

# BUILDING A BETTER URBAN FOREST

City Council Work Session  
February 17, 2021



Department of  
**CITY PLANNING**

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**1**

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

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**2**

***ATLANTA CITY DESIGN: NATURE* IDENTIFIES  
WHAT TO PROTECT, RESTORE, ACCENTUATE**

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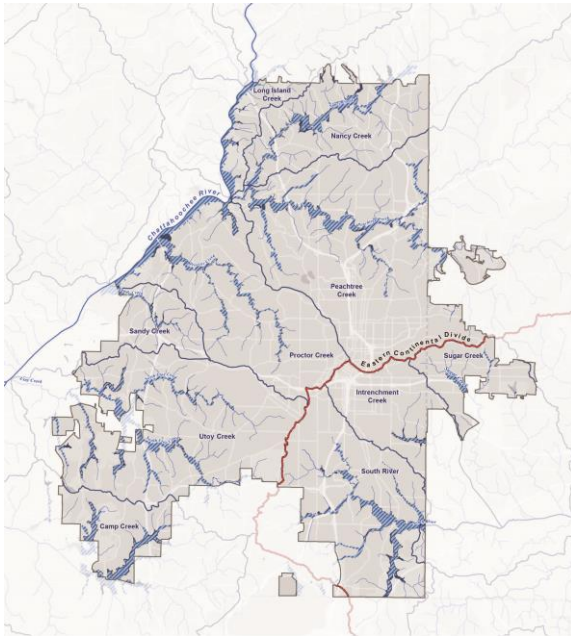
**3**

**TREE PROTECTION ORDINANCE REWRITE  
ROOTED IN ECOLOGY**

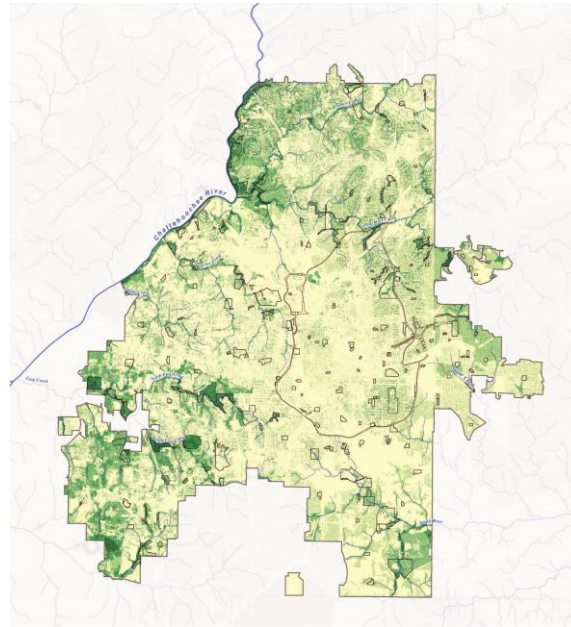
# ATLANTA CITY DESIGN: NATURE

Deeper exploration of City Design's "Nature" value

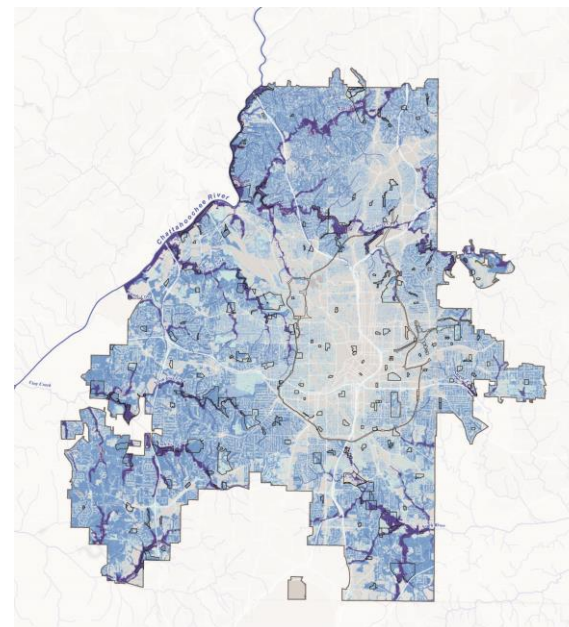
Tree ordinance underpinned by detailed analysis of ecological systems and nature's role in in the City



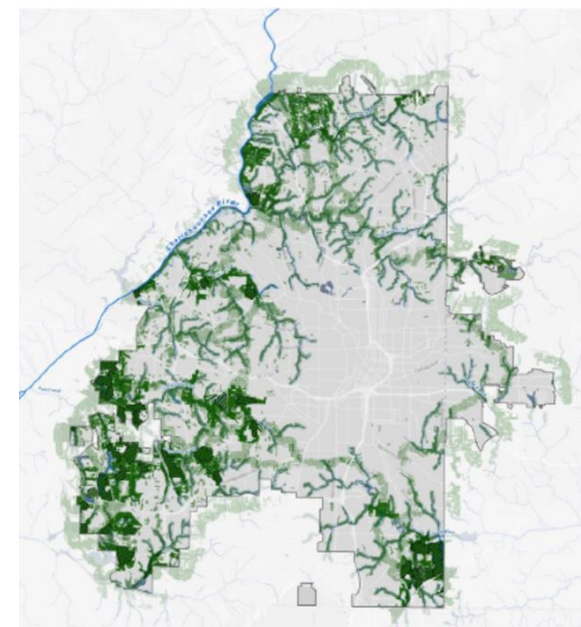
Watersheds



Biodiversity



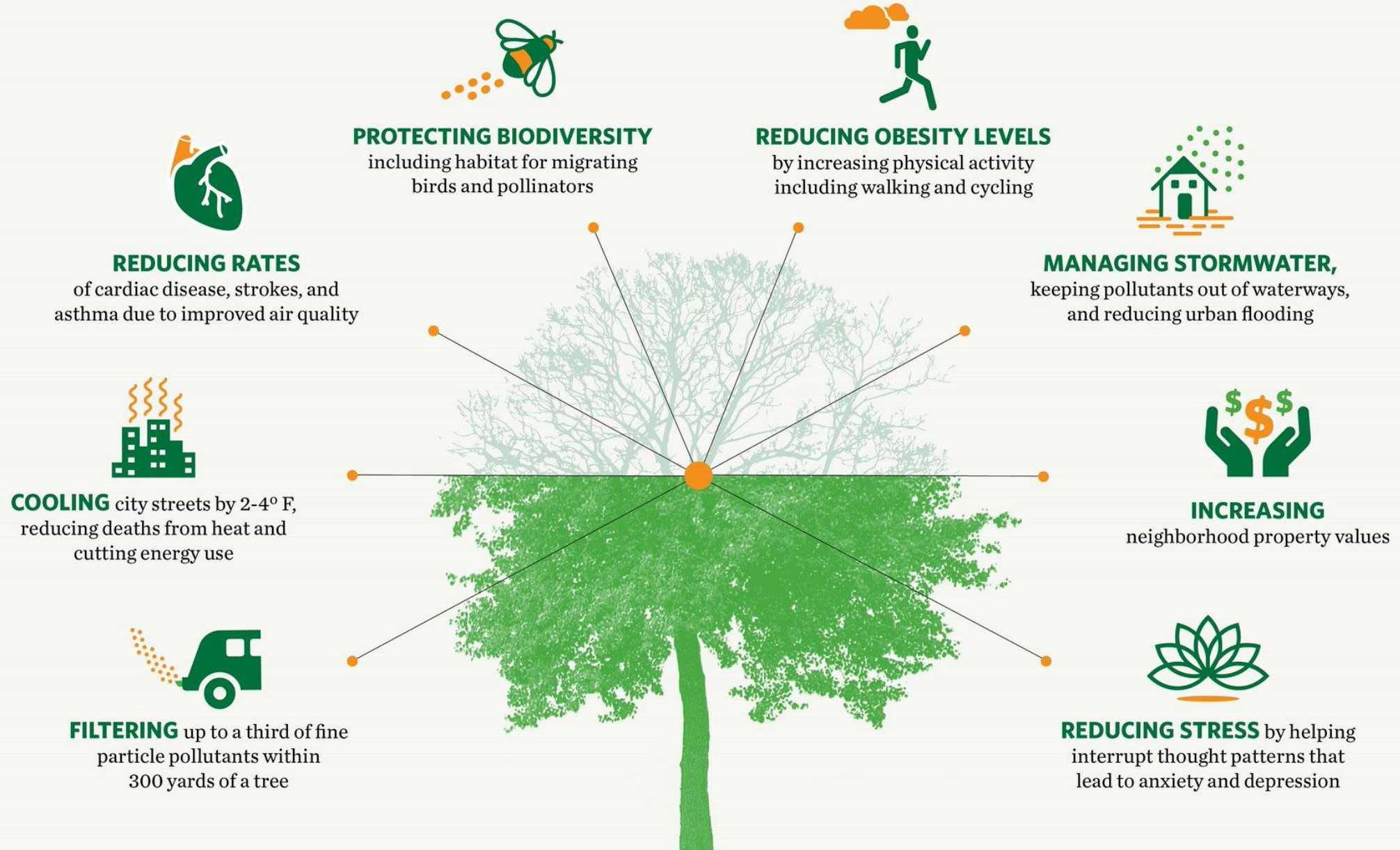
Flood Mitigation



Mature & Intact Forest

# Benefits of Urban Trees

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



# 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 the City's Priorities***

TPO must support the 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

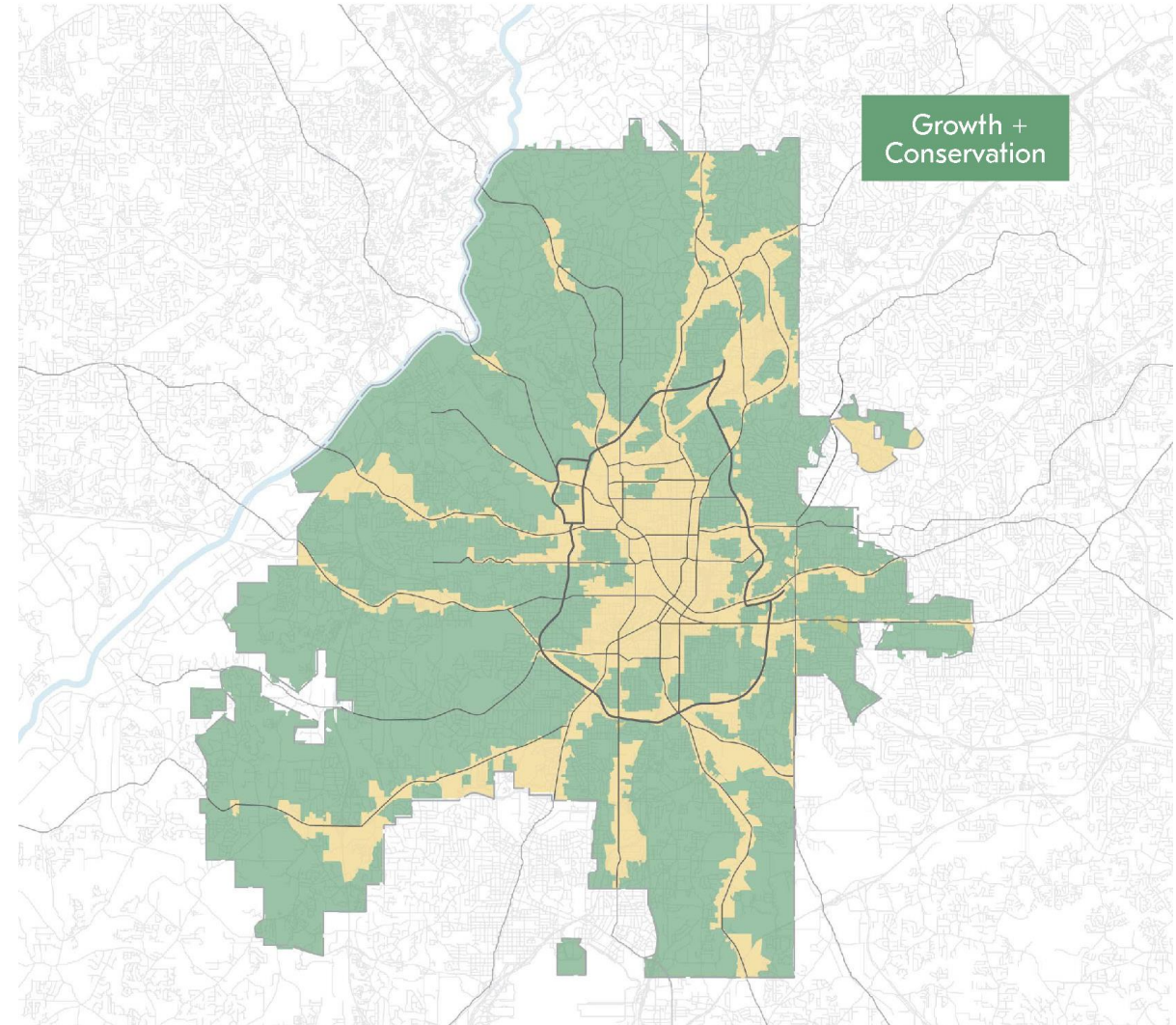
## ***Implementable***

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.

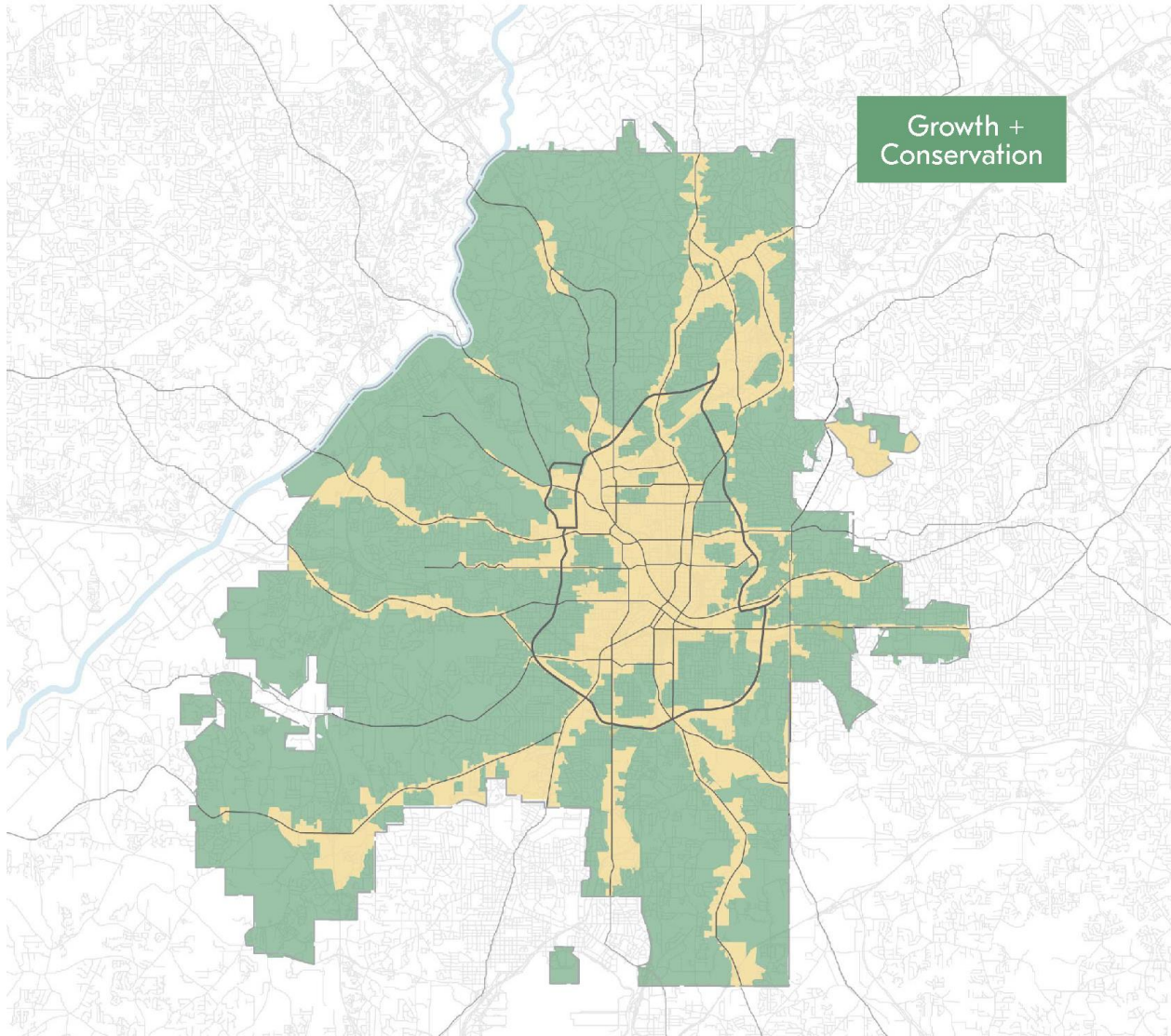
# A Focus on City Design Conservation Areas

**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%
	<b>100%</b>	<b>100%</b>



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



# Elements and Changes in the Proposed Ordinance

- Tree Valuation
- Tree Replacement and Recompense
- Tree Preservation Standards
- Early Tree Plan Review
- Posting and Appeals
- Affordability and Community Assistance
- Public and Private Trees
- Enforcement
- Parking Lots
- Stormwater Management
- Tree Trust Fund
- Periodic Removal of Healthy Trees
- Site Examples



# Tree Valuation

## Priority Trees

Healthy, mature, mostly native trees; Tree sizes will vary by species

- Oaks & Hickories: 18" DBH
- Poplars, Sweetgums, Pines: 24"
- Deodar Cedar and other non-natives: 32"
- Dogwoods, Redbuds, and other small natives: 10"
  - Full list available in text of ordinance

## Heritage Trees

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

## Special protection for:

Trees growing in stream buffers, flood plains, and along streets

**Native trees** are generally valued higher than non-natives

# Tree Replacement and Recompense

**All trees removed must be replaced or paid as recompense into Tree Trust Fund**

**Priority trees: Replant .75 cal. inches for each inch DBH removed**

(20" Red Oak removed= 15" of new trees owed)

**Non-Priority trees: Replant .5 cal. inches for each inch DBH removed**

(12" Hackberry removed= 6" of new trees owed)

**Replanting Incentive: All trees planted are credited at 125% of their size**

(20" of trees planted will be credited as 25" )

**Special Planting Credit: 1 inch tree credit for 20 cu. ft. of soil under suspended pavement  
or 20 sq. ft. of Green Roof**

# Suspended Pavement



# Green Roofs



# Updated Recompense Fee

## 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

## Current Proposal:

- 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.
- Established Recompense Value estimated to be **\$240/cal. inch\***
- Elimination of “maximum recompense per acre” allowed under current code

*\*pending completion of fee study*

# Recompense Comparison

**Est. New Recompense Fee: \$240/ inch\***

<i>Current Atlanta Fee</i>	<i>\$30/ in + \$100/tree</i>
Decatur GA	\$175/in
Washington DC, Austin, TX, Brookhaven Ga:	\$200/in
Northbrook Il:	\$250/in
Chamblee, GA	\$300/in (specimen)
Folsom, CA	\$380/in
Wellsley MA, Covington KY:	\$400/in
Portland, OR	\$450/in

**New recompense fee is based on the City's cost to plant a 2.5" cal. Tree**

# Tree Preservation & Planting: Single Family Residential

## Issue:

Current code requires saving trees in setbacks, but this can be problematic

## Proposed:

- **Preservation options:**
  - Preserve high percentage of Priority trees (specific percentage based on lot size)
    - Recompense and appeals incentive
  - **Or** limit the area of disturbance during construction (disturbance area based on lot size)
- **Administrative variances to zoning setbacks** will be allowed to enable the preservation of trees.  
(companion ordinance accompanying the Tree Protection Ordinance)
- **Site Density-** The minimum number of trees, preserved or planted, growing on site at the end of the project. Required number of trees varies by lot size.
  - Similar to current code, but now requirement is listed as number of trees rather than DBH inches.

# Tree Preservation & Planting: Single Family Residential

## Very Small Lots (<5000 sf)

equivalent zoning: R4b & R5 (small non-conforming)

Preserve Priority trees:	<b>50% of Priority Trees</b> (# stems, not DBH)
Alternate: Maximum Disturbance Area	Up to <b>80% of lot may be disturbed</b>

Site Density (Post-construction)	<b>2 trees/lot</b>
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## Small Lots (5001-8500 sf)

equivalent zoning: R4b (larger), R4a, R5

Preserve Priority trees:	<b>60% of Priority Trees</b> (# stems, not DBH)
Alternate: Maximum Disturbance Area	Up to <b>55% of lot may be disturbed</b>

Site Density (Post-construction)	<b>20 trees/acre</b>
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## Medium Lots (8501-15,000 sf)

equivalent zoning: R4, R3a

Preserve Priority trees:	<b>60% of Priority Trees</b> (# stems, not DBH)
Alternate: Maximum Disturbance Area	Up to <b>50% of lot may be disturbed</b>

Site Density (Post-construction)	<b>21 trees/acre</b>
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## Medium-Large Lots (15,001-30,000sf)

equivalent zoning: R3, R3, R2a, R2b

Preserve Priority trees:	<b>75% of Priority Trees</b> (# stems, not DBH)
Alternate: Maximum Disturbance Area	Up to <b>40% of lot may be disturbed</b>

Site Density (Post-construction)	<b>22 trees/acre</b>
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## Large Lots (30,000-50,000 sf)

equivalent zoning: R2a large), R2

Preserve Priority trees:	<b>75% of Priority Trees</b> (# stems, not DBH)
Alternate: Maximum Disturbance Area	Up to <b>35% of lot may be disturbed</b>

Site Density (Post-construction)	<b>25 trees/acre</b>
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## Very Large Lots (>50,000 sf)

equivalent zoning: R2 (large), R1

Preserve Priority trees:	<b>75% of Priority Trees</b> (# stems, not DBH)
Alternate: Maximum Disturbance Area	Up to <b>25% of lot may be disturbed</b>

Site Density (Post-construction)	<b>28 trees/acre</b>
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# Tree Preservation & Planting: Commercial Development

## Issue:

We are anticipating tremendous growth over the next generation, nearly tripling our population and jobs. Much of this growth will occur as commercial development in the City Design Growth Areas, increasing density as well as increasing expectations for the urban environment

## Proposed:

- **Preservation:** No defined tree preservation requirement, but no trees may be removed unnecessarily and applicants are expected to show reasonable efforts at preservation.
  - Incentive provided for Priority tree preservation.
- **Planting-** Requiring more and better tree plantings on commercial sites.
  - Updated tree planting specifications, including larger minimum soil volumes for trees in parking lots, streetscapes, plazas, and other constrained areas.
- **Site Density-** All lots have a minimum number of trees, preserved or planted, at the end of the project.
  - Required: 12 trees/ acre plus one tree for every 3000 sq. ft. of area that is not covered with a building, parking deck, pool, and similar site features.

# 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

## **Changes Thus Far:**

The Concept Review Committee has been established to address site challenges at the entitlement stage. Have seen 170 projects since beginning in August of 2019.

## **Proposed:**

- Optional pre-application review with Arborist available to all applicants
- Administrative changes to the permitting process are in progress, allowing the Arborist to review plans prior to review within the Office of Buildings, coincidental with zoning review.
  - Earlier Arborist review would allow early posting and appeals

# Postings and Appeals

## Issue:

Initial onsite posting uses valuable arborist time that could be spent on other enforcement activity. Posting processes for projects impacting both private and public trees are incongruent.

## Proposed:

- All projects, public and private will still have 2 postings
- 1<sup>st</sup> posting, prior to preliminary approval, will be **online** only, for 10 business days. Appeals not accepted
- 2<sup>nd</sup> Posting, after preliminary appeal, will be posted **on site and online**, for 5 business days. Appeals accepted

## Limited appeals:

Single Family Residential Projects that meet the Priority Tree preservation standard would be subject to only limited appeal.

# Affordability

## Issue:

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

## Proposed:

**Affordable housing projects:** Replacement and recompense reduced by 20% for affordable housing projects

- **Rental units:** Developments with more than 10 units that provide
  - 10% of units must be offered at rental rates affordable at 60% AMI, Or 15% of units must be offered at rental rates affordable at 80% AMI
- **For sale units, multi-family:** developments with more than 10 units that provide
  - 10% of units for sale at a mixture of prices affordable at 80% and 120% AMI
- **For sale units, single-family:** Homes priced and sold to buyers earning 120% AMI

**Recompense cap:** Recompense for homeowners will not exceed 50% of the assessed land value of the property determined by its respective county.

# Community Outreach and Low-Income Assistance

## **Issue:**

Residents have often requested guidance on tree assessment, removal, and permitting requirements. Low-income residents need assistance removing dead and hazardous trees.

## **Proposed:**

**Outreach:** Dedicated community outreach and education staff to provide guidance on tree maintenance and permitting issues.

**Assistance:** Tree Trust Funds may be used to assist low-income homeowners with the assessment, removal, and replacement of dead, dying, or hazardous trees on their property.

# 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.

## **Proposed:**

**Merging Standards:** 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.

**City Project Relief:** 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.

# Enforcement

## Issue:

Concerns that enforcement needs to be strengthened

## Proposed:

- **Increased Staff:** Arborist's office will be asking for 11 additional positions to administer and enforce the new ordinance; Some positions proposed to be paid from the Tree Trust Fund.
- **Posting Changes:** Changing 1<sup>st</sup> posting to online allows more field arborist time for enforcement.
- **New Fines:** New ordinance will authorize fines for violations other than illegal tree destruction.
  - We cannot increase fines for illegal tree destruction, per Georgia law.
- **Registration of Tree Professionals Required:** All private arborists, foresters, and tree companies must register with the City in order to conduct business or submit or stamp plans in Atlanta.
  - Violations of ordinance or significant errors on permit submittals can result in temporary suspension of registration.

# Parking Lots

## **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.

## **Proposed:**

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

## **Number of trees:**

Every parking space must be within 40 feet of a tree

## **Soil requirements for parking lots and other constrained areas:**

- Overstory trees: 400 sq. ft. planting space or 800 cu. ft. of soil
- Mid-story trees need 250 sq. ft. planting space or 500 cu. ft. of soil
- Understory trees need 100 sq. ft. planting space or 200 cu. ft. of soil



# 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”

## **Proposed:**

- 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.)
- Green roofs can be used to meet site density and tree replacement requirements

## **Dept. of Watershed Management:**

- Developing stormwater credits for preserving Priority trees on Single Family properties

# Tree Trust Fund

## **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.

## **Proposed:**

Future management of the Trust Fund will provide:

- Clear spending approval processes for each Department with DCP as the main approver
- Revised reporting scheduling on expenses and tree data.
- Establishing/reviewing the processes for uncollected funds with City of Atlanta Law Department.
- Implementing all recommendations from recent audit

## **Allowed expenses:**

- Planting of trees on public and private property
- Management of public trees and forest land to restore and maintain health and ecological function
- Forested land purchases
- Atlanta canopy coverage studies every 3-5 years
- Urban Forest Master Plan
- Assistance with dead and hazardous trees for low-income homeowners
- Arborist salaries
- Tree education

# Periodic Removal of Healthy Trees- Homeowners

## **Issue:**

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

## **Proposed:**

Homeowners will be allowed to remove 1 non-priority tree of any size, or 2 trees with a combined DBH of 18" or less every 3 years with no required replanting or recompense.

Property must have a minimum number of trees growing on it (Site Density) to be eligible

# Additional Provisions

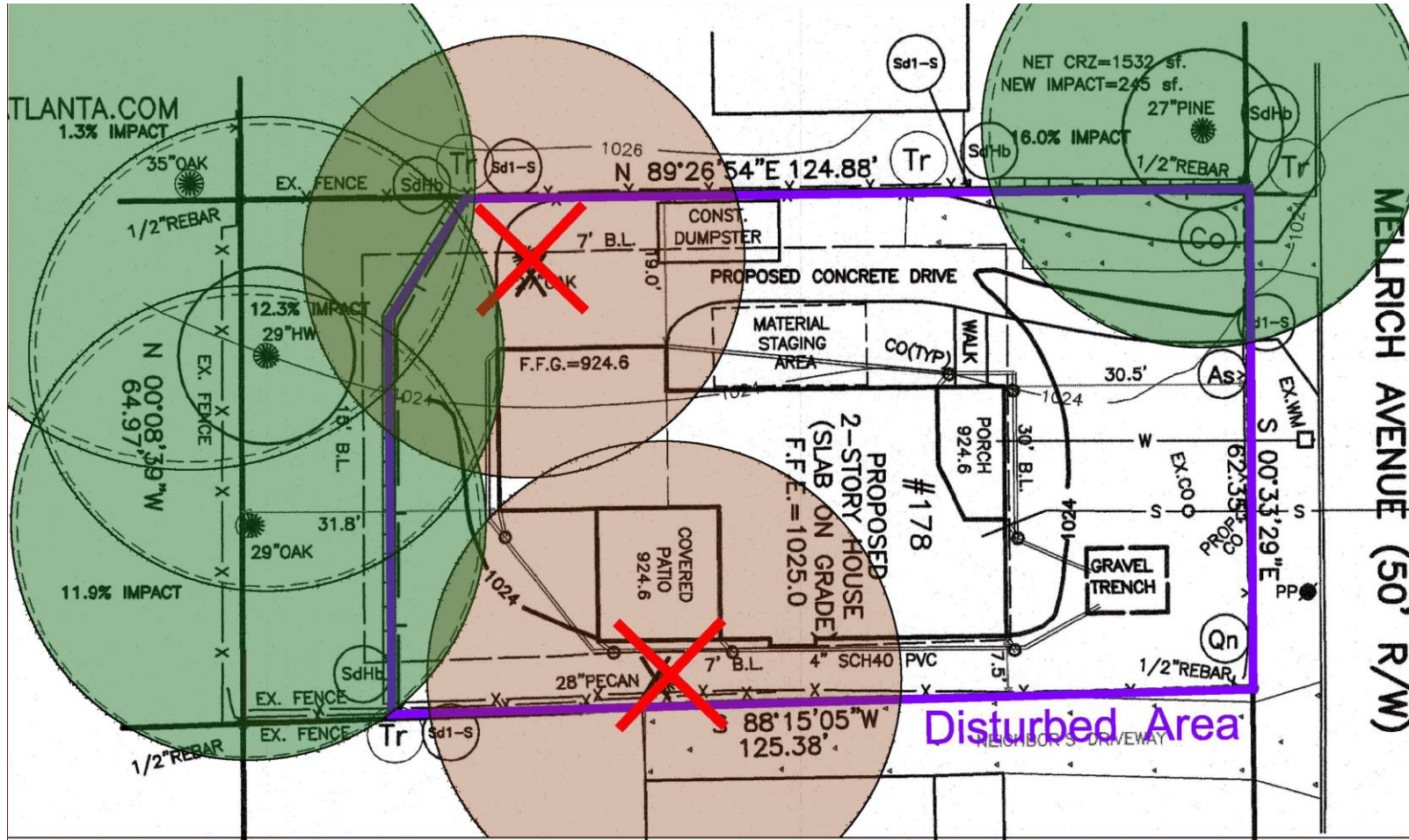
## **Additional changes in the proposed Tree Protection Ordinance**

- Trees allowed to be planted closer together
- Tree warranty period increased to 5 years for newly planted trees  $\geq$  6 inches diameter
- Tree bonding required when arborist prescription needed to mitigate tree impacts
- Invasive vines required to be removed from all healthy trees on site

Site Examples  
Single Family Residential  
Development

# Site Example A: As Approved Under Current Ordinance

Single family site example, as approved under the current ordinance  
This plan would not be approved under new ordinance



## Site Info:

Area: 7,995 sq. ft (zoned R4a)  
Priority trees on site: 4  
Disturbed area shown: 6,500 sq. ft.

## New Requirements

### Priority Tree Standard:

Preserve min. 60% of Priority trees,  
or 3 of the 4 Priority trees

Or

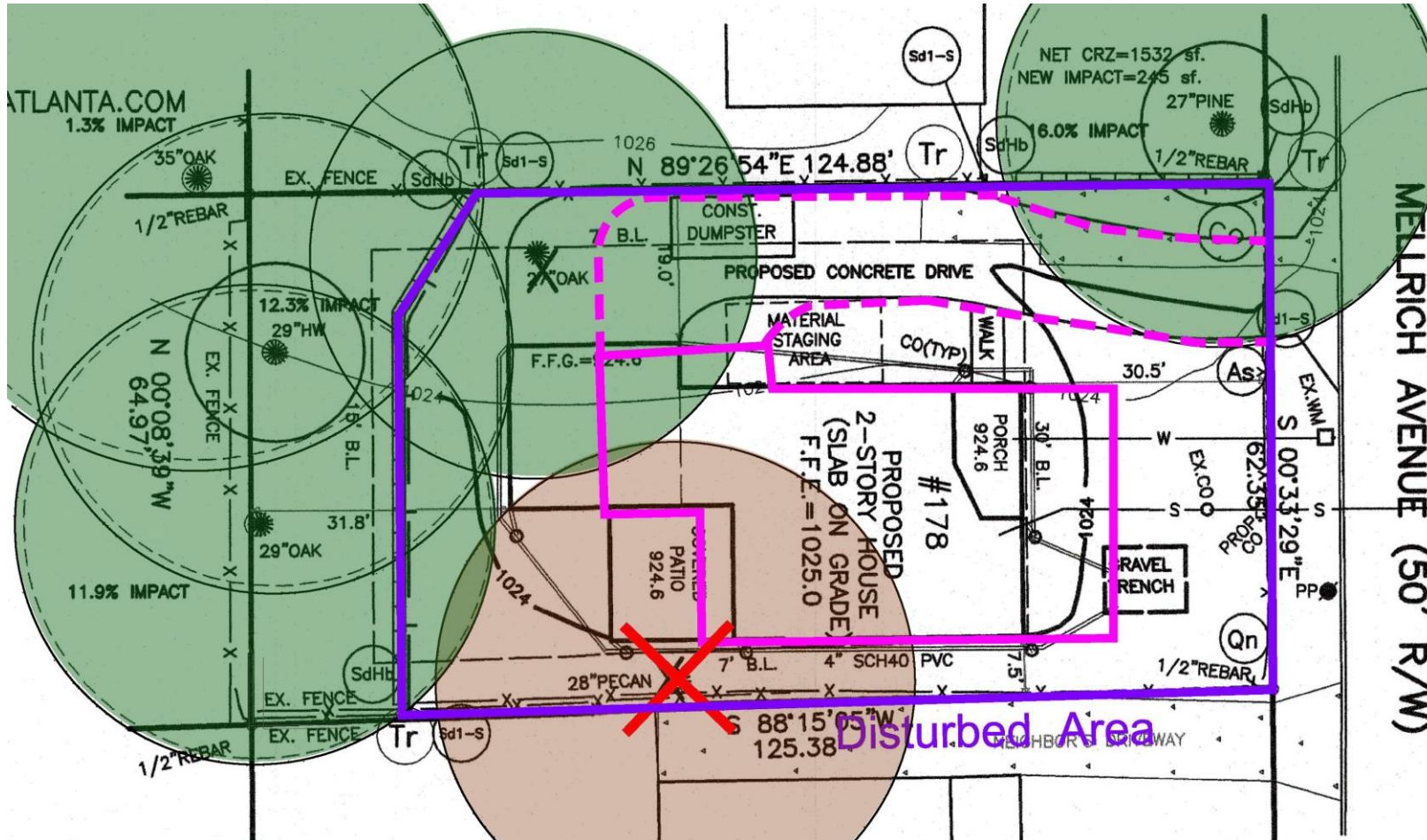
### Use Alternate Max. Disturbance Area:

55% of site, or 4,380 sq. ft

# Site Example A: Priority Tree Preservation Standard

Single family site example, using the Priority Tree Standard

Change: Site building forward, using administrative front setback variance (shown in pink)



## Site Info:

Area: 7995 sq. ft (zoned R4a)

Priority trees on site: 4

Disturbed area shown: 6,500 sq. ft.

## New Requirements

### Priority Tree Standard:

Preserve min. 60% of Priority trees,

**3 of 4 Priority Trees preserved**

### Recompense, new TPO

One Priority tree cut: 28" total DBH removed

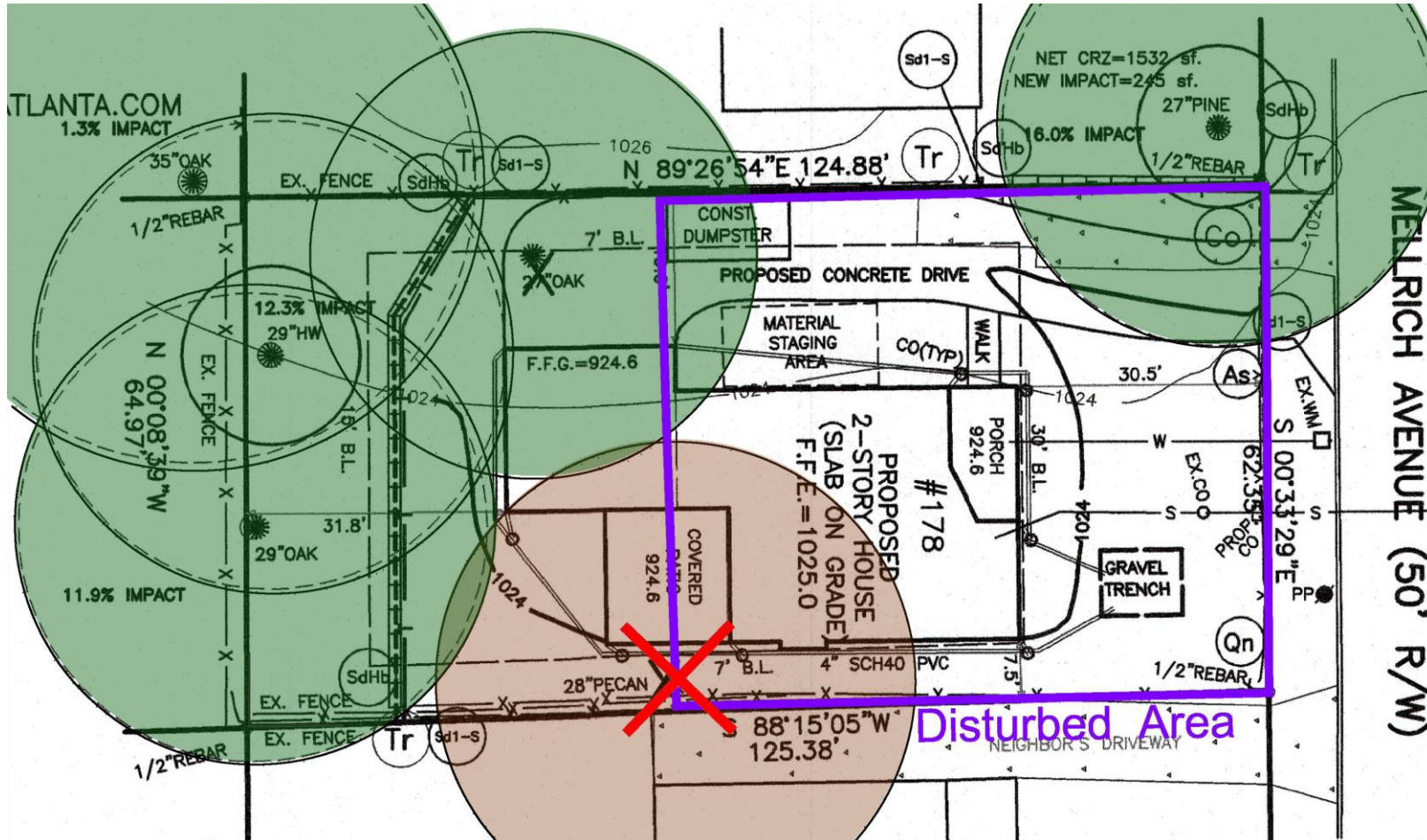
Replant 1 tree (2.5") to meet site density  
50% discount for meeting highest preservation goal

**Recompense after planting: \$2,070**

**Recompense, current TPO: \$765**

# Site Example A: Alternate Max. Disturbance Area

Single family site example, using the Alternate Max. Disturbance Area



## Site Info:

Area: 7995 sq. ft (zoned R4a)  
Priority trees on site: 4  
Disturbed area shown: 4,380 sq. ft.

## New Requirements

**Use Alternate Max. Disturbance Area:**  
55% of site, or 4,380 sq. ft

## **Recompense, new TPO**

One Priority tree cut: 28" total DBH removed

Replant 1 tree (2.5") to meet site density  
50% discount for meeting highest preservation goal

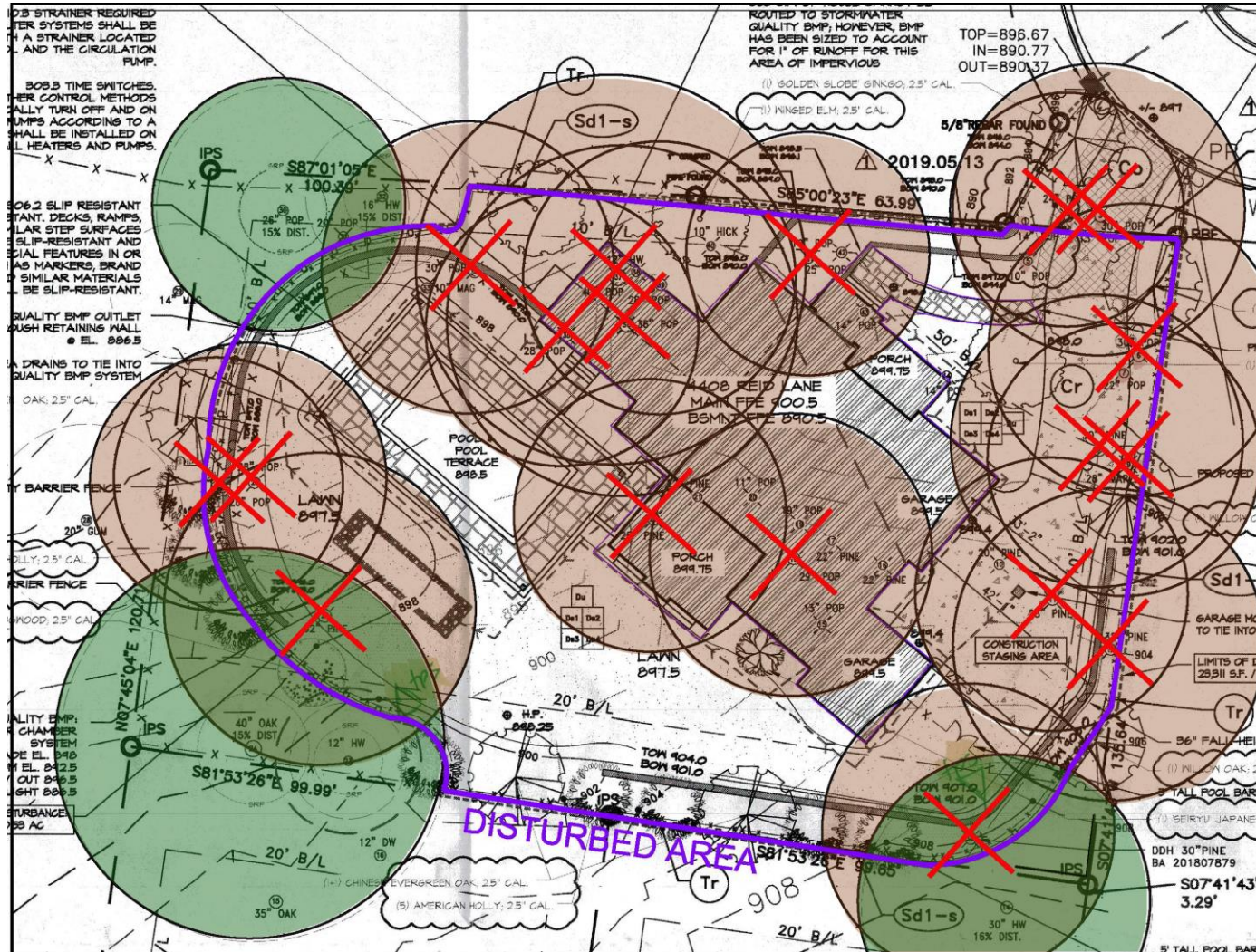
**Recompense after planting: \$2,070**

**Recompense, current TPO: \$765**



# Site Example B: As Approved Under Current Ordinance

Single family site example, as approved under the current ordinance  
This plan would not be approved under new ordinance



## Site Info:

Area: 25,700 sq. ft (zoned R3)  
Priority trees on site: 18  
Disturbed area shown: 21,800 sq. ft.

## New Requirements

### Priority Tree Standard:

Preserve min. 75% of Priority trees,  
or 14 of the 18 Priority trees

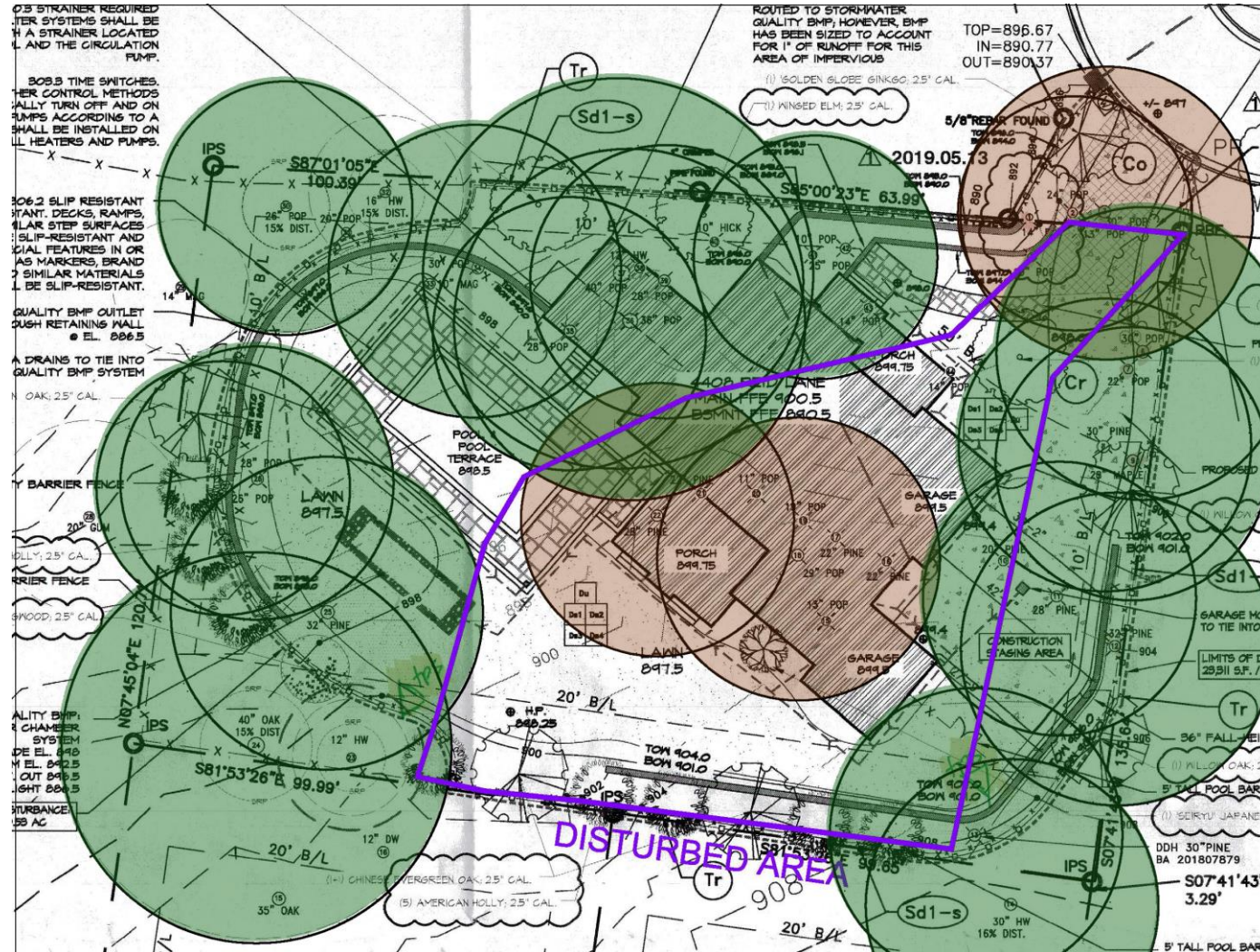
Or

### Use Alternate Max. Disturbance Area:

40% of site, or 10,280 sq. ft

# Site Example B: Alternate Max. Disturbance Area

Single family site example, using Alternate Max Disturbance Area



Site Info:

Area: 25,700 sq. ft (zoned R3)

Priority trees on site: 18

Disturbed area shown: 10,280 sq. ft.

**New Requirement Used:**

**Alternate Max. Disturbance Area:  
10,280 sf**

**Also meets Priority Tree Standard**

Preserve min. 75% of Priority trees,  
14 of the 18 Priority trees

**Recompense, new TPO**

2 Priority trees cut, 14 trees total, 279" DBH

No replanting needed to meet site density

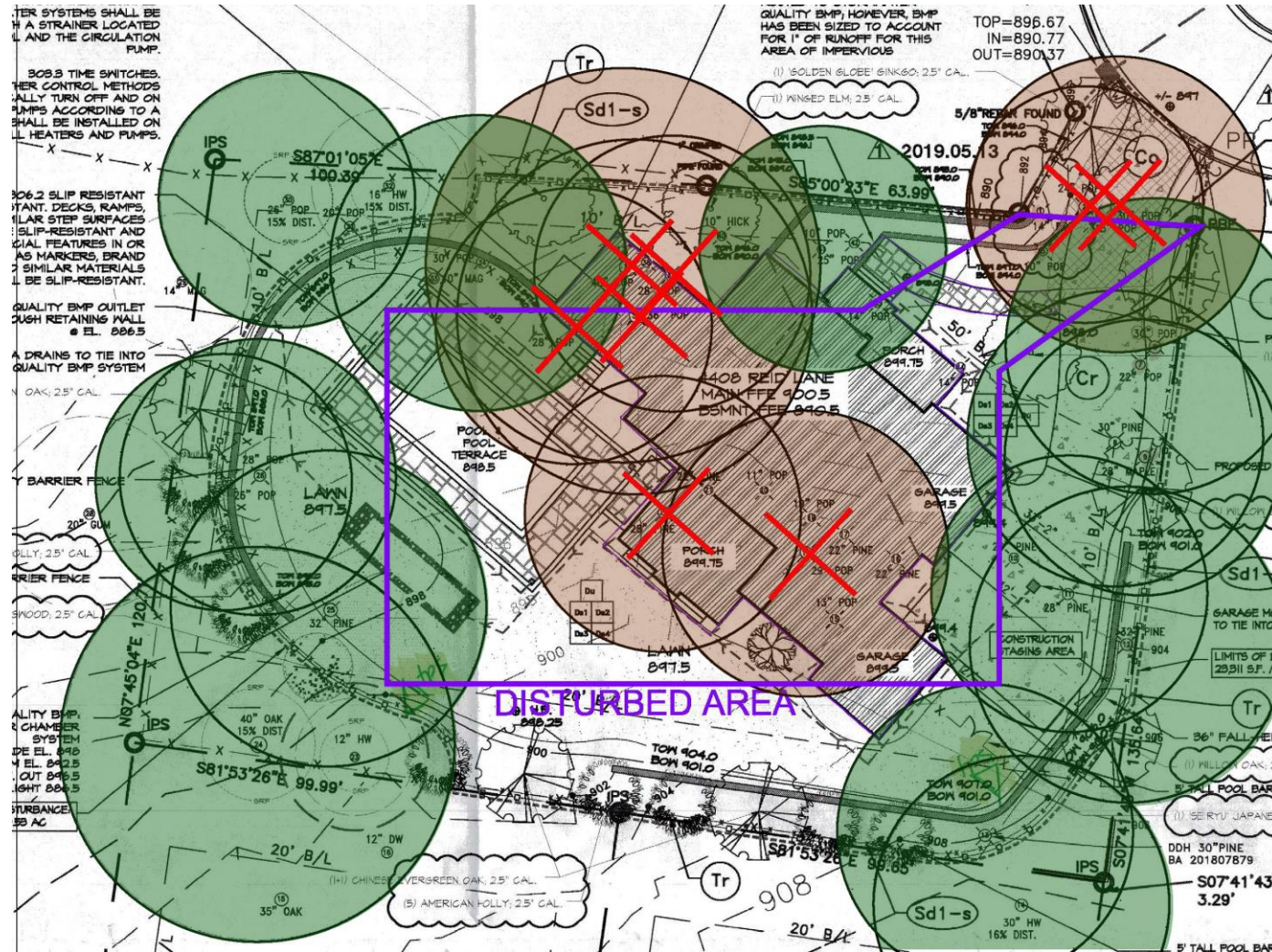
50% discount for meeting Priority Tree standard

**New Recompense: \$14,650**

**Recompense, current TPO: \$6,095**

# Site Example B: Alternate Max. Disturbance Area

Single family site example, using Alternate Max Disturbance Area



Site Info:

Area: 25,700 sq. ft (zoned R3)

Priority trees on site: 18

Disturbed area shown: 10,280 sq. ft.

**New Requirement Used:**

**Alternate Max. Disturbance Area:**

**10,280 sf**

**Recompense, new TPO**

8 Priority trees cut, 18 trees total, 411" DBH

No replanting needed to meet site density

No discounts, did not meet Priority Tree standard

**New Recompense: \$53,500**

**Recompense, current TPO: \$14,130**

# Site Example: Residential Pool Addition

Single family pool addition example.

This plan would not be approved under new ordinance

Site Info:

Area: 43,300 sq. ft (zoned R2)

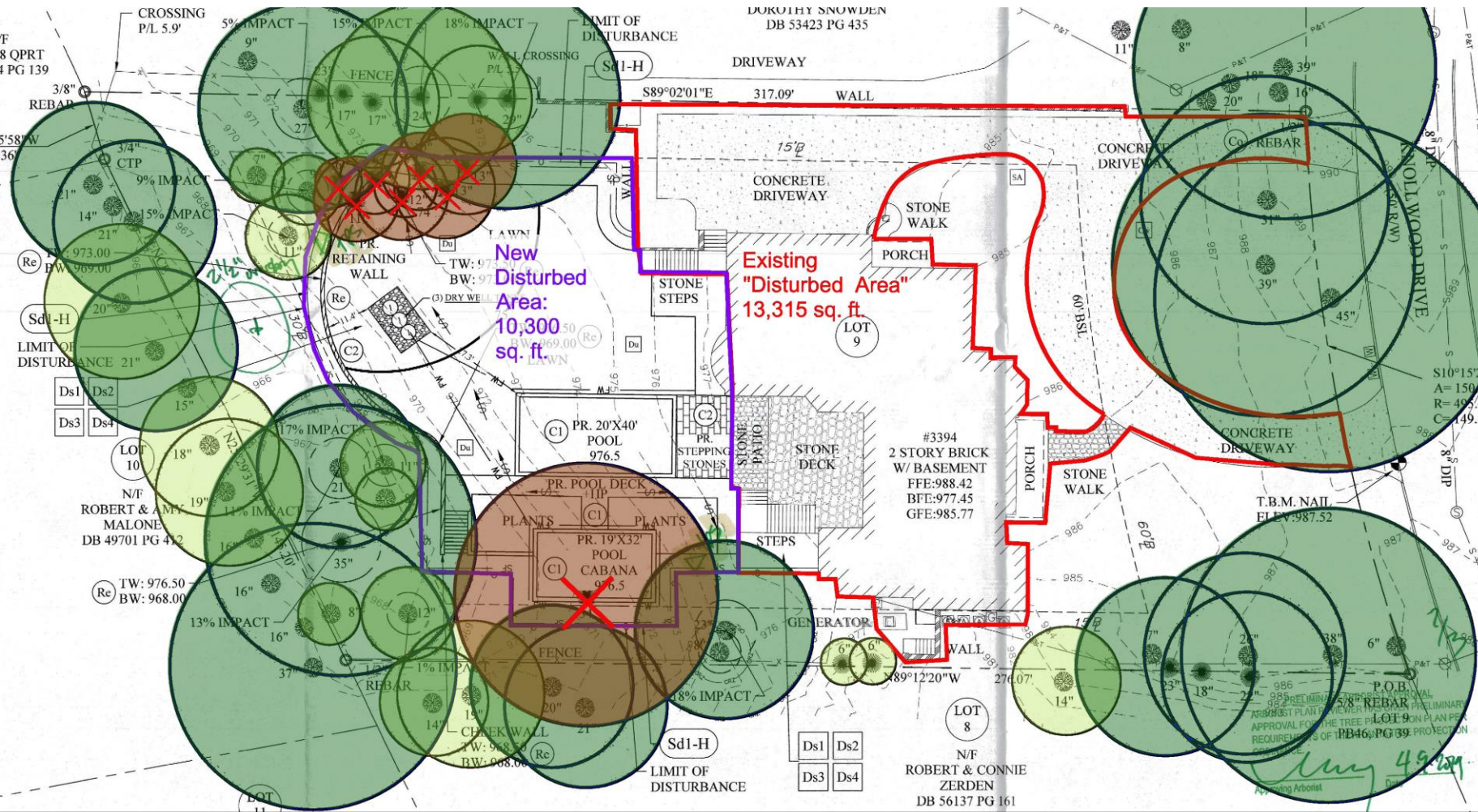
Existing disturbed area: 13,315 sq. ft

New disturbed area : 10,280 sq. ft.

**New Requirement Used:**

**Alternate Max. Disturbance Area**

When primary structure is not constructed





# Site Example: Residential Pool Addition

Single family addition example.

## Site Info:

Area: 43,300 sq. ft (zoned R2)

Existing disturbed area: 13,315 sq. ft

New disturbed area : 10,280 sq. ft.

## New Requirement Required:

**Alternate Max. Disturbance Area**

When primary structure is not constructed

## **Alternate design:**

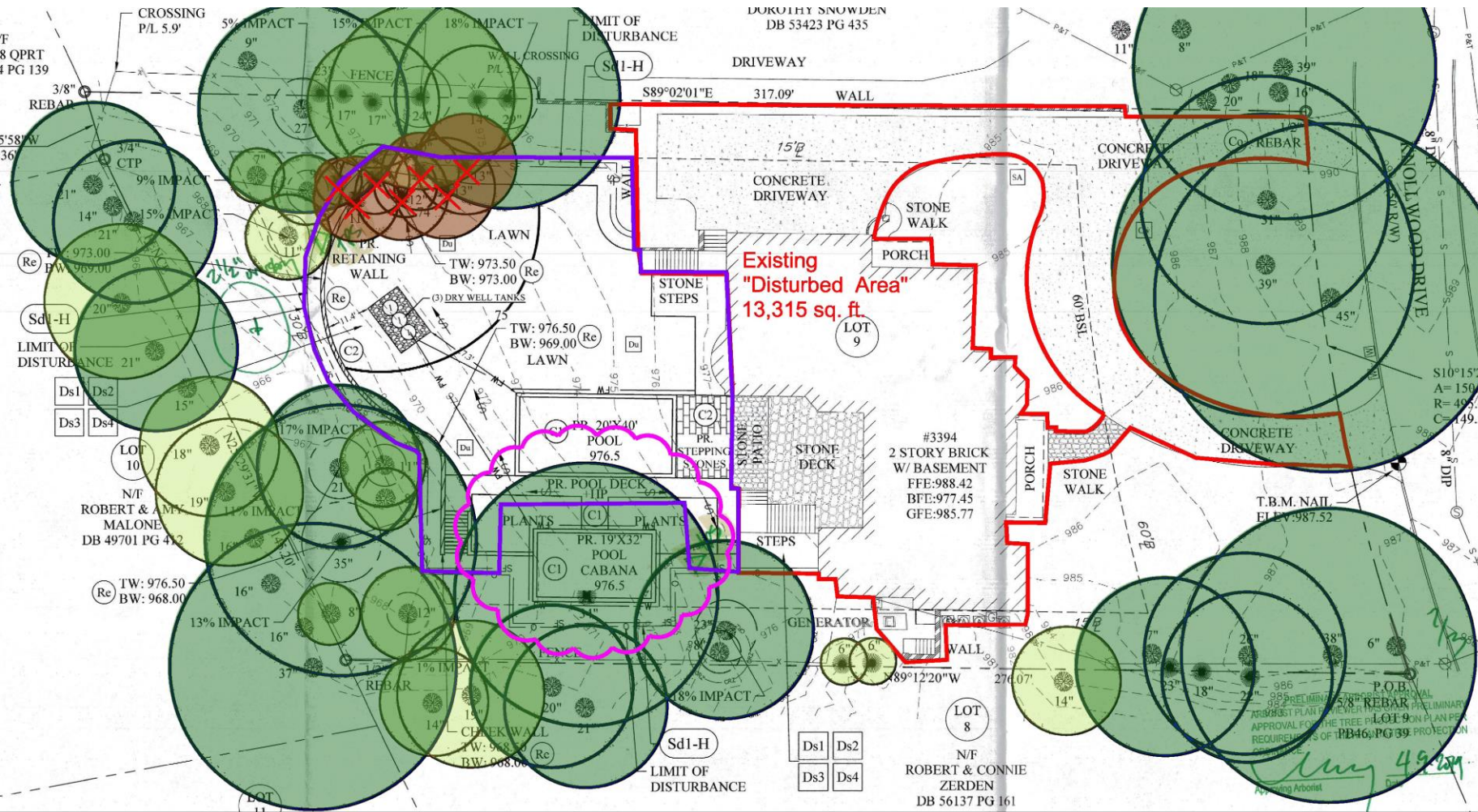
Avoid removing Priority Tree, as shown

## **Recompense, new TPO**

7 non-Priority trees cut, 74 DBH

**New Recompense: \$8,800**

**Recompense, current TPO: \$2,920**

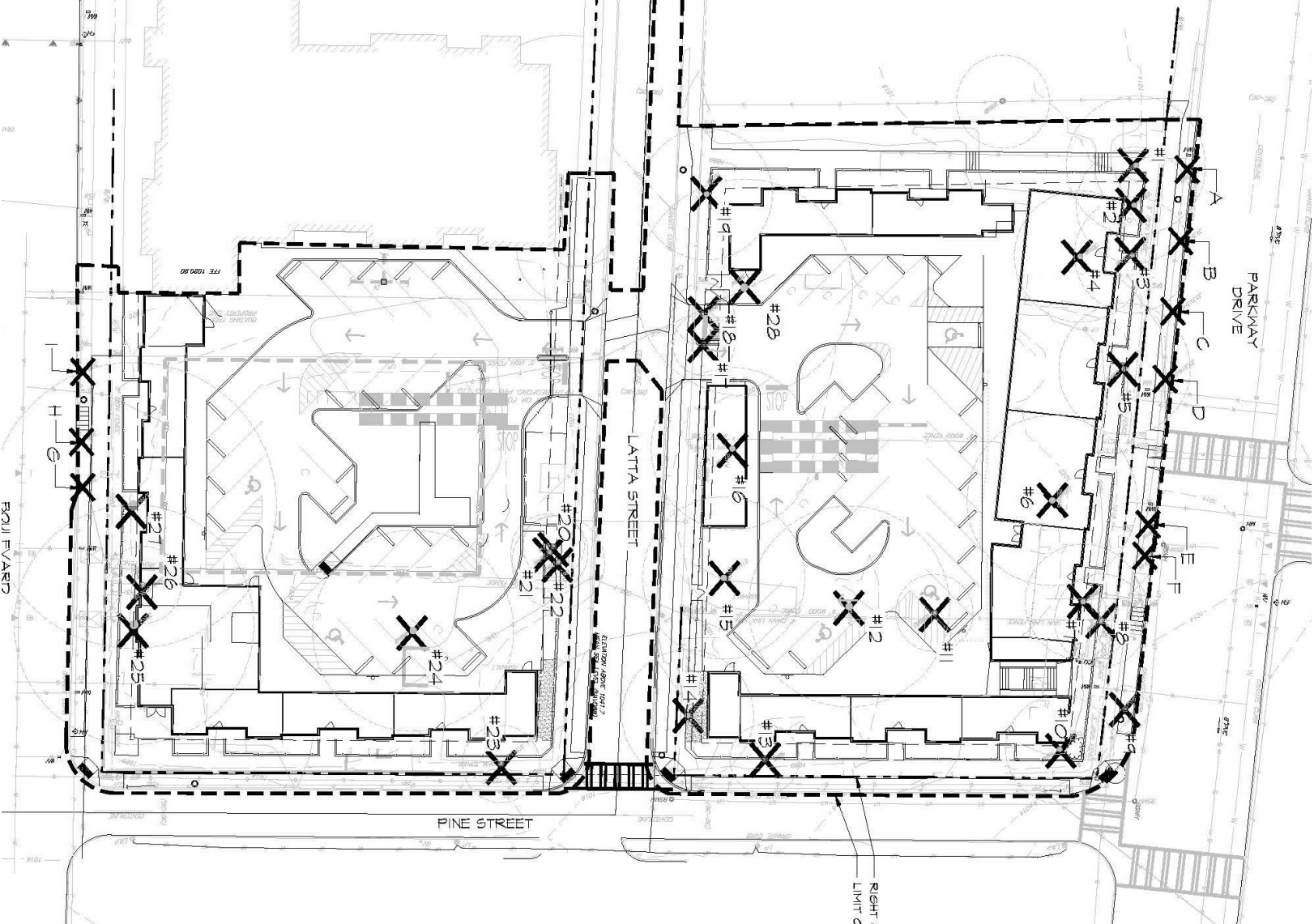


# Site Examples

## Commercial Development

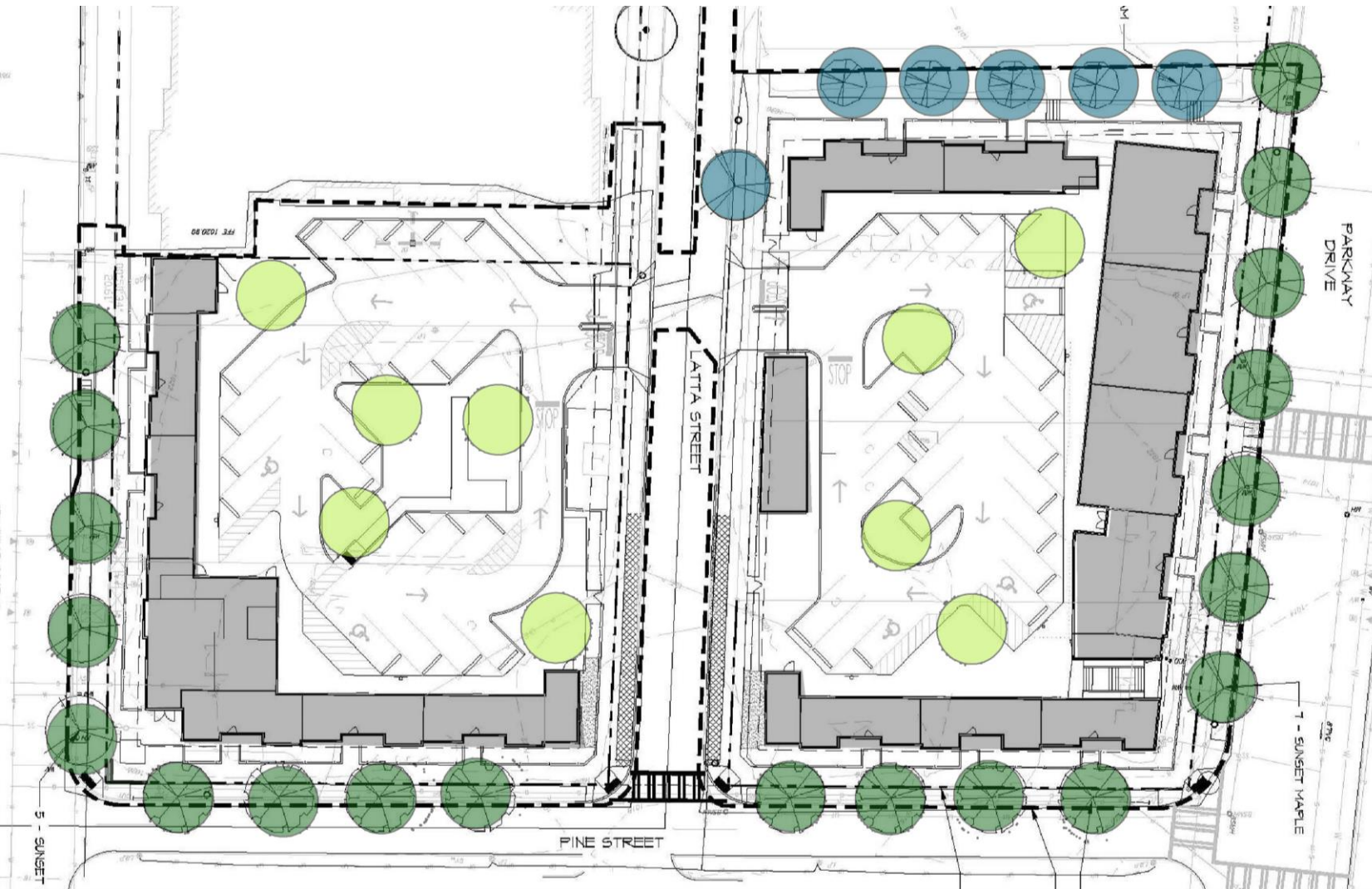
# Site Example- Commercial Redevelopment

1.3 Acre site  
All 27 trees on site removed, 442 DBH





# Site Example: Commercial Redevelopment



**Required Site Density: 31 trees**

12 trees per acre: 15.6 trees

Plus

1 tree/3000 sf without building: 14.47 trees

## **Recompense, new TPO**

- 8 Priority trees cut, 18 trees total, 411" DBH
- Replant 34 trees ( 110" total) to meet site density and parking lot requirements
- Suspended pavement credit: 42 inches

**New Recompense after planting: \$23,760**

**Recompense, current TPO: \$11,730**

