



## Takoma Park City Council Meeting – September 30, 2020 Agenda Item 4

### **Work Session**

Work Regarding Determination of Permissible Uses of Dorothy's Woods under Existing Covenant

### **Recommended Council Action**

Consider authorizing City Attorney to outline permissible activities under Dorothy's Woods covenant

### **Context with Key Issues**

The City purchased Dorothy's Woods, a 2.68 acre, mostly wooded parcel, in 2015 at an IRS auction, with the primary intent of preserving it as open space, and cleared the property of two liens in 2018. It is one of the largest undeveloped properties owned by the City of Takoma Park. In 2017, the City established a perpetual covenant on the property, to run with the land, for the purpose of protecting the property from development and conserving the property as an undeveloped natural wooded area.

The wooded area provides City residents with passive recreational opportunities. Residents have volunteered their time to help maintain the health of the wooded area and to remove invasive species. No other improvements have been made since the City acquired the property.

The City Council has received a preliminary proposal to partner with residents to build a sustainable urban habitat demonstration and education area at Dorothy's Woods and to restore a portion of the property which is a degraded basketball court covered by asphalt. There has not been a legal review of the practical actions allowable under the covenant, and so a review by the City Attorney is needed to outline what is permissible. This information will be useful when the Council evaluates this proposal and when considering other possible uses of the property under the City's [Public Space Management Plan](#) which is being developed. The City Attorney estimates that the review may take up to 10 hours of legal time. This work session is intended for Council to discuss whether to request the review by the City Attorney.

### **Council Priority**

A Livable Community for All; Environmentally Sustainable Community

### **Environmental Considerations**

As a natural wooded area, Dorothy's Woods preserves open space, helps maintain citywide tree canopy goals, provides stormwater management, and helps address climate related impacts through carbon sequestration. If changes were made to remove the highly degraded pavement of the existing basketball court, there is the potential for improved drainage and creation of more natural, vegetated space. The resident proposal is to create a sustainable urban habitat with the goals of promotion and protection of plant and animal biodiversity, sustainable water and land management, and enhanced carbon sequestration, as well as a sustainability outreach and educational component.

## Fiscal Considerations

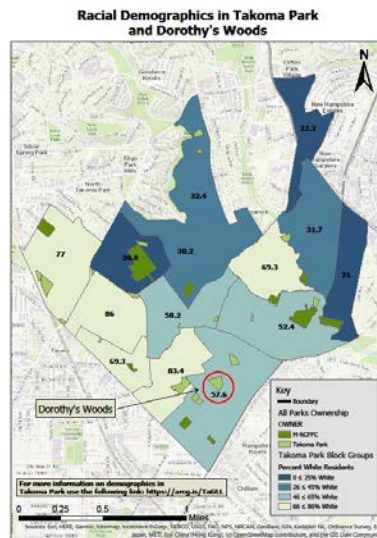
The immediate fiscal impact of this discussion is limited to City Attorney's fees, which may range between \$1,250 and \$1,750. If a project on the property is pursued in the future, a project done in partnership with local volunteers could result in lowered project costs.

## Racial Equity Considerations

Due its location, environmental improvements to the property will primarily benefit nearby residents, the majority of whom are white. Environmental improvements may be more likely to happen here than in other sections of Takoma Park, as the residents are proposing to volunteer to assist the project. The Dorothy's Woods property is located within Ward 3 and borders Ward 2. Approximately 38 percent of Ward 3 residents are people of color, as are approximately 42 percent of Ward 2 residents. The map below shows parks in light of racial demographics across the City. A review by the City Attorney of the allowable uses may identify development or programming options that could attract Black and Brown residents to the property from areas outside of walking distance of the property.

There is an inequitable distribution of City-owned public parks and open space in Takoma Park. As noted in an equity assessment in 2018, the Council could consider the following actions to ensure that the benefits of Dorothy's Woods are realized across the City and to address the current inequitable distribution of City-owned public parks and open spaces:

- Assess the impact that spending funds on Dorothy's Woods will have on residents of color;
- Identify potential locations for public parks and open spaces in currently underserved areas in the City; and
- Encourage and facilitate programming, activities and use of Dorothy's Woods by residents from across the City.



## Attachments and Links

- Covenant [https://documents.takomaparkmd.gov/initiatives/project-directory/Admin-20171128-RECORDED%20Declaration%20of%20Covenants\\_Dorothys%20Woods\\_Book55281-Page492.pdf](https://documents.takomaparkmd.gov/initiatives/project-directory/Admin-20171128-RECORDED%20Declaration%20of%20Covenants_Dorothys%20Woods_Book55281-Page492.pdf)
- Preliminary draft proposal from residents

Takoma Park Mobilization Committee for  
Takoma Alliance for Local Living Economy (TALLE)

## **Proposal to City of Takoma Park to Restore Portion of Dorothy's Woods as Sustainable Urban Habitat**

July 15, 2020

**Context:** Addressing the climate change emergency is policy for the City of Takoma Park, but policy is not action and now is the time to act. In particular, public green space must catch up with 21<sup>st</sup> century science to include: promotion and protection of plant and animal bio-diversity, sustainable water and land management and enhanced carbon sequestration.

One important strategy to address climate change and environmental degradation in our public green spaces is through demonstration and education. City green spaces can be re-imagined as models of a sustainable urban environment, and in so doing also guide residents to more sustainably utilize their own yards and balconies.

City-owned Dorothy's Woods was purchased with the aim of conserving the land for the benefit of the public. The lower, once wetland meadow portion, is now, however covered with degraded blacktop, mud and weeds. We propose to restore this "once meadow" portion of Dorothy's Woods as sustainable urban habitat. Utilizing native plants, the site will demonstrate and educate residents on effective plant selection and management suited to our Takoma Park environment. It will provide a model for other greenspace sites across all City Wards, as well as improved water management.

It is clear that faced with multiple crisis, the City Council and City employees cannot address the climate change emergency alone. "It takes a village" is especially true now with our multiple crises. Fortunately, Takoma Park is blessed with many committed and talented residents. Over the last six months TALLE has engaged many in the community who have expressed a willingness to assist in the funding, design, implementation and future maintenance of this project.

We are asking you to partner with TALLE and the 56 Takoma Park residents and families who not only signed a TALLE petition in support of Dorothy's Woods habitat restoration (\*) but offered to volunteer on the project. We do not intend to ask for any City funding on this project but need your support and collaboration. We ask the City Council to work with us (your village) to take this small step together toward addressing our collective climate change emergency. We anticipate your timely response.

**Description of Site:** Dorothy's Woods (DW) is a 2.68 acre plot owned by the City of Takoma Park. It is adjacent to the Washington McLaughlin Christian School and is accessed by Woodland and Circle Avenues and from the right of way path between Gude and Woodland Avenues. Its wooded hillside spills out onto a flat degraded

asphalt basketball court (approximately 75' x 70') partially covered by weeds, mud and standing water. Its southern edge opens without obstruction onto a wide arc of sky. See attached link: <https://takomaparkmd.gov/initiatives/project-directory/dorothys-woods/>

**Objectives:**

- Engage and mobilize neighborhood and City residents in sustainable urban habitat restoration through participation in the design, implementation, education and care of DW.
- Restore and maintain DW meadow area, currently the degraded basketball court, with resilient native and edible plant species adapted to the site specific soil and water conditions. (Options for doing this include removal of portions of the blacktop or planting on top of the surface.)
- Develop training materials and educational programs demonstrating sustainable strategies, plant selection, land use and water management practices that can be utilized throughout the Takoma Park area and in other public green spaces.
- Identify partners, technical resources and funding sources to support this proposal.

**Preliminary Timeline:**

This project envisions a phased-in strategy that was begun in the Spring of 2020 and must continue this summer with City collaboration to begin planting Spring 2021. It is expected to take two years to implement all phases.

**Phase One:** Seek neighborhood input and guidance; Complete soil testing; Remove all or portions of blacktop (or implement surface planting alternatives); Assess groundwater conditions; and potentially plant a cover crop.

**Phase Two:** Plant native species; Develop a design and maintenance strategy; Identify financial needs and funding sources; Implement design and maintenance strategy.

**Phase Three:** Develop and execute education and training materials and programs; Evaluate, monitor and revise as project as needed.

**In Conclusion:** TALLE and city residents who want to act in partnership with the City to address our Climate Change Emergency need you to say “*Yes, we want to do this together. Let’s sit down together (virtually) to work out the details and Make It Happen.*”

---

Note. The long delayed but anticipated review of Takoma Park’s Public Space Management Plan will provide the City an overdue and comprehensive opportunity to address our Climate Change Emergency through a long-term commitment to conservation, restoration and education. Many residents including members of TALLE are anxious to support this effort with you.

For questions and concerns, contact Randy Gibson, [randy.gibsong@gmail.com](mailto:randy.gibsong@gmail.com) and, or Karen Elrich, [karendelrich@gmail.com](mailto:karendelrich@gmail.com).

**(\* Petition to Build Sustainable Urban Habitat Demonstration at Dorothy's Woods  
March 2020**

The undersigned residents of Takoma Park support a project to build a sustainable urban habitat demonstration area at Dorothy's Woods, and for such proposal to be presented the City of Takoma Park (after Corona crisis abates) for prompt discussion and collaborative actions. Furthermore, the undersigned agree to join a team of volunteers and supporters to help plan, implement and maintain the project.

