

# DAG

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Advocacy  
Group**

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Councilwoman Katherine Gilmore Richardson  
Councilwoman At-Large  
Room 581, City Hall  
Philadelphia, PA 19107

Dear Councilwoman Katherine Gilmore Richardson,

The Design Advocacy Group (DAG) is in general support of Bill 220414 which amends Title 14 of the Philadelphia Code. It is a significant step forward for a city that has provided minimal protections or planting requirements for its valuable tree canopy, and we enthusiastically support the following points:

- Creation of the Philly Tree Fund and an “in-lieu” fee system. While the fee structure proposed in this bill could still use adjustment, this system sets the stage for funding equitable canopy growth by capturing value created in the development process.
- Folding tree reviews into the Licenses and Inspections review process. This will allow for real enforcement of tree policies, which does not exist now. It also puts tree reviews near the beginning of the design process, not at the end as an afterthought. While not explicitly mentioned in this bill, the legislation should lead to the establishment of a centralized City Forester position, who would oversee these requirements.
- Removal of the exemption of parks from regulation. While this bill includes other exemptions that should be reconsidered, removing parks from the exemption list will help to build trust between the City and communities.
- Creation of a stronger community communication system around tree removal.
- Promoting tree planting and protection standards. While the standards still need to be written, this bill acknowledges their necessity.

While we support these elements, we believe this bill can go further.

In our discussions with developers, architects, and landscape architects, the proposed exemptions have raised the most concerns. We strongly support **reduction of site exemptions over time - if not now.**

- The 5,000 square foot lot minimum threshold removes the vast majority of development sites in Philadelphia from oversight and misses an enormous opportunity for planting and protecting trees. Such an exemption is made unnecessary by the “fee-in-lieu” system, which makes it possible to meet the planting requirement by payments into the Tree Fund.
- Exempting affordable housing also raises concerns. While we support affordable housing efforts, that should be coupled with support for environmental justice. The exemption of affordable housing may actually worsen conditions in communities that have fewer greenspaces and chronically poor canopy coverage, and which also suffer from higher temperatures and poorer air quality. **Residents of affordable housing have the most to gain from increased tree canopy. This is an opportunity to right historic wrongs.**
- We also question the exemption of garages. This bill should align with the City’s long-term transportation goals.

The second opportunity to strengthen the bill is through the refinement of its “fee-in-lieu” and tree replacement provisions. This is a clear opportunity for a progressive fee structure; major aspects of the bill are undermined by incentivizing greater tree removal. The **fees should be structured to discourage tree loss.**

- Fees for the removal of larger trees should be structured exponentially, instead of simply by inch of DBH (diameter at breast height). Large, established trees are more capable of mitigating stormwater runoff, air pollution, and carbon than an equivalent DBH of saplings.
- Tree replacement (and the fees charged in lieu of replacement) should be based on trunk area and not trunk diameter. This would support the Tree Fund, increase total site biomass, and better address water sequestration.
- Where meeting the replacement requirement on site is not feasible, compliance could be met through permissible adjacent off-site plantings (such as on city streets or on schoolyards), or through paying a fee in lieu of replacement. While we fundamentally agree with the need for bolstering plantings in low-canopy areas through the Tree Fund, this alternative could allow developers to directly invest in the surrounding community.
- We recommend raising the 5% assessed value limit on PIDC land.

- We recommend establishing fines for violations that are high enough to incentivize compliance.

Third, **Philadelphia should adopt certain other best practices now common in other major cities.**

- The city should establish a central, empowered position to manage compliance, enforcement, programming, and other matters related to the urban forest.
- There should be a minimum requirement for native plant coverage. Peer cities are requiring a minimum of 70-80% native plants in re-plantings and are stipulating that the rest be climate adaptive.
- There should be a prohibition of planting invasive plants.
- There should be a requirement to remove and replace existing structurally compromised trees.
- There should be limitations on the use of potable water for irrigation.
- The replacement of shrubs with tall grass species must be regulated. This can interfere with the implementation of Green Stormwater Infrastructure (GSI) and should be coordinated with the Philadelphia Water Department goals.
- Critical root zones (CRZ) must be preserved during construction to prevent tree loss.
- An amendment or correlated supporting documents should provide a professional definition of the requirements of urban tree planting:
  - o DBH and area caliper replacement should be clearly described.
  - o The specifics of tree protection must be defined. This would include how to calculate the CRZ, the required protective measures, and the penalties for noncompliance.
  - o Soil volume / pit size requirements need to be spelled out with baseline/minimum standards. Like the foundation of a building, without a great soil pit, the trees will fail. This is a major source of tree failure in the city.

Thank you for your ongoing work on this important topic. We look forward to the implementation of this new legislation and would be happy to discuss our recommendations in greater detail.

Sincerely yours,



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