

Tree Conservation Commission Business Meeting Minutes

City of Atlanta
City Hall
Arborist Division, Suite 3800
September 18, 2019

Commissioners present: Sarah Boles, Marvin Lampkin, Bruce Morton, Susanne Blam, Chet Tisdale, Lawrence Richardson

Staff present: Jonathan Futrell, COA Law Department; Kathy Evans, TCC staff

Other: Jeffrey Haymore, Dillard Sellers, Attorneys at Law

1. **Minutes.** Review August 21, 2019 business meeting minutes. Minutes approved by those present; correction: Sarah Boles added to attendees list.
2. **Arborist Division update.**
 - S.O.P. for setback trees. Reviewed briefly. Need to finalize.
3. **Projects.**
 - **Tree Canopy analysis for 2018.** Imagery collected in Sept/Oct 2018 analysis ongoing.
 - **Water bill** inserts about the requirement of tree permit was in June water bill and online. Another planned for October.
4. **Urban Ecology Framework**
 - Reviewed summary of general recommendations previously reviewed electronically (attached). Unanimous approval by those present.
 - Project Manager, Elizabeth Johnson, requested feedback on whether TCC would like to meet separately with ordinance writing team or attend public meetings regarding tree ordinance draft. TCC members requested to have both options – separate meetings about in-depth issues and participate in public meetings, including Technical Advisory Committee when held. No public meetings are scheduled at this time. Draft ordinance scheduled for November.
 - Bruce Morton, Chair, will relay interest in meeting with writing team by letter, following up letter previously submitted by Bruce and former Co-Chair, John Rains.
 - TCC would like to review and comment on draft in advance.
5. **Hearing Policies and Procedures.** Refer to tree protection ordinance when possible in stating appeal decision.
6. **Appeals.** Time provided for Commissioners to review appeal materials individually. Per Jonathan Futrell, TCC Counsel, all review and discussion of merits is reserved for hearing. Also noted: per ordinance, after initial hearing of evidence, decision must be issued within two months. If information is outstanding, issue decision based on evidence to date.
7. **New Business.**
 - **One hearing** this month: This evening, Wednesday, September 18, 6:30 pm.
 - **Legal process.** Will invite Law Department to review ordinance issues.
 - **Annual Work Session** will be scheduled in late January or early February.

Summary of Recommendations for Tree Ordinance Update by Tree Conservation Commission 9/11/19

Issue 1: Trees are often considered last in the design and permitting process. Often, relatively minor plan modifications that could preserve trees would be simple early in the process but are no longer financially feasible later in process. At times, applicants seek variances that cause greater tree loss, while opportunities for variances to preserve trees are not pursued.

1. Define high value trees (based on natural infrastructure values; see Potential Criteria for Tree Valuation by Species table).
2. Identify high value trees and other environmentally sensitive features (streams, wetlands, steep slopes, stands of high value trees) on sites before initiating extensive investment in design.
3. Establish clear guidelines regarding which trees should be preserved on development sites. When applicants design around these trees, no extra review is needed.
4. When projects propose to remove high value trees, obtain stream buffer encroachments, or propose impact to other high value natural resources, require early review/Concept Review meeting with appropriate City staff to determine which, if any, modifications should be made to more effectively preserve these resources. City staff may also assist in preparation for seeking variances to make preservation possible. Early review should be offered for all sites as resources allow; otherwise, standard review process is utilized.
5. Establish well-defined standards for approval/denial of tree removal (and exceptions) at concept stage.
6. Establish procedures for early appeal of decisions regarding tree preservation.

Issue 2: City Design concludes that substantial growth can be accommodated along already established corridors and other areas with low tree canopy in Atlanta. However, few tools are available for encouraging development and redevelopment in desired high-density areas. Likewise, few tools are available for discouraging development in more environmentally sensitive areas.

7. Eliminate or adjust maximum recompense formula to require greater tree savings.
8. Do not approve removal of high value trees when density goals are not being met.
9. Work with Zoning to incentivize density and development in the least pristine and already disturbed areas.

Issue 3: The largest portion of the city's tree canopy is located on land zoned for SF residential development but there are few protections for trees in these areas. A significant number of mature trees are removed from single-family residential properties without adding unit density (additional capacity for population density) in the city.

10. Require early review for projects that propose to remove high-value trees (and/or a threshold of dbh inches).
11. Emphasize re-use of disturbed portions of sites (before creating new areas of disturbance or destroying healthy trees) where feasible.
12. Designs may need to be site-specific.

Issue 4: The limits of construction impact on multi-family and mixed-use developments often make tree preservation impossible and sometimes leave little space for replanting.

13. Do not allow down-zone uses where density is desired, especially if high-value trees are to be removed or impact to other high-value natural resources is proposed.
14. Work with Zoning to identify means to incentivize density and accomplish development patterns outlined by City Design and UEF (e.g. density increases, relaxed height limits, lower parking requirements).
15. Reward development of the least "pristine" (already disturbed areas) and for sites that do not propose to remove high value trees. Reward may include expedited review.
16. Identify and address obstacles to development of higher density projects (parking deck costs? construction costs for multi-story buildings? bank loans?)
17. Review open area requirements for multi-family and mixed-use developments.
 - a. Incorporate minimum undisturbed land area requirements for all projects, establishing a minimum area of natural landscape which may also increase tree saving and provide better planting conditions.

- b. Consider payment into a fund for obtaining forested greenspace elsewhere when minimum amount of open space and/or tree cover is not accomplished (as utilized in Charlotte, NC) or other funding stream.
 - c. Design process should start early and should take trees and other natural resources into consideration.
18. Establish well-defined standards/exceptions for approval/denial of trees (potentially rewarding higher density with expedited process.)

Issue 5: New subdivisions do not require consideration of trees and other natural resources when establishing lot lines.

- 19. Evaluate conservation subdivision zoning, “cluster housing” zoning, and other tools to allow lot configurations that conserve trees and natural resources, rather than uniform lot division. (This flexibility may encourage varied patterns of housing and yards and increase options for conservation and affordability).
- 20. Do not pass recompense costs to homeowners and homebuilders who must pay standard recompense for trees remaining on platted lots after developer configures lots (and may employ much lower cost “maximum recompense” formula at land disturbance stage), though it may not be possible to preserve trees based on choices about lot configuration and the layout of subdivisions.
- 21. Eliminate or adjust “maximum recompense” formula for subdivisions and infrastructure to encourage conservation.

Issue 6: Customers with projects impacting both public and private trees must apply to two different City Divisions.

- 22. Require only one plan review when private and public trees are impacted on a single site.
- 23. The Office of Buildings (and Arborist Division) seems the appropriate department for review of construction proposals.

Issue 7: Current tree ordinance does not explicitly address tree removal in stream buffers (only wetlands and floodplains).

- 24. Add the following language to City of Atlanta’s tree ordinance Section 158-104(a)3: “A maximum of ten percent of the trees in a designated wetland, **75-foot stream buffer**, or 100-year floodplain may be approved for removal or destruction.” Provide guidance for requests to remove trees associated with stream buffer encroachments.
- 25. Consider adoption of UEF recommendation to extend tree protections and mitigation standards within 300 feet of streams, therefore decreasing impact to some of the most environmentally sensitive areas of the city.

Issue 8: Trees are proven to be very effective “stormwater devices” but no credit is given for retaining mature trees on development sites and trees are, at times, removed to install stormwater devices.

- 26. Develop BMPs to offer credit for *mature* trees as offsets for the volume of stormwater that must be managed onsite, especially for single-family residential areas. (Some municipalities, such as Pine Lake, GA, have implemented these standards).
- 27. Do not permit destruction of mature or high-value trees to install stormwater devices.
- 28. Include dry wells and other constructed stormwater collection devices in disturbed area/impervious lot coverage calculations.

Issue 9: The City continues to increase impervious land cover. The ratio of paved parking to parks in COA is approximately 1.8 to 1.

- 29. Continue to increase greenspace acquisitions with an emphasis on preserving the highest-quality forested areas.
 - a. Identify funding mechanisms for ongoing acquisitions.
 - b. Identify other mechanisms for preservation (easements, zoning, development guidelines and incentives).
- 30. Evaluate parking lot standards.
 - c. Implement better tree planting specs including a requirement for larger soil surface area and soil volume (to capture water and support long-term healthy tree growth).
 - d. Offer credit (e.g. require fewer trees) for larger planting islands, swales, and passive watering.

- e. When new parking lots are constructed, offer more credit for preservation of mature trees at the edges or in large islands.
 - f. Offer credit (require fewer trees or reduced stormwater requirements) for parking lots that include gravel or pervious pavers rather than pavement. This may be most feasible for overflow parking.
 - g. Require perpetual replacement of parking lot trees to reduce heat island effect.
 - h. Do not permit destruction of mature or high-value trees for construction of parking spaces *above* the minimum number of spaces required by Code.
 - i. Recommend that Zoning lower the *minimum* number of parking spaces required where appropriate.
 - j. Recommend that Zoning set a *maximum* number of parking spaces in addition to a minimum per zoning area where appropriate. If minimum is met, do not approve removal of high value trees for additional spaces.
31. Evaluate street tree planting standards.
- k. Ensure all “complete streets” projects and other street tree planting projects include specs for soil surface area and soil volume as well as use of connected soil spaces, root channels, root barriers, and suspended sidewalks.
 - l. Develop specs for tree species appropriate for various sizes of planting strips, available soil volume on opposite side of sidewalk, presence or lack of overhead utilities, etc.
 - m. Develop specs to address preservation of mature trees during design and construction (such as alternative sub-base materials, sidewalk materials, root bridging, etc.) and offer credit against replanting requirements. Ensure all contracts for public works include these specs.
 - n. Include maintenance/guarantee requirements for planted street trees.
 - o. When better specs are met for planted street trees, reduce the current inch-for-inch requirement for removing trees; instead focus resources on ensuring that all “complete streets” include healthy trees over the long run.

Issue 10: Staffing is limited for enforcement of tree ordinance.

- 32. Triage priorities by identifying highest value trees and focusing resources more closely on these trees and stands of trees at concept review, pre-demo, pre-construction, and inspections during construction for sites *with the highest value trees*.
- 33. Increase enforcement options (such as stop work and participation in required tree protection classes) so that design successes will be tree preservation successes.