



October 29, 2020

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 following comments are provided by the undersigned who represent the interests of the development community and are a part of the Metropolitan Atlanta Real Estate Trade Group as well as serving as representatives on the Atlanta Technical Advisory Committee. MARTG is a coalition of organizations collectively representing thousands of individuals and businesses in the Atlanta region. Our members embody the best in their respective industries, and many have been recognized for their leadership in sustainable development, construction, and building management practices. As you know, we have been actively engaged with you and your colleagues regarding the proposed revisions to the post-development stormwater management ordinance. We commend the Department of Watershed for eliminating the extended detention penalty (48-hr of 25 year, 24- hour return frequency storm event) if a site cannot meet the runoff reduction volume requirement.

We respectfully request that at this time, the Department of Watershed (i) only make the necessary revisions to the post-development stormwater ordinance required to adhere to the Metropolitan North Georgia Water Planning District's Model Ordinance due by the end of 2020, in order to meet the requirements for the City's MS4 Permit and (ii) table any additional changes for now, pending additional stakeholder involvement and delivery of impact data as outlined below:

Updates required by the Metropolitan North District Model Ordinance

- Minor typographical changes to improve consistency

- Adopt and define new terms **~Section 74-503**
 - Best management practices (BMP)
 - Construction Sequencing Plan
 - Stormwater Planting Plan
 - Predevelopment Hydrology Memo
 - ***According to Appendix B of the Metropolitan North Georgia Water Planning District's model ordinance, adopting new terms (i.e. construction sequencing plan and pre-development hydrology is not a mandatory requirement.*** In Appendix C of the model ordinance, enacting construction sequencing plan and pre-development hydrology definitions are optional and not mandatory requirements.
 - Adopt an Updated Runoff Reduction Feasibility Policy **~Section 74-523, ~Section 74-524**
 - *The city should make only **the mandatory provisions** to its runoff reduction feasibility policy, guidance document, and alternative compliance criteria to adhere to the requirements of the Metro District's runoff requirements. We recommend that any other proposed regulatory standards that exceed the mandatory requirements should be reviewed further on cost implications to development.*

Updates required by the City's MS4 Permit

- The city must apply post-development stormwater standards to linear transportation projects except for city-funded projects **~Section 74-504(d)**
- Adopt a Linear Transportation Feasibility Policy – allows transportation-related projects, with certain on-site conditions to avoid full compliance with the water quantity and water quality standards. **~Section 74-503, ~Section 74-516**
- Single-family residential developments must comply with 5,000 square feet or more of impervious surface. **~Section 74-504(b)(2)**

We understand the department desires to incorporate additional regulations that exceed the requirements of the Metropolitan North Water Planning District and MS4 requirements. However, there needs to be a further review of how these proposed regulations will impact the cost to all residential and commercial developments, particularly if the standards would make it financially infeasible to build affordable housing developments. Also, imposing strident green infrastructure development controls for storm water drainage water quality in many locations will not independently solve localized flooding issues and sewer overflows from the city's combined sewer system, and should be considered in tandem with plans, studies and projects such as those under the federal consent decree that requires certain improvement projects in the Peoplestown, Summerhill, Mechanicville neighborhoods, the Intrinishment Creek area, and throughout the City of Atlanta.

With the adoption of a revised post-development stormwater ordinance, the City should adopt a reasonable vesting schedule for residential and commercial developers who have already invested in the City but had not accounted for the financial burden of new regulatory changes underwriting for a new or redevelopment project in the City. We suggest that any projects that have been (1) been through Concept Review Committee (CRC) review within the prior 12 months or (2) filed for Urban Design Commission review before the adoption date, (3) filed for any zoning (rezoning, variance, special exception, etc.) or subdivision application before the new ordinance adoption date, or (4) filed for any

type of permit, including demolition or land disturbance be vested under the City's current post-development stormwater ordinance.

The Technical Advisory Committee submitted a formal request to Commissioner Keane to have your department present the latest version of the proposed revisions to the post-development stormwater ordinance at our next meeting on Tuesday, November 3rd at 10 am. We look forward to speaking with you and your colleagues on enacting the necessary revisions to the post-development stormwater ordinance, which does not infringe on quality development within the City of Atlanta.

Sincerely,

Michael E. Paris
President/CEO
Council for Quality Growth



Bobby West
Tribridge Residential
Atlanta Apartment Association



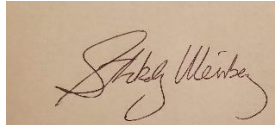
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