



# Technical Panel

Chapter 74 Article VII  
Riparian Buffer Requirements

# Determination Report

Atlanta City Code Section 74-311

Application No: 2019-50

1341 Moreland Avenue

October 14, 2020

**1. Background and legislative context**

The purpose of this report is to document the determination made by the Technical Panel (“Panel”) pursuant to section 74-311 of the Atlanta City Code (“Code”) following the public notice and comment period required by section 74-310 of the Code.

**2. Project description**

The scope of the project is the removal of 4,131 square feet of existing impervious pavement from within the stream buffer, removal of invasive species from 1.63 acres (70,818 square feet) of stream buffer, the revegetation of the area with native species, and the construct a recreation trail. The application seeks an authorized encroachment for the purposed activities.

**3. Certification of completion of public notice**

The Panel has reviewed the certification dated May 20, 2020 as provided by the applicant as required by section 74-310(d) of the Code.

The Panel determines, in accordance with section 74-311(a) of the Code, that the public notice required section 74-310 of the Code has been completed.

**4. Consideration of public comments**

Annexure A to this report contains the Panel’s consideration of public comments made with respect to the application, as required by section 74-311(b) of the Code.

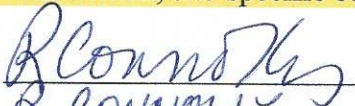
**5. Findings**

The Panel makes the following findings of fact and conclusions:

- The consideration of the public comments is as noted in Annexure A to this report.
- Removal without replacement of existing impervious surface within a stream buffer does not require an Authorized Encroachment.
- Recreations trails are listed as an exception to the Authorized Encroachment requirements in the Riparian Buffer Ordinance.
- Removal of invasive species and revegetation with native species is an appropriate activity for the site conditions.
- The project should have an overall positive impact on the health of the Stream Buffer.

**6. Determination**

The Panel determines in accordance with section 74-311 of the Code, having considered the public comments (if any) and having made findings of fact and conclusions in this report, to issue the authorized encroachment with written, site-specific conditions as set out in Annexure B.

Authorized Signature:   
 Name: A CONNOLLY

**Annexure A**

**Consideration of public comments**

Section 74-311(b)

#	Date	Submitter	Issue	Response
1	4-21-20	Steve Carr NPU-W representative to APAB  Mr. Carr does not have compute access. He telephoned in his comments; notes were taken, and his statements were included in the Public Comments record.	Steve Carr is personally supportive of the proposal but does not speak for NPU-W.  At the time of comment, NPU had not discussed the proposal.  This site is the conceptual location of a future Beltline connector trail.	Public Comments are in agreement with the consensus of the Technical Panel.

## **Annexure B**

### **Conditions**

Section 74-311(b)(2)

The following conditions are imposed on the authorized encroachment:

- The existing stormwater pond should remain until it is replaced by another facility.