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July 30, 2020

Interim Commissioner Mikita Browning  
City of Atlanta Department of Watershed Management  
72 Marietta Street, NW  
Atlanta, GA 30303



Re: Post-Development Stormwater Ordinance Revisions

Dear Commissioner Browning,

The Council for Quality Growth is a non-profit trade association representing the development industry with over 300 members comprising architects, attorneys, contractors, developers, engineers, and financial executives with a vested interest in quality growth and development in the City of Atlanta. The Council has appreciated the opportunity to engage with the Department of Watershed Management on the proposed revisions to the proposed post-development stormwater management ordinance. Several City staff members spoke to our members regarding the objectives of the new ordinance in June. We are delighted that Interim Commissioner Browning and her staff agreed to virtually meet with our members again to discuss our concerns regarding the proposed ordinance changes. As the City of Atlanta works on updating its stormwater management ordinance, we respectfully request that you consider the following preliminary comments.

Our organization recognizes that Atlanta must update its stormwater management ordinance to adhere to the Metropolitan North Georgia Water Planning District's Model Ordinance, and to address Green Infrastructure best practices in the City's MS4 permit. As these important environmental initiatives proceed, however, one of our greatest concerns is that the proposed volume reduction runoff and infiltration practice requirements will significantly inhibit developers' ability to develop or redevelop land in the City cost-effectively, and thus affordably for the ultimate homebuyers and the proposed revisions are written so that they would force engineers and developers to utilize surface infiltration methods instead of underground infiltration systems primarily. Surface infiltration methods significantly reduce the developers' ability to maximize the use of the property as demonstrated in the 2012 Memorial hydrology memo.<sup>1</sup> Developers would be forced to decrease the supply of residential units on the property, resulting in a higher per-unit priced residential development. Consequently, this would stifle the City's affordability goals.

Our organization recommends adding the following criteria in the Runoff Reduction Feasibility Policy to protect developers' ability to provide density for attainable and affordable housing.

*If vegetated green infrastructure or rainwater harvesting treatment systems for a particular site are estimated to cost \$5,000 or more per residential unit for a single-family or multi-family development, this should be considered prohibitively expensive and thereby constitutes an extreme hardship; thus, the site development should be exempt from the vegetated green infrastructure and/or rainwater harvesting systems.*

*If vegetated green infrastructure or rainwater harvesting treatment systems for a particular site are estimated to cost \$5,000 for a commercial development, this should be considered prohibitively expensive and thereby constitutes an extreme hardship; thus, the site development should be exempt from the vegetated green infrastructure and/or rainwater harvesting systems.*

Implementing this hardship threshold will ensure no loss of attainable and affordable housing units to meet the 80% runoff volume reduction standard. Also, our members would like more clarity on the cost to utilize an underground detention system if it is demonstrated that surface vegetation systems are deemed a hardship.

The Council recommends more flexibility in the proposed stream channel protection volume requirements. According to the Georgia Stormwater Management Manual, channel protection volume is not required for post-development discharges less than 2 cfs. Generally, City projects discharged less than 2 cfs from 24-hr detention of 1 – yr storm to Atlanta's piped city systems. The channel protection requirement has typically been waived as the flows and velocities of sites entering the system would be insignificant to the City's total system. As currently written, post development discharges less than 2 cfs cannot be waived. And in addition, the penalty for not meeting the 80% runoff volume reduction requires much more extended detention (48-hr of 25-year, 24-hour return frequency storm event). Our organization recommends inserting the following exemption to extended detention.

*If the site development discharges less than 2 cfs or the site is more than 1,000 feet away from an open channel, such development should be exempted from providing 48-hour Extended Detention as proposed under Section 25-513.(c)(2)b.*

As some additional context, the City is considering making significant changes to the tree protection ordinance, its impact fee structure, and its post-development stormwater management ordinance. All three of these ordinances will have a compounding impact on Atlanta's housing prices. Making significant regulatory changes to all three of these ordinances will dramatically increase construction costs, making it financially infeasible to build affordable and attainable housing developments and consequently decrease housing supply. If the City wants to accomplish the goals outlined in the One Atlanta Housing Affordability Plan, the revised tree protection ordinance, impact fee update, and the post-development stormwater management ordinance must all be written in such a way as not to prohibit the construction of new attainable housing for Atlanta's working and middle-class.

We look forward to continuing conversations with the Department of Watershed Management city officials to incorporate a revised post-development stormwater management that does not infringe on quality development within the City of Atlanta.

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<sup>1</sup> Kimley Horn-2012 Memorial Hydrology Memo: This memo was created based upon the proposed revisions to the stormwater management ordinance on June 17, 2020. During a conversation with Watershed City officials, our organization confirmation that only 80% of runoff volume reduction must be provided in surface vegetated green infrastructure systems.

Sincerely,



Michael E. Paris  
President & CEO  
Council for Quality Growth



Kimberly Steele  
Senior Policy Analyst  
Council for Quality Growth