



TAKOMA PARK TREE COMMISSION and the TAKOMA JUNCTION PROJECT

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The City of Takoma Park's redevelopment project at Takoma Junction has received a lot of interest and there have been many questions about the planning and review processes associated with the project.

As with most development projects, there is a desire to know exactly how it will look and function early on so that people can know how to react to it, while at the same time there is a strong interest to get information from all stakeholders before any site design work takes place at all. Planning a project is an iterative process that can last years.

This project is somewhat unusual in that the property is owned by the City of Takoma Park, so the City Council has a role both as an owner and as a reviewer of the development plans. The City Council does not make final decisions in the main development review process (although as owner they can stop the project at any time); the Planning Board makes the final decision on the Site Plan (see Note). Some City entities, such as the Tree Commission, do have formal powers so their role is different than that of the City Council and City staff.

The City Tree Code requires submittal of a Tree Protection Plan application any time construction activity is taking place within 50 feet of an urban forest tree. Once a plan is reviewed and approved by the City's Urban Forest Manager, the owners of properties that share a common property line with the Junction property are notified and have the right to review, and, if concerned, appeal the plan. Only the owners of properties that share a common property line may appeal a Tree Protection Plan application. The appeal window is 15 days. After 15 days, if no appeal is filed, the City issues the final permit. If someone appeals during the 15-day period, the matter is referred to the Tree Commission for adjudication. A similar process is followed for tree removal applications, with no restriction on who may appeal the Urban Forest Manager's preliminary decision.

Because the Commission serves as the adjudicating body, Commission members are not to discuss or conduct a factual investigation of any particular case prior to it coming before them for appeal. For that reason, Commission members should not investigate or be involved in discussion of the development of the tree protection plan or tree removal plans for this project, so they can maintain objectivity if and when the issue comes before them and so that the Commission can make its decision based solely on the information included in the hearing record. Given the community interest in this project, it is expected that the project will, in fact, come before the Tree Commission.

Part of the County's development review process involves the submission of a Forest Stand Delineation / Natural Resources Inventory document. The trees that are considered during this process do not include all of the trees that are considered under the Takoma Park Tree Code, as the City also considers trees of smaller diameter. Nevertheless, tree issues are considered in the County's site plan review process. Since the City's development partner, Neighborhood Development Company, is aware of the City's tree laws, they are also paying attention to the smaller trees. Through the County's review process, the limit of disturbance will be identified. This limit of disturbance is not known yet, as it may be impacted by building design plans and stormwater facilities that have yet to go through the review process. As an iterative process, the location of specific trees may lead to alterations of proposed designs which may change stormwater facility requirements, etc. before a limit of disturbance is set.

Once the limit of disturbance is known, discussions with the City's Urban Forest Manager can take place and applications can be submitted regarding tree protection plans and tree removal plans. With an appeal, the Tree Commission becomes involved. Given the strong community feelings both for and against the City's project, it is very important that all activity or discussion by the Tree Commission members about the Takoma Junction project wait until the appeals come before the Commission so that the decision of the Tree Commission can be upheld in case of legal challenge.

Note: *Under Maryland Law, planning and zoning authority in Takoma Park rests with the Maryland-National Capital Park and Planning Commission, and the Planning Board is the entity with the authority to approve site plans. However, the Takoma Park City Council can weigh in on land use items before the Planning Board. The Planning Board must have a super-majority (4 of 5 votes) to override a specific position taken by the Takoma Park City Council. Note also that a site plan approved by the Planning Board may be (and often is) amended after approval depending on changed requirements by reviewing agencies, etc. Such amendments may be processed administratively or through a public process depending on the type of change requested. Again, the Takoma Park City Council may weigh in on these requested changes, whether or not they are administrative.*