

From: Carol Holliday <[REDACTED]> (personal email address withheld)

Sent: Tuesday, April 23, 2024 9:46 PM

To: Snjenkins@Atlantaga.gov

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Subject: Matters of Serious Concern re: Arborist Division

Dear Commissioner Prince,

I am writing to bring your attention to ongoing and significant failures by the City of Atlanta Arborist Division to uphold the City's Tree Protection Ordinance. For over 20 years, I have been actively engaged with my neighborhood organization and NPU, with a focus on zoning and environmental issues, including tree preservation. Through this involvement, I have learned a great deal about the current Tree Protection Ordinance and what it requires.

Most recently, I have had ongoing discussions with the arborists about the City's inability or unwillingness to protect trees at 1585 South Ponce de Leon, NE, where a large complex of luxury housing is being developed on a historic site and a few magnificent large trees are to be saved. These failures are detailed fully in the timeline below, reflecting email communications that began on Sunday, February 25, and continued to the present. In summary, I observed on that date that the tree fencing at the site did not appear to be adequate because it was not positioned in a way that would protect the roots of trees. I immediately notified the Arborist Division, which responded that the site was in compliance. My experience and understanding of how tree fencing works told me that it was not.

Over the course of the next five weeks, and after requesting and eventually receiving the site plan, I was able to confirm that there were serious short falls in the implementation of required tree protection. Nevertheless, and despite numerous email exchanges with the Arborist Division which included photographs showing that the site clearly was not in compliance, I was told repeatedly that it was. I continued to observe the site and correspond with the Arborist Division until which time the arborist apparently agreed that it was not, in fact, in compliance and placed a stop work order on the site on April 3.

Astonishingly, however, **work at the site did not actually stop** after the sign was posted, and workers continued to operate heavy equipment there until April 11, when the required chain link tree protection fencing was installed. **Even then, the fencing did not fully meet the requirements of the plan.** Work around sensitive areas over tree roots should have been halted until all of the required protections were in place but it was not.

It defies credulity that it took from late February until **April 11** for City agents to enforce the required installation of the chain link tree fences that were supposed to protect the roots of trees from being damaged throughout the period of construction.

That installation occurred **after** heavy equipment was used to grade the area over tree roots, **after** there was digging around the base of trees, **after** roots were severed, and **after** large volumes of dirt were piled in areas that were supposed to be protected.

Waiting until April 11 to add protection fences after a report on February 25 is even more concerning because several of the trees were under prescription, which is supposed to mean that the trees receive **extra** protection. And shockingly, even after all of these communications, the fencing was placed too close to most trees to protect them from further damage as required by City-approved plans. It is incomprehensible that the tree fencing installed on April 11 **still** did not fully meet the requirements of the site plan.

I hope that the trees at this location can be saved, despite being damaged repeatedly and unnecessarily because of the ongoing lack of meaningful enforcement by the City. Simply requiring the tree protection that matched the approved plan at the beginning of the project would have avoided the damage to these trees and required much less time and resources all around. It is disappointing that we as citizens cannot trust those working within City government to fulfill their duties with the level of oversight and response that is required.

Please respond to the questions below after reviewing the timeline that follows, illustrating the City's failure to take seriously significant concerns at 1585 South Ponce de Leon. I urge you to take appropriate actions to ensure that the City follows its Tree Protection Ordinance to prevent such needless tree damage in the future.

Thank you for your prompt attention to this matter.

Sincerely,

Carol Holliday

 (phone number withheld)

Questions to resolve:

1. Why did City staff go to the site multiple times and report the site to be "in-compliance" when it was easy for a casual observer to see from the street that fencing was not placed properly, chain link fences were not installed, and digging and grading was occurring in protected areas?
2. Why did the City report "working with the contractor" rather than taking corrective action? And why did the City staff say they chose "to allow them to proceed as I have an open line of communication with the project manager?" despite photos showing root areas were being damaged?
3. Have there been consequences for this developer for working from late February through April 11 (and beyond) with improper fencing? Were the fines required

by the ordinance Section 158-35 (D) issued?

4. What is the meaning of a stop work order if work continues unabated? Why did work continue daily, or almost daily -- often with heavy equipment near trees and over tree roots that were supposed to be protected -- throughout two “stop-work” periods? Has the developer been fined for these lapses? What controls will be in place in the future to ensure that stop-work periods are honored?
5. Why were prescriptions from private arborists that cost thousands of dollars apparently not implemented for trees that required them as a condition of City approval?
6. Why is the 2-day response time Mr. Zapanick indicates is required for site inspections not being met?
7. Why are the numbers for CodeBusters listed on the City website not operational?

Click link below for:

[City of Atlanta's response to Tree Protection Ordinance violations at 1585 South Ponce de Leon](#)