IT.**



ELEMENTS AND CHANGES IN PROPOSED TREE PROTECTION ORDINANCE

- Tree Valuation
- Preservation Standards
- Clearcutting
- Affordability
- Heritage Trees
- Afforestation
- Recompense Fees
- Stormwater management
- Parking Lot Planting
- Periodic Removal of Healthy Trees
- Permitting of Public and Private Trees
- Postings
- Tree Trust Fund
- Early Tree Plan Review
- Subdivisions

LEADING WITH TREE VALUE

Issue

Tree Protection Ordinance values trees only based on tree size

Proposed

Draft 1 values **native and mature trees** more highly as well as trees growing in **stream buffers, flood plains, along streets, on steep slopes, and in groves.**

It establishes **5 Significance Categories** to which trees are allotted (5 being the highest and 1 the lowest) based on environmental and ecological factors as well as size.

Replacement and/or recompense is required based on Significance Category of tree

SIGNIFICANCE CATEGORIES

5

Highest Ecological Value
Require Variance

4

Large, good condition trees
Some context factors apply

3

Baseline—most trees in Atlanta

2

Less significant trees

1

Lowest Ecological Value
Includes all DDH, non-native
species

TREE VALUATION: CURRENT THINKING

Removal of Significance Categories

High Value trees

Healthy, mature native trees; Tree sizes may vary by species

Heritage trees

Designated by the Tree Conservation Commission through nomination for special significance such as historic or community value

Environmentally Contributing trees

Trees growing in stream buffers, flood plains, and along streets and in “heat islands” (large expanses of paving)

Native trees are generally valued higher than non-natives

TREE PRESERVATION AND CLEAR CUTTING

Issue:

Current code requires saving trees in setbacks and within the site to the maximum extent feasible. It does not provide guidance on how to account for root disturbance of setback trees outside of the setback, making the restriction somewhat unenforceable

Draft TPO V.1

- **All trees**, no matter where they exist on site, are subject to protection based on their Significance Category. There are incentives for preservations, but no mandatory preservation.
- **Administrative variances to zoning setbacks** will be allowed if they enable the preservation of trees. This allows builders flexibility to avoid trees without having to wade through the somewhat involved traditional zoning variance process.
- **Clear cutting prohibited** for all lots with more than 3 trees. City Arborist recommends to the Tree Conservation Commission for final decision.

Current Thinking

- Tree preservation will be required on most residential properties, and many commercial sites
- Tree preservation uncoupled from zoning setbacks and based on lot sizes
- Administrative setback variances and clear cutting prohibitions proposed in Draft TPO V.1

PRESERVATION STANDARDS: CURRENT THINKING

Residential

- **High Value trees-** A percentage of all High Value trees must be preserved
- **All other trees-** A percentage of total trees on site must be preserved
- **Replanting-** All lots must have a minimum number of trees, preserved or planted, at the end of the project

Commercial

- Tree preservation will be dependent on the form and intensity of development, with appropriate replanting required
- Protections in growth areas will focus on preserving the most valuable trees and while requiring high quality tree planting along streets and sidewalks, in plazas and pocket parks.

Preservation and Planting requirements vary by lot size

On densely forested sites, or sites where High Value trees occupy a large portion of the lot, every lot is guaranteed a certain portion of the site that may be disturbed, regardless of how many trees are removed.

AFFORDABILITY

Issue:

Concerns about tree ordinance increasing costs of housing or burdensome to homeowners

Draft TPO V1:

Affordable housing projects: 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. 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.

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

Issue:

The current code does not distinguish between the more environmentally contributing trees and thus does not protect the more important trees

Draft TPO V1:

New category of Heritage trees will be created to allow trees to be nominated for special protection status based on historical or cultural significance. Akin to historic property designation. Heritage trees would not be able to be removed without authorization from the Tree Conservation Commission.

AFFORESTATION REQUIREMENTS

Issue:

Current minimum numbers of trees required on all lots after development is too low to insure regeneration of canopy in some cases, but too high to achieve in others.

Draft TPO V.1:

Tree planting requirements have been raised and categorized by number of trees rather than inches per acre

Ensures standard can be met on any site, whether the site had any trees growing on it or not.

RECOMPENSE FEES

Issue:

Current fees charged by the City do not match the current cost to the City for planting trees. Additionally, the low fees make it cheaper to pay into the Tree Trust Fund rather than plant replacement trees on site.

Current Ordinance Formula:

Recompense= \$100 per tree + \$30*DBH removed

Draft TPO V.1:

Recompense fees raised to match market value of tree planting. This fee (“Established Recompense Value”) will be reassessed every two years to keep up with inflation. Tree recompense fees are intentionally set slightly higher than the cost of planting to encourage replanting rather than paying recompense.

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

Note: Established Recompense Value is estimated to be \$200/DBH. This number is tentative until verified by a fee study

RECOMPENSE COMPARISON

Decatur GA, Portland OR:	\$175/in
Washington DC, Austin, Brookhaven Ga:	\$200/in
Northbrook Il:	\$250/in
Wellsley MA, Covington KY:	\$400/in
Colleyville TX:	\$500/in
Allen TX	\$600/in

New recompense fee will be based on the City's cost to plant a 2.5" cal. tree

STORMWATER MANAGEMENT

Issue:

- Many residents concerned that trees are being removed on residential lots just to install dry wells or other stormwater management devices.
- Commercial stormwater facilities shy away from using trees in vegetated “Green Infrastructure”

Draft TPO V1:

- On residential lots, no tree may be removed solely for installation of stormwater management facilities unless all alternatives have been deemed infeasible
- Trees planted in a vegetated green stormwater infrastructure facility will be counted as two trees of the size planted (excluding parking lot planting requirements.)

PARKING LOT PLANTING STANDARDS

Issue:

Parking lots create unnaturally hot air temperatures, causing human health issues and exacerbating climate change. Current parking lot tree planting standards require too few trees to shade parking lots and allow very constrained planting areas that reduce trees mature size and lifespan.

Draft TPO V.1

New parking lot standards require more shading of parking lots and require planting areas large enough to support healthy, mature trees

Current Thinking

New parking lot planting standards should also be applied to all large expanses of paving to help reduce air temperature and reduce associated health issues.

PERIODIC REMOVAL OF HEALTHY TREES

Issue:

Property owners looking to remove tree(s) unassociated with a building permit find the process unnecessarily burdensome

Draft TPO V.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.

Current Thinking

Due to valuation system changes, all homeowners will be allowed to remove 1 tree under 18" DBH every three years for free if they maintain a minimum number of trees on their property. Removal of nonnative trees under 12" DBH would generally not require recompense.

PERMITTING OF PUBLIC AND PRIVATE TREES

Issue:

Removal of public and private trees have different replanting standards and plan review and permitting is managed by two different departments: City Planning and Parks. City sponsored projects (impacting public trees) often hit roadblocks meeting replanting requirements.

Draft TPO V.1

All standards will apply the same to both public and private trees. Plan reviewing and permitting for all will be managed by the Department of City Planning.

Public project relief for City of Atlanta linear infrastructure projects (sewer, roads, etc.) including simpler permitting and a cap on recompense that is tied to total cost of construction.

Issue:

Two phase posting uses valuable arborist time that could be spent on other enforcement activity and there are concerns with visibility of notices in relation to submitting appeals. Posting processes for both private and public arborist review are incongruent.

Draft TPO V.1

Mostly, two postings remain, however the 1st posting for preliminary arborist approval will be available online only (no site visit). The 2nd posting for final approval will be posted on site and online. All postings will follow the same process no matter if on private or public property.

Current Thinking

The postings process would remain as proposed, but there is a desire to more clearly define the criteria for appeals. We see a potential for projects that meet strict requirements to not be required to post their site. Additionally, potential for earlier and longer postings process dependent on earlier Arborist plan review. See slide on early review.

Issue:

There is a lack of public transparency into balance of the Tree Trust. We have heard concerns about excessive spending, including expenses on non-forested land and maintenance of those lands.

Draft TPO V.1:

Provide

- Clear Accounting streams/Names of accounts in the ordinance to delineate costs in Finance and reporting systems
- Approved distributions (staffing, administrative costs, etc.)
- Cap on spending (potential for administrative) limits, all additional fund requests go to Council for approval.
- Clear spending approval processes for each Department – DCP as the main approver
- Quarterly reporting on expenses (requirements for other Departments to comply)
- Processes for uncollected funds

Note: Some of the changes listed above will be administrative and may not appear in the ordinance

TREE TRUST - DEPARTMENT OF CITY PLANNING & DEPARTMENT OF PARKS

	<u>FY 2020</u>	<u>FY 2021****</u>	<u>FY 2022</u>	<u>FY 2023</u>
Beginning Balance*	\$ 14,511,704	\$ 9,010,358	\$ 5,739,348	\$ 1,807,959
<i>Projected Revenue</i>	\$ 2,625,000	\$ 2,375,000	\$ 2,125,000	\$ 1,875,000
Projected Expenditures				
DCP Staffing (S&B)	\$ 170,000	\$ 170,000	\$ 170,000	\$ 170,000
DPR Staffing (S&B)	\$ 275,000	\$ 275,000	\$ 275,000	\$ 275,000
Tree Education	\$ 156,487	\$ 131,250	\$ 118,750	\$ 106,250
Tree Planting Contracts (DPR: Trees Atlanta; Tri-Scapes)***	\$ 1,651,247	\$ 885,742	\$ 885,742	\$ 885,742
Other Contracts (DCP: Urban Ecology; Tree Canopy Analysis)	\$ 508,379	\$ -	\$ -	\$ -
<i>Forested Land Operations</i>	\$ -	\$ 100,000	\$ 100,000	\$ 100,000
<i>Forested Land Maintenance</i>	\$ -	\$ 408,779	\$ 831,656	\$ 1,331,274
Annual Administrative Expenses	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Total Projected Expenditures	\$ 2,811,113	\$ 2,020,771	\$ 2,431,148	\$ 2,918,266
<i>Land Acquisition**</i>	\$ 5,315,233	\$ 3,625,240	\$ 3,625,240	\$ -
Estimated Ending Balance	\$ 9,010,358	\$ 5,739,348	\$ 1,807,959	\$ 764,693

* Starting point is the FY20 Budget w/ mid year accounting adjustments, balance as of June 12, 2020.

** Anticipated land acquisitions for tree conservation property.

*** Contract data only includes required contracts.

**** Recompense is projected to decline upon implementation of the updated Ordinance.

EARLY TREE PLAN REVIEW

Issue:

Tree plans have been reviewed at the end of the permitting process after most other aspects of project are approved.

Late project changes based on tree plan review are difficult, often costing more time and money than if made earlier

Draft TPO V.1:

The Concept Review Committee has been established to address site challenges at the entitlement stage. Have seen 104 projects since beginning in August of 2019.

Other administrative changes to the permitting process are in progress, allowing the Arborist to review plans prior to review within the Office of Buildings and at the site review stage. Similar timeframe as when the site plan is reviewed for zoning compliance.

SUBDIVISIONS

Issue:

Undeveloped properties large enough for traditional residential subdivisions are frequently well forested, and the layout of traditional subdivisions cause substantial tree loss due to disturbance caused by road and utility installation.

Draft TPO V.1

To incentivize “Cluster” or “Conservation” subdivisions that allow for less site disturbance, we are proposing changes to zoning code for PD-H (Planned Development- Housing) and PD-CS (Planned Development, Conservation Subdivision) to allow an increase in number of units if significant forested portions of lots are permanently protected from development.

WE NEED YOUR GUIDANCE:

- Administrative zoning setback variances? At what level? 50%
80%
- Increased density allowed in PD-H and PD-CS if a significant forest on site is preserved forever?
- Free tree removal of one tree under 18" diameter every 3 years?
- Setting strict standards for tree preservation projects that, if met, would exempt project from appeal?

NEXT UP

- Public comments posted on the UEF website
- UEF Release
- Continuing Stakeholder discussions
- Submission of version 2 for adoption
Sept/Oct

QUESTIONS?



appendix

PERMITTING AND VALUATION PROCESS

