



Committee: PHP
Committee Review: Completed
Staff: Livhu Ndou, Senior Legislative Attorney
Purpose: Final action – vote expected

AGENDA ITEM #4C
December 9, 2025
Action

SUBJECT

Zoning Text Amendment (ZTA) 25-12, Overlay Zones – University Boulevard (UB) Overlay Zone

Lead sponsor: Council President at the Request of the Planning Board

EXPECTED ATTENDEES

- Artie Harris, Chair, Montgomery County Planning Board
- Jason Sartori, Director, Montgomery Planning Department
- Robert Kronenberg, Deputy Director, Planning Department
- Lisa Govoni, Supervisor – Design, Placemaking, and Policy, Planning Department
- Benjamin Berbert, Planner III – Design, Placemaking, and Policy, Planning Department
- Carrie Sanders, Chief, East County Planning Division
- Jessica McVary, Master Plan Supervisor, East County Planning Division
- Zubin Adrianvala, Planner III, East County Planning Division
- Janmarie Peña, Performance Management & Data Analyst, Office of Legislative Oversight (OLO)

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

The Planning, Housing, and Parks (PHP) Committee recommends approval (2-1, then-Council Vice President Jawando opposed) of ZTA 25-12 with amendments.

DESCRIPTION/ISSUE

ZTA 25-12 will create a new University Boulevard (UB) Overlay Zone that implements the recommendations found in the University Boulevard Corridor Plan (UBCP).

SUMMARY OF KEY DISCUSSION POINTS

- The Planning Board transmitted the University Boulevard Corridor Plan (UBCP) on June 27, 2025. The plan covers 3.5 miles of University Boulevard East and West (MD 193) between the Capital Beltway (I-495) and Amherst Avenue. The plan recommends a new range of residential housing options for existing detached residential properties and new infill development on larger institutional and commercial properties. The Planning Board draft of the plan can be found here: <https://montgomeryplanning.org/wp-content/uploads/2025/07/Planning-Board-Draft-Final-7-23-Comm.pdf>. As of the posting of this staff report, the District Council has not yet adopted the UBC Plan. Any changes in the Plan that require a change to the Zoning Ordinance will need to be made via an amendment to ZTA 25-12.
- To implement some zoning changes recommended by a master plan, a zoning text amendment (ZTA) is needed. ZTA 25-12, as recommended by the Planning Board, provides development

standards for sites less than 15,000 square feet and for sites 15,000 square feet or larger that consider building placement, site coverage, and open space. The ZTA also allows accessory dwelling units (ADUs), allows R-60 development standards on CRN sites with no commercial FAR, and prohibits certain auto-centric land uses. Lastly, the ZTA updates cross-references to reflect a renumbering of subsequent sections.

- The Planning, Housing, and Parks (PHP) Committee recommended approval with several amendments, including: 1) changing lot coverage to site coverage, 2) clarifying that the reference to duplex standards is for duplex-side, 3) adding a workforce housing requirement, and 4) codifying the MPDU requirement in the plan area.
- Councilmember Mink proposes an additional amendment regarding the grandfathering of autocentric uses.

This report contains:

Staff Memorandum	Pages 1-9
ZTA 25-12, as amended	© 1
Planning Board Recommendation, June 2025	© 11
Planning Board Recommendation, October 2025	© 13
Planning Staff Memorandum	© 15
Climate Assessment	© 23
Racial Equity & Social Justice Impact Statement	© 30
Planning Department Response to OLO Statement	© 39
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Chair Friedson and Councilmember Fani-González Letter	© 56

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MEMORANDUM

December 4, 2025

TO: District Council

FROM: Livhu Ndou, Senior Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 25-12, Overlay Zones – University Boulevard (UB) Overlay Zone

PURPOSE: Action

The Planning, Housing, and Parks (PHP) Committee recommends approval (2-1) with amendments.

EXPECTED ATTENDEES

- Artie Harris, Chair, Montgomery County Planning Board
- Jason Sartori, Director, Montgomery Planning Department
- Robert Kronenberg, Deputy Director, Planning Department
- Lisa Govoni, Supervisor – Design, Placemaking, and Policy, Planning Department
- Benjamin Berbert, Planner III – Design, Placemaking, and Policy, Planning Department
- Carrie Sanders, Chief, East County Planning Division
- Jessica McVary, Master Plan Supervisor, East County Planning Division
- Zubin Adrianvala, Planner III, East County Planning Division
- Janmarie Peña, Performance Management & Data Analyst, Office of Legislative Oversight (OLO)

INTRODUCTION

Zoning Text Amendment (ZTA) 25-12, Overlay Zones – University Boulevard (UB) Overlay Zone, was introduced on September 9, 2025. The Lead Sponsor is the Council President at the request of the Planning Board. ZTA 25-12 will implement the recommendations of the [University Boulevard Corridor \(UBC\) Plan](#).

The District Council took a straw vote approving the UBC Plan on December 2, 2025. The Plan is scheduled for final action on December 9, 2025. If the Council makes changes to the UBC Plan

that impact ZTA 25-12, then the Committee or Council may need to review additional amendments.

PUBLIC HEARING

A public hearing was held on October 28, 2025. The Council received both written and oral testimony.¹ Testimony in opposition argued that density should not be increased before the transportation changes have been made to support it. Testimony in opposition expressed concern about increased impervious surface, decreased tree canopy, and stormwater management issues. Testimony in opposition argued the ZTA would create higher prices because homes will be bought by investors, and that due to the high rates of homeownership in the area by persons of color there could be displacement. Written testimony in support encouraged the production of more housing, citing rising costs and equity concerns.

Testimony requested removal of CRN zoning and requiring site plan approval for all projects regardless of size, similar to ZTA 25-02. Testimony also opposed 100-foot building heights. Testimony requested anti-displacement protections; restrictions on consolidation; and for the Council to wait until changes in the plan are finalized before acting on ZTA 25-12. Testimony argued that few if any owners want to convert their properties to duplexes, given many properties have already built additions. Written testimony requested adding additional prohibited uses in the overlay zone, such as manufacturing and live music venues. Written testimony from developers requested an amendment to grandfather existing autocentric uses and make them conforming so that they may reconfigure due to changes in the right-of-way, with options for modernization such as EV pumps and ADA upgrades.

SUMMARY OF IMPACT STATEMENTS

RESJ Impact Statement / Planning Department Response

The Office of Legislative Oversight (OLO) provided a Racial Equity and Social Justice (RESJ) Impact Statement on October 22, 2025. OLO “anticipates ZTA 25-12 could have a negative impact on racial equity and social justice (RESJ) in the County.” OLO explained that “given the high rates of homeownership of Black and Latinx community members in the University Boulevard Corridor (UBC) Plan area, the proposed rezoning that is inherent to ZTA 25-12 could disproportionately displace existing Black and Latinx homeowners for the development of market-rate housing units that primarily benefits White, Asian, and Pacific Islander community members.” OLO noted that while “allowing multi-family housing in the proposed rezoning area could advance RESJ by eliminating an exclusionary zoning practice”, allowing multi-family housing in the proposed rezoning area “could also adversely impact RESJ by encouraging the development of market-rate multi-family housing that could disproportionately displace existing Black and Latinx homeowners.” OLO recommended engaging with Black and Latinx homeowners in the UBC Plan

¹ Written testimony can be found here:
<https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20251028/item4.html>.

area to amend ZTA 25-12 and adopting policies to prevent displacement of Black and Latinx homeowners in the Plan area.

The Planning Department sent the PHP Committee a memorandum addressing the RESJ Impact Statement on November 12, 2025. Planning Staff emphasized that “eliminating exclusionary zoning is widely considered a best practice due to its negative effects on housing supply, economic growth, and racial equity.” Planning Staff argued that the UBC Plan is “designed to increase the availability of both affordable and market-rate housing, recognizing that a healthy housing ecosystem relies on a diverse supply of housing types. The introduction of new supply, paired with initiatives such as an increased requirement for Moderately Priced Dwelling Units in the Plan area – Montgomery County’s inclusionary zoning mechanism – serves as an effective means to mitigate displacement.” Planning also noted that “property owners can already tear down a single-family home and replace it with a larger, more expensive home. By contrast, the UB Overlay and UBC Plan allow for the construction of more diverse housing types beyond single-family detached homes, which are expected to be sold at lower prices than newly built detached units.” Lastly, Planning presented data disputing the argument that new housing causes displacement.

OLO provided a response to questions asked by Council Vice President Jawando on November 17, 2025. OLO noted the “current affordability of owner- and renter-occupied housing in the UBC Plan area compared to the County as a whole and the historic rarity of tear down projects that replace older, more affordable single-family homes with newer, more expensive ones in the Plan area.” OLO argued that “the proposed rezoning would most likely result in the development of market-rate duplexes and stacked/piggyback townhouses that would not require the development of Moderately Priced Dwelling Units (MPDUs).” OLO noted that “[d]ata on existing homeowners in the proposed rezoning area show Black and Latinx homeowners are the most susceptible to displacement from increasing property values because, relative to the County, Black and Latinx community members in the Plan area have high rates of homeownership but also high rates of housing-cost burden and lower income levels.” Lastly, OLO noted “Planning did not provide a summary of the racial and ethnic demographics of community members participating across their engagement opportunities. Nor did they disaggregate feedback received from renters vs. homeowners through their engagements nor the specific feedback received by BIPOC community members within each of these groups.”

The potential RESJ impacts of the UBC Plan were discussed during a PHP Committee worksession on November 10, 2025, and during a Council worksession on November 18, 2025. During a Council worksession on December 2, 2025, the Council took a straw vote on amendments that would require tracking and reporting of RESJ issues such as displacement.²

Planning Board Recommendation

On October 9, 2025, the Planning Board – who initially requested introduction of ZTA 25-12 via transmittal in June 2025 – supported the ZTA with amendment. The Board recommended amendments to specify that small sites should be limited to site rather than lot coverage maximums of 35%, and that buildings must follow the duplex-side building type standards in the CRN zone.

² These discussions may be viewed on the Council website:
<https://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html>.

Climate Assessment

The Planning Board found that “the ZTA itself had little to no additional impact to greenhouse gas emissions and sequestration, community resiliency, or adaptive capacity because the impacts were considered as part of the climate assessment for the UBCP.” The Climate Assessment for the UBC Plan anticipated “minor to moderate negative and positive impacts on the county’s goals of addressing greenhouse gas emissions, and slight to moderate negative impacts on greenhouse gas sequestration.” Further, the assessment “recognized that at total buildout, the plan could have up to 35% higher emissions over current zoning, largely due to increased population and the impacts that have on overall emissions.” The assessment also acknowledged that the “lack of any substantial additions to open space or vegetative planting areas also influenced the negative impacts on sequestration.” However, Planning concluded that the new developments “are anticipated to be a more efficient use of land, resulting in per-capita reductions in energy use” and that by “creating opportunities for more families to live along a major corridor, more families will experience better community connectedness and will have improved access to commercial centers, parks, institutional uses, and multi-modal transportation options.”

DISCUSSION

ZTA 25-12 implements the recommendations of the UBC Plan by creating the University Boulevard (UB) Overlay Zone (UBOZ). The ZTA contains the following provisions:

- *Formatting* – Since a new overlay zone is being added, ZTA 25-12 renumbers the existing overlay zones so that they remain alphabetical.
- *Purpose* – ZTA 25-12 describes the purpose of the Overlay Zone as “to increase the diversity and supply of housing in a compact, transit-oriented form of growth that supports Bus Rapid Transit on University Boulevard and Colesville Road, creates complete communities, and improves safety for all travelers.”
- *Land Uses in the CRN Zone* – The UBC Plan will rezone properties to the CRN Zone. ZTA 25-12 will modify the land uses in the CRN zone by allowing Accessory Dwelling Units (ADUs) on properties improved with single-unit living. Under the current Zoning Ordinance, ADUs are not typically permitted in the Commercial/Residential zones. Second, on properties with no mapped commercial FAR, ZTA 25-12 will allow CRN properties in the UBOZ to have non-residential uses if they satisfy the use standards for the R-60 zone.³ Examples of non-residential uses in the R-60 zone include home occupations, daycares, and offices.
- *Prohibited Uses* – Similar to other overlay zones, ZTA 25-12 lists prohibited uses. These uses include: Light Vehicle Sales and Rental (Indoor); Light Vehicle Sales and Rental (Outdoor); Car Wash; Filling Station; Repair (Major); Repair (Minor); Drive-Thru; Medical / Scientific Manufacturing and Production; Self-Storage; and Storage Facility. ZTAs are not retroactive, so if these uses already exist in the Plan area they may continue

³ FAR, or floor area ratio, is the ratio between the gross floor area of all buildings on a tract divided by the area of the tract. It is a measure of density.

to exist. However, they will become nonconforming uses, meaning they will not be able to expand. According to the UBC Plan, these uses are being prohibited because they are auto-centric and therefore inconsistent with the vision for the area.

- *Development Standards in the CRN Zone* – ZTA 25-12 provides several development standards for properties that will be zoned CRN. These include:
 - Any development in the CRN zone on a property that is less than 15,000 square feet must use the development standards for the duplex building type, regardless of the building type. The duplex standards are considered appropriate for smaller infill sites.
 - ZTA 25-12 also contains criteria for properties less than 15,000 square feet that are intended to “provide clarity to both developers and existing residents on what type and form of development can be expected”, such as:
 - Lot coverage is limited to 35%. The intent of this limitation is to provide adequate room for projects while “ensuring setbacks between buildings and space to provide parking and stormwater.”
 - At least 1 entrance per building must front a street or an open space.
 - Minimum open space requirements do not apply.
 - Screening of exterior surface parking must meet Section 6.2.9.B., “Parking Lot Requirements for Conditional Uses Requiring 5 to 9 Spaces.” This section requires perimeter planting such as a hedge, fence, or wall a minimum of 4 feet high; and with a minimum of 1 understory or evergreen tree planted every 30 feet on center.
 - Development on a site that is larger than 15,000 square feet must follow the development standards for the applicable building type, but the maximum build-to-area setback for a building directly on University Building is 10 feet. This may be modified by the Planning Board at site plan. The reasoning behind this provision, as stated by the Planning Department, is that these larger sites “have more opportunity for creative site design that can introduce areas with slightly higher intensity development envisioned by the UBCP without changing the residential character of the area”, but to achieve the vision of the plan “the build-to-area needed to be reduced, ensuring that buildings are pulled closer to the street, creating a continuous street edge along University Boulevard.”
 - All onsite parking must be located behind the front building line, consistent with Planning Department guidance regarding pedestrian safety.

COMMITTEE RECOMMENDATIONS

The Planning, Housing, and Parks (PHP) Committee held a worksession on ZTA 25-12 on December 1, 2025. The Committee (2-1, then-Council Vice President Jawando opposed) recommended approval of the ZTA.⁴

⁴ The Council authorizes Council Attorneys to make non-substantive technical corrections necessary to fix any typographical, stylistic, formatting, or grammatical errors in the ZTA.

1. Clarifying Amendments

The Planning Board recommended two clarifying amendments to ZTA 25-12. First, the Board recommended amending the 35% lot coverage to be site coverage. As noted by Planning Staff, while lot coverage is used for detached homes and duplexes, site coverage is more commonly used for townhouses and multi-family housing. Since end-unit townhouses can be larger than middle units, a site coverage instead of lot coverage standard allows flexibility across the development by allowing averaging across all lots. And it does so without impacting overall maximum allowable coverage.⁵

Second, the Planning Board recommended clarifying that the standards should be for a duplex-side, not a duplex. The CRN zone currently has two types of duplexes: duplex-side and duplex-over. A duplex-side has narrower requirements because it assumes that subdivision will occur to allow for ownership. As noted by Planning Staff, this amendment is “more fitting with how Planning Staff envision small site developments in the CRN zone with duplex, triplex, and townhouse building types on subdivided fee-simple lots.” The PHP Committee unanimously recommended these two amendments.

Section 4.9.20 University Boulevard (UB) Overlay Zone

* * *

C. Development Standards in the CRN Zone

1. Except as modified below, any development in the CRN zone on a net site less than 15,000 square feet must use the development standards for the [[duplex]] duplex-side building type regardless of the proposed building type.
 - a. [[Lot]] Site coverage is limited to 35%.
 - b. A minimum of one entrance per building is required to front a street or an open space.
 - c. Minimum open space requirements do not apply.
 - d. Screening of any exterior surface parking must meet the requirements under Section 6.2.9.B.

2. Chair Friedson and Councilmember Fani-González Workforce Housing Amendment

On November 14, 2025, Chair Friedson and Councilmember Fani-González submitted a letter to colleagues requesting an amendment “that any 3+ unit redevelopment of the newly rezoned CRN properties (that is, the single-family properties directly abutting University Boulevard in the plan area) have at least one WFH unit, or 15% of the total units, whichever is greater.” This amendment is similar to language in ZTA 25-02. However, unlike ZTA 25-02, these projects in the UBOZ will not go through optional method development, where the agreement would be enforced through a Planning Board resolution making it a condition. To ensure agreements are finalized before construction, the proposed language would require a written agreement with DHCA before DPS may issue a building permit. The workforce housing requirements would need to be consistent

⁵ A similar amendment was adopted in the recently-passed [ZTA 25-02, Workforce Housing - Development Standards](#).

with those in County law, found in Chapter 25B.⁶ The PHP Committee unanimously recommended this amendment, with then-Council Vice President Jawando noting that while his preference was for the workforce housing requirement to include duplexes, he did not oppose the proposed amendment.

- d. An applicant must provide at least 15% workforce housing units that satisfy Chapter 25B, with a minimum of one workforce housing unit for construction of 3 or more units. DPS may not issue a building permit until a written agreement with the Department of Housing and Community Affairs has been reached consistent with the requirements of Chapter 25B.

3. *UBC Plan MPDU Amendment*

Page 80 of the [UBC Plan](#) includes the recommendation “Provide 15% MPDUs in new development.” While MPDU requirements are often talked about within the Plan itself, recent plans have also included this requirement in the Zoning Ordinance as part of the overlay zone, including the Bethesda (B) Overlay Zone and Downtown Silver Spring (DSS) Overlay Zone. The PHP Committee recommended including the MPDU requirement, applied to the entire Plan area. Applying this requirement to the entire Plan area, rather than just the CRN-zoned properties, will make sure the requirement is enforced on properties such as those zoned CRT.

1. For any development application that includes 20 or more residential dwelling units, the Planning Board may only approve the application if the development provides at least 15% MPDUs under the provisions of Chapter 25A.

ADDITIONAL AMENDMENT (COUNCILMEMBER MINK)

ZTA 25-12 will prohibit certain uses in the UBOZ. These uses include: Light Vehicle Sales and Rental (Indoor); Light Vehicle Sales and Rental (Outdoor); Car Wash; Station; Repair (Major); Repair (Minor); Drive-Thru; Medical/Scientific Manufacturing and Production; Self-Storage; and Storage Facility. Written testimony from developers in the area expressed concerns about the impact of this language on existing uses in the area. First, written testimony requested that all prohibited uses be made prospective. Language is not necessary to achieve this change, since ZTAs are not retroactive. However, written testimony also requested that autocentric uses be grandfathered in and be treated as conforming, or to allow “that service stations impacted by right-

⁶ Of note, this workforce housing requirement is in addition to the MPDU requirement. The MPDU requirement is not triggered unless at least 20 units are built, but if a development reaches that threshold, both the workforce housing requirement and the MPDU requirement must be met. Given the size of lots in these areas, a project of that size is unlikely, but not impossible.

of-way acquisitions may reconfigure pumps, canopies, and circulation lanes within their parcels as conforming adjustments. Modernization should not only be permitted but encouraged.”

Under Section 7.7.2. of the Zoning Ordinance, a “lawful nonconforming use” may be continued if it does not expand and if it is not abandoned. A use is considered abandoned if it ceases for at least 6 consecutive months. DPS typically interprets an “expansion” as an increase or shift in the footprint of a use. Nonconforming uses are a common zoning measure in most jurisdictions. They enable a jurisdiction to set zoning standards appropriate for an area, such as making the UBC Plan area less auto-centric, while not risking the property rights of existing businesses. The intent is to allow the uses to continue, but to not encourage growth or proliferation of uses that may no longer be appropriate or preferred in an area.

Councilmember Mink proposes an amendment to ZTA 25-12 that would provide additional guidance for grandfathering existing auto-centric uses. The intent of the amendment is to allow modest changes to uses that will become nonconforming under ZTA 25-12, while limiting the expansion of these uses.

- First, the amendment would allow an increase of up to 20% of the gross floor area for buildings smaller than 2,500 square feet if to allow for renovations, repairs, or reconstruction. The phrasing of this amendment would allow any building to expand but not allow the expansion of other parts of the property, such as adding additional drive-through lanes.⁷
- Second, the proposed amendment would allow the listed prohibited uses to reconfigure if due to right-of-way acquisitions or modernization. Specifically, it would allow reconfigurations to accommodate planned changes in the right-of-way as well as changes that are consistent with environmental, safety, and other policy goals, while not encouraging the increase or proliferation of these uses.
- Lastly, the proposed amendment would state that an increased number of off-street parking spaces would not be required due to changes in the right-of-way that may change the square footage of the use.⁸

⁷ Using a Filling Station as an example, the building where a customer may purchase snacks, use the restroom, or pay in cash is a building that could expand, while the gas pump plus canopy could not expand. This is because the definition of “gross floor area” in the Zoning Ordinance is “the sum of the gross horizontal areas of all floors of all buildings on a tract, measured from exterior faces of exterior walls and from the center line of walls separating buildings”; so explicitly includes buildings but not all structures. A building is defined as “a structure having one or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.” The gas pump is more accurately a structure, not a building; since a “structure” is defined as “a combination of materials that requires permanent location on the ground or attachment to something having permanent location on the ground, including buildings and fences.” Similarly, a small Car Wash building would be able to expand by up to 20% for renovations, repairs, or reconstruction. But a Drive-Thru could not add additional lanes, since the driving lane is not a building.

⁸ For example, if a use loses off-street parking spaces due to a shift in the right-of-way, it will not be required to add those off-street parking spaces somewhere else on the site.

3. The following standards apply to any use listed in Section 4.9.20.B.2. which existed as of {insert effective date}:
- a. A nonconforming use may be continued, renovated, repaired, or reconstructed if the total square footage of the use is not increased, except that buildings with a gross floor area of up to 2,500 square feet may expand by up to 20% of the existing gross floor area if the resulting square footage does not exceed the total square footage allowed in the underlying zone.
 - b. Alterations to nonconforming uses are allowed to accommodate changes in the right-of-way or modernization of the use, including relocation of facilities or parking, design modifications that do not increase the intensity of the use, or environmental or safety reasons such as the addition of EV charging stations, solar canopies, and accessibility upgrades.
 - c. The number of off-street parking spaces remaining after any changes in the right-of-way will be deemed to comply with Section 6.2.4. for the total square footage of the use prior to the change in the right-of-way.

This packet contains:

ZTA 25-12, as amended	© 1
Planning Board Recommendation, June 2025	© 11
Planning Board Recommendation, October 2025	© 13
Planning Staff Memorandum	© 15
Climate Assessment	© 23
Racial Equity & Social Justice Impact Statement	© 30
Planning Department Response to OLO Statement	© 39
OLO Response to Planning Memorandum on RESJ	© 54
Chair Friedson and Councilmember Fani-González Letter	© 56

Ordinance No.: _____
Zoning Text Amendment No.: 25-12
Concerning: Overlay Zones –
University Boulevard
(UB) Overlay Zone
Revised: 12/1/2025 Draft No.: 2
Introduced: September 9, 2025
Public Hearing: October 28, 2025
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the Request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) establish the University Boulevard (UB) Overlay Zone; and
- (2) generally amend the provisions for overlay zones.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 2.1.	“Zones Established”
Section 2.1.3.	“Establishment of Zones”
Division 4.9.	“Overlay Zones”
Section 4.9.20.	“Upper Paint Branch (UPB) Overlay Zone”
Section 4.9.21.	“Upper Rock Creek (URC) Overlay Zone”
Section 4.9.22.	“White Flint 2-Parklawn (WF-P) Overlay Zone”

And adding the following Section:

Division 4.9.	“Overlay Zones”
Section 4.9.20.	“University Boulevard (UB) Overlay Zone”

EXPLANATION: **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-2.1 is amended as follows:

Division 2.1. Zones Established

* * *

Section 2.1.3. Establishment of Zones

* * *

G. Overlay Zones

1. There are 21 Overlay zone classifications:

- a. Bethesda (B)[,];
- b. Burtonsville Employment Area (BEA)[,];
- c. Chevy Chase Neighborhood Retail (CCNR)[,];
- d. Clarksburg East Environmental (CEE)[,];
- e. Clarksburg West Environmental (CWE)[,];
- f. [Community-serving Retail (CSR),] Downtown Silver Spring (DSS);
- g. Fenton Village (FV)[,];
- h. Garrett Park (GP)[,];
- i. Germantown-Churchill Village (GCV);
- j. Germantown Transit Mixed Use (GTMU)[,];
- k. Great Seneca Life Sciences (GSLs);
- [k]. Montgomery Village (MV)[,];
- [l]. Regional Shopping Center (RSC)[,];
- [m. Ripley/South Silver Spring (RSS),]
- n. Rural Village Center (RVC)[,];
- o. Sandy Spring/Ashton Rural Village (SSA)[,];
- p. Takoma Park/East Silver Spring Commercial Revitalization (TPESS)[,];
- q. Transferable Development Rights (TDR)[,];

- r. Twinbrook (TB)[,];
- s. University Boulevard (UB);
- [s]t. Upper Paint Branch (UPB) [[,]]; and
- [t]u. Upper Rock Creek (URC) [[,]]; and
- [u]v. White Flint 2-Parklawn (WF-P).

- 2. Building types, uses, density, height, and other standards and requirements may be modified by the Overlay zones under Section 4.9.2 through Section [4.9.21] 4.9.23.

* * *

Sec. 2. DIVISION 59-4.9 is amended as follows:

Division 4.9. Overlay Zones

* * *

Section 4.9.20 University Boulevard (UB) Overlay Zone

A. Purpose

The Purpose of the UB Overlay Zone is to increase the diversity and supply of housing in a compact, transit-oriented form of growth that supports Bus Rapid Transit on University Boulevard and Colesville Road, creates complete communities, and improves safety for all travelers.

B. Land Uses

- 1. The following modifications apply to properties located in the CRN Zone:
 - a. Accessory dwelling units are permitted on properties improved with Single-Unit Living.
 - b. On properties with no mapped commercial FAR, non-residential uses are allowed if they satisfy the permitted, limited, or conditional use standards for the R-60 zone under Section 3.1.6.

2. The following uses are not allowed except as protected by Section 7.7.2, Nonconforming Use:

- a. Light Vehicle Sales and Rental (Indoor);
- b. Light Vehicle Sales and Rental (Outdoor);
- c. Car Wash;
- d. Filling Station;
- e. Repair (Major);
- f. Repair (Minor);
- g. Drive-Thru;
- h. Medical / Scientific Manufacturing and Production;
- i. Self-Storage; and
- j. Storage Facility.

C. Development Standards [[in the CRN Zone]]

1. For any development application that includes 20 or more residential dwelling units, the Planning Board may only approve the application if the development provides at least 15% MPDUs under the provisions of Chapter 25A.

2. In the CRN zone, the following development standards apply:

[[1]]a. Except as modified below, any development in the CRN zone on a net site less than 15,000 square feet must use the development standards for the [[duplex]] duplex-side building type regardless of the proposed building type.

[[a]]i. [[Lot]] Site coverage is limited to 35%.

[[b]]ii. A minimum of one entrance per building is required to front a street or an open space.

[[c]]iii. Minimum open space requirements do not apply.

[[d]]iv. Screening of any exterior surface parking must meet the requirements under Section 6.2.9.B.

[[2]]b. Any development on a net site 15,000 square feet or larger shall follow the development standards for the applicable building type; except the maximum build-to-area setback for any building edge on University Boulevard is 10 feet unless modified by the Planning Board at site plan.

[[3]]c. All on-site parking must be located behind the front building line.

d. An applicant must provide at least 15% workforce housing units that satisfy Chapter 25B, with a minimum of one workforce housing unit for construction of 3 or more units. DPS may not issue a building permit until a written agreement with the Department of Housing and Community Affairs has been reached consistent with the requirements of Chapter 25B.

* * *

Section [4.9.20.] 4.9.21. Upper Paint Branch (UPB) Overlay Zone

* * *

B. Exemptions

The following are exempt from Section [4.9.20] 4.9.21:

* * *

C. Land Uses

1. Except as listed in Section [4.9.20.C.2] 4.9.21.C.2 and Section [4.9.20.C.3] 4.9.21.C.3, the land uses of the underlying zone apply. The use standards of the underlying zone apply unless the development standards in Section [4.9.20.D] 4.9.21.D are more restrictive, in which case Section [4.9.20.D] 4.9.21.D must be followed.

* * *

3. If validly existing on July 1, 1997, the uses in Section [4.9.20.C.2] 4.9.21.C.2 may be continued under the requirements in effect at the time the use was established. Any expansion requires compliance with the UPB Overlay zone.

* * *

E. Waiver

The applicable review body may grant a waiver of the development standards in Section [4.9.20.D] 4.9.21.D if it finds that:

* * *

4. Alternative water quality and control techniques are used to meet the purposes of Section [4.9.20] 4.9.21.

* * *

Section [4.9.21.] 4.9.22. Upper Rock Creek (URC) Overlay Zone

* * *

B. Exemptions

1. The following are exempt from Section [4.9.21] 4.9.22:

* * *

D. Waiver

The applicable review body may grant a waiver of the development standards in Section [4.9.21.C] 4.9.22.C if it finds that:

* * *

4. Alternative water quality and quantity control techniques are used to meet the purposes of Section [4.9.21] 4.9.22.

* * *

Section [4.9.22.] 4.9.23. White Flint 2-Parklawn (WF-P) Overlay Zone

* * *

134 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
135 date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council

June 27, 2025

To: The Honorable Kate Stewart
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Proposed Zoning Text Amendment – University Boulevard (UB) Overlay Zone

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on June 12, 2025, and by a vote of 4:0 (Commissioner Hendrick absent) recommended transmitting a new draft Zoning Text Amendment (ZTA) to the County Council for introduction. This ZTA would create a new University Boulevard (UB) Overlay Zone, implementing recommendations found in the University Boulevard Corridor Plan (UBCP), which is also being transmitted from the Board to the District Council. The overlay zone includes three main sections which include Purpose, Land Uses, and Development Standards. Land use and zoning recommendations from the UBCP are reflected across these three sections.

The purpose of the UB Overlay Zone is to increase the diversity and supply of housing in a compact, transit-oriented form of growth that supports Bus Rapid Transit on University Boulevard and Colesville Road, creates complete communities, and improves safety for all travelers. This purpose section closely aligns with the overall vision of the UBCP and is the foundation for the rest of the overlay zone.

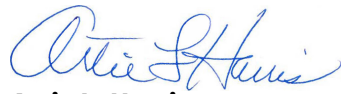
Recommendations in the land use section include both permitted and prohibited uses. The overlay zone contains provisions intended to allow sites that are used for Single-Unit Living to have similar land use provisions under the recommended CRN zone that they have in the current R-60 and R-90 zones. Specifically, on CRN properties recommended to include a commercial FAR of 0, any non-residential uses allowed in the R-60 and R-90 zones would follow the procedures and standards of the R-60 zone under the proposed overlay zone. The overlay zone also permits Accessory Dwelling Units and contains a prohibition on certain new auto-centric land uses, while recognizing the rights associated with uses under Section 7.7.2. Nonconforming Uses.

The Development Standards section of the UB Overlay Zone has standards for both small sites under 15,000 square feet and large sites over 15,000 square feet. Small sites must follow the Duplex building type standards in the CRN zone, provide at least one entrance facing the street, do not need to provide open space, and must screen parking facilities. Larger sites will follow the standards of the CRN zone, except that build-to-area setbacks are reduced to 10 feet, and parking must be located behind the front building line.

The Planning Board appreciates the Council's consideration in introducing this draft ZTA for the University Boulevard Overlay Zone, implementing recommendations of the University Boulevard Corridor Plan. Planning Staff are available to assist with any questions or concerns as this ZTA is considered for adoption.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, June 12, 2025.



Artie L. Harris
Chair

Attachment: A – Draft ZTA for UB Overlay Zone

cc: County.Council@montgomerycountymd.gov
Councilmember Will Jawando, Council Vice President
Cecily Thorne, Council President Stewart's Chief of Staff
Pamela Dunn, Senior Legislative Analyst
Sara Tenenbaum, Clerk of the Council
Jason K. Sartori, Planning Director
Carrie Sanders, Midcounty Division Chief
Zubin Adrianvala, Planner III

October 17, 2025

To: The Honorable Kate Stewart
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Zoning Text Amendment 25-12

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on October 9, 2025, and by a vote of 5:0 recommended support for ZTA 25-12 with minor amendments. This ZTA creates a new University Boulevard (UB) Overlay Zone (UBOZ), implementing recommendations found in the *University Boulevard Corridor Plan* (UBCP), which is currently being reviewed by the Planning, Housing, and Parks Committee. The overlay zone would implement recommendations from the Planning Board draft of the UBCP and includes a purpose statement, controls on land uses, and modified development standards.

The purpose of the UBOZ is to increase the diversity and supply of housing in a compact, transit-oriented form of growth that supports Bus Rapid Transit on University Boulevard and Colesville Road, creates complete communities, and improves safety for all travelers. This purpose section closely aligns with the overall vision of the UBCP and is the foundation for the rest of the overlay zone.

Recommendations in the land use section include both permitted and prohibited uses. The overlay zone contains provisions intended to allow sites that are used for Single-Unit Living to have similar land use provisions under the recommended CRN zone that they have in the current R-60 and R-90 zones. Specifically, on CRN properties, the UBOZ recommends including a commercial FAR of 0; any non-residential uses allowed in the R-60 and R-90 zones follow the procedures and standards of the R-60 zone. The overlay zone also permits Accessory Dwelling Units and contains a prohibition on certain new auto-centric land uses, while recognizing the rights uses have under Section 7.7.2. Nonconforming Uses.

The Development Standards section of the UBOZ has standards for both small sites under 15,000 square feet and large sites over 15,000 square feet. For clarity, the Board recommends revising the ZTA to specify that small sites should be limited to site rather than lot coverage maximums of 35%, and buildings must follow the Duplex-side building type standards in the CRN zone. The ZTA also requires buildings to provide at least one entrance facing the street, applications do not need to provide open space, and parking facilities should be screened.

Larger development sites greater than 15,000 square feet will follow the standards of the CRN zone, except that build-to-area setbacks are reduced to 10 feet, and parking must be located behind the front building line to create a safer pedestrian environment. To fully realize the plan's recommendations for bicycle and pedestrian safety, physical changes to the University Boulevard streetscape are imperative. The Board strongly supports any efforts to advance construction projects that widen bike and pedestrian facilities and provide the necessary buffers from traffic.

The Board also considered a climate assessment for ZTA 25-12. The assessment found the ZTA itself had little to no additional impact to greenhouse gas emissions and sequestration, community resiliency, or adaptive capacity because the impacts were considered as part of the climate assessment for the UBCP.

The Planning Board appreciates the opportunity to review ZTA 25-12 for the University Boulevard Overlay Zone, implementing recommendations of the *University Boulevard Corridor Plan*. Planning Staff are available to assist with any questions or concerns as this ZTA is considered for adoption.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, October 9, 2025.



Artie L. Harris
Chair

Attachments:

- A – Planning Report for ZTA 25-12
- B – Climate Assessment for ZTA 25-12

ZONING TEXT AMENDMENT 25-12

UNIVERSITY BOULEVARD (UB) OVERLAY ZONE

Description

This ZTA creates a new overlay zone along portions of University Boulevard, implementing some of the zoning and land use recommendations from the University Boulevard Corridor Plan.

ZTA 25-12
Completed: 10-2-2025

MCPB
Item No. 06
10-09-2025

Montgomery County
Planning Board
2425 Reedie Drive, Floor 14
Wheaton, MD 20902

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COUNCIL SPONSORS

Council President Stewart on behalf of the Planning Board

PLANNING TEAM

Design, Placemaking and Policy on behalf of East County Planning

PLANNING BOARD DATE

October 9, 2025

REVIEW BASIS

Chapter 59



Summary:

- Zoning Text Amendment (ZTA) 25-12 - University Boulevard (UB) Overlay Zone will help implement the zoning and land use recommendations of the University Boulevard Corridor Plan (UBCP).
- The recommendations addressed by the UB Overlay Zone include modified development standards in the CRN zone on sites under 15,000 square feet, allowing CRN properties to be improved with non-residential uses allowed by the R-60 Zone, and limitations on auto-centric uses.
- A District Council public hearing is scheduled for October 28, 2025.
- This ZTA will be considered alongside the UBCP at a future Planning, Housing and Parks committee meeting.

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SECTION 1: BACKGROUND

RATIONALE FOR INTRODUCTION

This Zoning Text Amendment (ZTA) 25-12 University Boulevard (UB) Overlay Zone is introduced as part of the implementation of the draft University Boulevard Corridor Plan (UBCP). This corridor plan reimagines the University Boulevard corridor from downtown Wheaton to Four-Corners as a more dense, walkable, and accessible boulevard. The Planning Board Draft UBCP was transmitted to the District Council on July 1, 2025, who had two public hearings on September 10 and September 16, 2025.

ZTA 25-12 was recommended for introduction by the Planning Board on June 12, 2025, and was introduced by Council President Stewart on behalf of the Board on September 9, 2025. The District Council will have a public hearing on the overlay zone on October 28, 2025.

The recommendations and analysis of this report are based on how the UB Overlay Zone would help implement the Planning Board's draft of the UBCP. The plan is currently being reviewed by the Council's Planning, Housing, and Parks (PHP) committee and decisions made by PHP may impact the overlay zone and this ZTA. Because the PHP has not made any final decisions at this point, Planning Staff is not recommending any additional changes to the text of the UB Overlay Zone other than one recommendation for clarity proposed in this report.

SECTION 2: UB OVERLAY ZONE

The following sections of this report describe each of the sections in ZTA 25-12, the UB Overlay Zone.

PURPOSE

The first section of the UB Overlay Zone is the purpose section, beginning on line 41 of the ZTA. The purpose section intends to provide a brief overview of why the overlay zone is created, mirroring themes from the UBCP. The purpose reads as follows:

The purpose of the UB Overlay Zone is to increase the diversity and supply of housing in a compact, transit-oriented form of growth that supports Bus Rapid Transit on University Boulevard and Colesville Road, creates complete communities, and improves safety for all travelers.

LAND USES

The land use section of the overlay zone, starting on line 46 of the ZTA, is divided into two sections. The first applies only to properties that will be zoned CRN and are intended to maintain certain

allowed land uses from the existing R-60 zone. Provisions include allowing Accessory Dwelling Units on properties improved with single-unit living, and allowing properties to develop with non-residential uses as allowed in the R-60 zone, even when the C portion of the CRN zone is mapped at 0 FAR. Examples of non-residential uses allowed in the R-60 zone as a limited or conditional use include various home-based occupations, daycare centers, and small professional services offices.

The second section within Land Uses is a list of uses prohibited within the entire UB Overlay Zone, regardless of the underlying zone. The prohibition applies to new applications; any existing instances of these prohibited uses will remain protected by Section 7.7.2. Nonconforming Uses. Most of these uses are automobile focused and are not compatible with the vision of the UBCP. Prohibited uses include:

- Light Vehicle Sales and Rental (Indoor and Outdoor)
- Car Wash
- Filling Station
- Repair (Major and Minor)
- Drive-Thru
- Medical/Scientific Manufacturing and Production
- Self-Storage
- Storage Facility

DEVELOPMENT STANDARDS

The Development Standards section of the UB Overlay Zone, starting on line 66, has three sections specific to development on CRN zoned sites. One for sites less than 15,000 square feet in size, one for sites 15,000 square feet or larger in size, and one that applies to all sites.

For sites that are less than 15,000 square feet in size, the overlay zone requires developments to follow the development standards for a duplex building type in the CRN zone, regardless of which building type is proposed. Additional requirements include limiting lot coverage to 35 percent, requiring at least one entrance of any building to face a street, waiving open space requirements, and requiring parking to be screened pursuant to the design requirements of 6.2.9.B. conditional uses in a residential zone. These standards intend to provide clarity to both developers and existing residents on what type and form of development can be expected on smaller infill sites. The combination of duplex standards and 35 percent site lot coverage provides adequate room for development projects at an FAR of around 1.0, while also ensuring setbacks between buildings and space to provide parking and stormwater.

Development sites 15,000 square feet or larger may follow the underlying zoning standards of the CRN zone for the applicable building type; however, the build-to-area would be standardized to a maximum of 10 feet. These larger sites have more opportunity for creative site design that can introduce areas with slightly higher intensity development envisioned by the UBCP without changing

the residential character of the area. To achieve the vision of the plan, however, the build-to-area needed to be reduced, ensuring that buildings are pulled closer to the street, creating a continuous street edge along University Boulevard.

Finally, all sites in the CRN zone, regardless of size, should locate parking behind the front building line. This helps meet the design goals of the UBC Plan and makes for a better pedestrian experience along the sidewalks and side paths.

REVISIONS TO DEVELOPMENT STANDARDS

Planning Staff recommends two minor revisions, the first modifying the 35% lot coverage to a 35% site coverage, and the other to clarify that the duplex building standards should be the duplex-side standards. The proposed modification to the 35% coverage standard is both for simplicity of use and to be more consistent with similar recent approvals such as ZTA 25-02. The introduced ZTA 25-12 requires a 35% lot coverage limit. Planning Staff recommend changing this to a 35% site coverage limit. In our existing zones and optional methods of development, coverage is consistently applied by lot for detached homes and duplexes, but is applied by site for townhouse and multi-family housing. When creating lots for townhouses, end unit townhomes end up on larger lots than middle units, creating unequal lot coverage values with low coverage on end unit lots, and high coverage on middle unit lots. Utilizing a site coverage rather than a lot coverage allows an averaging across all the lots that are part of the site. The result on the maximum allowable coverage is unchanged, but this change allows greater flexibility in building design and subdivision layout.

The other Planning Staff modification recommends clarifying using the duplex building type standards as duplex-side. The CRN zone has two types of duplex standards, duplex-side, and duplex-over. The most impactful difference is the duplex-side has narrower requirements for lot width and lot size, because it assumes subdivision of the land. This is more fitting with how Planning Staff envision small site developments in the CRN zone with duplex, triplex, and townhouse building types on subdivided fee-simple lots.

UBOZ AND MORE HOUSING NOW

On July 22, 2025, with Ordinance 20-20, the District Council adopted ZTA 25-02, Workforce Housing – Development Standards, as part of the broader More Housing NOW legislative package. This ZTA introduced a new Optional Method Workforce Housing (OMWH) development type in the R-40, R-60, R-90, and R-200 zones. The OMWH allows duplexes, triplexes, townhomes, and smaller apartments on certain eligible residential parcels along designated transportation corridors. Parcels fronting on University Boulevard in the R-40, R-60, R-90, and R-200 zones are considered eligible. ZTA 25-02 took a narrowly tailored countywide approach to corridor planning, and the UBCP and the UB Overlay Zone build on that vision with a local master plan that envisions additional house-scale development along

ZTA 25-12 University Boulevard (UB) Overlay Zone 5

the University Boulevard Corridor that supports Bus Rapid Transit, fosters complete communities, and enhances safety for travelers.

Both ZTA 25-02 and the UB Overlay Zone aim to allow house-scale development of small multi-unit types on existing residential parcels. However, their approaches differ: ZTA 25-02 used development standards based on current optional methods of development that allow similar building types, while the UB Overlay Zone specifically used duplex standards and proposes to rezone properties to the CRN zone. Both zones limit building heights, set neighborhood appropriate setbacks from neighboring parcels, and restrict coverage to keep new development proportional to current residential standards.

The main difference between the UB Overlay Zone and ZTA 25-02 is that the UB Overlay Zone slightly broadens the eligible area to include residential lots within blocks facing University Boulevard, rather than only specific lots directly facing the boulevard. It also does not restrict lot consolidation; instead, it applies different standards for larger projects. Another difference between ZTA 25-02 and the UB Overlay Zone is that ZTA 25-02 also includes the provision of including Workforce Housing units in new OMWH developments with 3 or more units and requires a site plan for all projects, regardless of size. By comparison, the CRN Duplex standards the UBOZ recommends would only require site plan if an application was for more than 10,000 square feet in floor area, or taller than 40 feet in height.

SECTION 3: CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each Zoning Text Amendment, Master Plan, and Master Plan Amendment, effective March 1, 2023. Each Climate Assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and on community resilience and adaptive capacity. The climate impact assessment for ZTA 25-12 is attached in Attachment B.

Because the UB Overlay Zone is an implementation element from the UBCP, which has its own climate assessment, Planning Staff anticipate minor to no impacts to greenhouse gas emissions, adaptive capacity, or community resiliency as a direct result of the overlay zone.

The climate assessment for the UBCP itself anticipates minor to moderate negative and positive impacts on the county's goals of addressing greenhouse gas emissions, and slight to moderate negative impacts on greenhouse gas sequestration. The assessment recognized that at total buildout, the plan could have up to 35% higher emissions over current zoning, largely due to increased population and the impacts that have on overall emissions. The lack of any substantial additions to open space or vegetative planting areas also influenced the negative impacts on sequestration. The new developments, however, are anticipated to be a more efficient use of land, resulting in per-capita reductions in energy use. Both positive and negative impacts were also identified for adaptive capacity and resiliency for the UBCP plan; however, the assessment found more positive than

negative impacts overall. By creating opportunities for more families to live along a major corridor, more families will experience better community connectedness and will have improved access to commercial centers, parks, institutional uses, and multi-modal transportation options.

SECTION 4: CONCLUSION

Planning Staff recommends that the Planning Board support ZTA 25-12 for the University Boulevard Overlay Zone transmitting comments in support to the District Council, with revisions to update lot coverage to site coverage for smaller development sites in the CRN zone, clarifying developments under 15,000 square feet should use the duplex-side standards of the CRN zone. This overlay zone is a major component in implementing the recommendations of the UBCP.

Approval of this overlay zone is necessary to align with the passage of the UBCP. Both must occur before the Sectional Map Amendment in order to avoid conflicts between development review criteria and the vision of the master plan.

ATTACHMENTS

Attachment A: Introduction Packet ZTA 25-12

Attachment B: Climate Assessment ZTA 25-12

Montgomery Planning

DRAFT CLIMATE ASSESSMENT FOR ZTA 25-12, OVERLAY ZONES – UNIVERSITY BOULEVARD OVERLAY ZONE

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of master plans and zoning text amendments (ZTAs) on the county's contribution to addressing climate change. These assessments will provide the County Council with a better understanding of the potential climate impacts and implications of proposed master plans and ZTAs, at the county level. The scope of the Climate Assessments is limited to addressing climate change, specifically the effect of land use recommendations in master plans and ZTAs on greenhouse gas (GHG) emissions and sequestration, and how actions proposed by master plans and ZTAs could improve the county's adaptive capacity to climate change and increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how the proposed ZTA may impact GHG emissions and community resilience.

SUMMARY

The University Boulevard (UB) Overlay Zone has been written to implement the recommendations in the University Boulevard Corridor (UBC) Plan and the Montgomery County Planning Board anticipates that the impacts of the UB Overlay Zone will mirror the impacts of the UBC Plan. The UBC Plan is anticipated to have moderate negative impacts and slight to moderate positive impacts on the County's goals of addressing greenhouse gas emissions, and slight to moderate negative impacts on carbon sequestration as reported in the Climate Assessment for the UBC Plan.

While both the UBC Plan and the UB Overlay Zone will have both positive and negative impacts on resilience and adaptive capacity, on balance, Planning Staff believes that there will be an overall positive impact on ensuring the resilience and adaptive capacity of the University Boulevard Corridor Plan community.

BACKGROUND AND PURPOSE OF ZTA 25-12

ZTA 25-12 creates an overlay zone to implement the land use recommendations in the University Boulevard Corridor (UBC) Plan. The purpose of the overlay zone is to increase the diversity and supply of housing in a compact, transit-oriented form of growth that supports Bus Rapid Transit on University

Boulevard and Colesville Road, creates complete communities, addresses climate change, and improves safety for all travelers.

VARIABLES THAT COULD AFFECT THE ASSESSMENT

The following section describes the climate-related variables that were considered in this assessment as impacted by the ZTA. Climate related variables include various greenhouse gas reductions, sequestration, resilience, and adaptive capacity activities in the climate assessment checklists (Tables 1 and 8) contained in the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*.

CLIMATE-RELATED VARIABLES

Transportation- Vehicle miles traveled, Number of trips, Non-vehicle modes of transportation, Public transportation use.

Building Embodied Emissions – Building certifications, Building square footage, Building life span, Pavement infrastructure, Material waste produced, Use of green building materials.

Energy – Electricity usage, Electricity efficiency.

Land Cover and Management – Area of forest, Area of non-forest tree canopy, Area of green cover, Implementation of nature-based solutions.

RESILIENCE-RELATED VARIABLES

Exposure-Related Factors – Activity in flood-risk areas, Activity in urban heat island, Exposure to other hazards (e.g. storms, wind).

Sensitivity-Related Factors – Change to forest cover, Change to non-forest tree canopy, Change to quality or quantity of other green areas, Change to impacts of heat, Change in perviousness, Change in stormwater management system treatments, Change to water quality or quantity, Change to air quality, Infrastructure design decisions.

ADAPTIVE CAPACITY-RELATED VARIABLES

Change to accessibility or prevalence of community and public spaces, Change to emergency response and recovery capabilities, Change in access to transportation, Change to accessibility of local food sources and other goods, Change to community connectivity, Change in distribution of resources and support.

ANTICIPATED IMPACTS

Based on guidance in *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County*, slight to moderate impacts on greenhouse gas emissions, sequestration, community resilience, and adaptive capacity are anticipated as described in more detail below.

GREENHOUSE GAS EMISSIONS, CARBON SEQUESTRATION, AND DRAWDOWN

Greenhouse Gas Emissions Quantitative Assessment Summary

Because the UB Overlay Zone is intended to implement the land use recommendations of the University Boulevard Corridor Plan, the overlay zone is not anticipated to significantly change the greenhouse gas emissions identified in the Quantitative Assessment for the UBC Plan, namely that the overlay zone will have moderate negative impacts and slight to moderate positive impacts on greenhouse gas emissions. The Quantitative Assessment for the UBC Plan estimates that total greenhouse gas emissions in the University Boulevard Corridor Plan area will be approximately 35% higher at buildout than the emissions from buildout under the existing zoning and previous master plan recommendations. This is because the University Boulevard Corridor Plan proposes to rezone corridor-fronting residential blocks to the Commercial Residential Neighborhood (CRN) zone and rezone institutional properties, such as properties used for religious assembly and single-use commercial shopping centers, to the Commercial Residential Town (CRT) zone to promote sustainable development patterns, provide housing options, and support transportation safety enhancements in the Plan area. While this is a much more efficient use of land, the increase in residential units will require additional energy for heating, cooling, and lighting, and for transportation to, from, and within the UBC Plan area. Because emissions are directly associated with energy use, more emissions will result. Larger numbers of people living within the Plan area will also generate larger amounts of material waste, and there are emissions associated with the creation, transport, and disposal of those materials.

The climate impacts specific to ZTA 25-12 result from the ability to achieve higher development densities on some sites in close proximity to University Boulevard. As long as the energy needed to supply the additional growth enabled by the Plan is generated by burning fossil fuels, the result of the additional density will be increased GHG emissions, but there is insufficient data to quantitatively assess the amount of the increase due to uncertainty regarding which sites might or might not seek to redevelop. In addition to not knowing the extent to which landowners might choose to replace existing buildings with slightly higher density buildings, quantifying the transportation emissions would require that these increases be modeled to determine the resulting VMT changes.

Greenhouse Gas Emissions, Carbon Sequestration, and Drawdown Qualitative Discussion

The recommendations of the UB Overlay Zone affect greenhouse gas emissions within the University Boulevard Corridor by creating opportunities for additional housing units and mixed-use development, as described in the previous section of this Assessment, and by creating better facilities for travel by bus, bicycle, rolling, and walking. Increases in the number of people who live, work, shop, and go to school in the UBC Plan area will lead to increases in emissions, primarily from building emissions. Increasing transportation options that allow more people to walk, bike, roll, or ride transit throughout the corridor, coupled with increased access to nearby goods and services, will help reduce greenhouse gas emissions from transportation sources.

Carbon sequestration and storage are primarily achieved through the retention and planting of forest areas, trees outside of forests, and other vegetation. Healthy soils that are part of forests, meadows, and other vegetated areas can also store significant amounts of carbon. Properties that are redeveloped under new zoning in the UBC Plan and UB Overlay Zone to increase density may end up removing tree cover to accommodate new uses. How much tree cover is removed depends on how many property owners opt to redevelop their lots and how much tree cover exists on the lots being redeveloped. A survey of the neighborhoods where new zoning is proposed shows that the tree cover on properties within the UBC Plan area varies considerably from lot to lot, with some properties completely lacking tree cover while others may contain multiple trees.

The University Boulevard (UB) Overlay Zone allows for 35% lot coverage on a net site less than 15,000 square feet, which aligns with the standards of existing single-family zoning. This provision is intended to ensure that if new development occurs on small sites, it aligns with existing neighborhood typologies but also prevents any loss of green cover or vegetation comparable to the current rate of change seen in single-family areas, where homes are either replaced or expanded.

The UB Overlay Zone introduces the opportunity for lot consolidation. This approach may enhance the potential for green spaces, as consolidated lots often involve consolidated driveways, thereby reducing impervious surfaces. In accordance with the Plan's recommendations, new development is required to incorporate public green spaces, such as planting strips along the corridor. This measure further supports the objective of increasing overall green cover.

UBC Plan recommendations designed to increase trees and shade along University Boulevard in the Plan area should increase tree cover along the sides of the road and in medians where sufficient soil exists to grow healthy trees. The Plan also includes recommendations to increase tree canopy on parks and school properties.

Adaptive Capacity Factors and Community Resilience

Adaptive Capacity Factors and Community Resilience outcomes for the UB Overlay Zone are the same as those noted in the University Boulevard Corridor Plan, as outlined below.

Adaptive Capacity Factors facilitate community connectedness and cohesiveness and improve the accessibility of critical resources, including food and monetary resources, making it easier for both the community and individuals to withstand and adapt to climate-related impacts. These overlap with factors that enhance community resilience, which is the sustained ability of a network of people to use available resources to withstand, recover from, and adapt to future climate hazards.

Changes to accessibility or prevalence of community and public spaces are anticipated to have a positive impact on adaptive capacity. The University Boulevard Plan includes several parks and schools where people can gather, interact, and form connections that will foster community cohesiveness. Plan recommendations should improve the ability of residents to access these facilities. In addition, this Plan recommends new privately owned public spaces on key properties, such as WTOP and Safeway, which may be redeveloped in the future. This would expand the number of community and public spaces serving the community.

Changes to emergency response and recovery capabilities should improve somewhat as minor improvements in street grid connectivity and additional pedestrian and bicycle connections will improve emergency access within the Plan area. Emergency vehicles have access to the dedicated bus lanes and, in the event of interference between buses, bikes, and emergency vehicles, “buses and bikes have equal rights to use the lane and will need to yield to emergency vehicles.”

As noted above, changes in access to transportation should improve through the improvement of transit corridor connections, increased bicycle and pedestrian facilities, and a finer street grid will increase both transportation options and access.

Positive change in accessibility or prevalence of local food sources and other goods is supported by Plan recommendations to support new local farming opportunities, including community gardens and creating a new farmers’ market for the Plan area. The Plan also supports efforts by the Department of Health and Human Services and other County agencies to implement neighborhood-level strategies to address food insecurity and other local sources for food production.

The Transportation System Performance Metrics anticipate that access to jobs by automobile will increase by 1% and access to jobs by transit will increase by 11% under the recommendations of the University Boulevard Corridor Plan. This should improve the availability and distribution of economic and financial resources as opportunities for employment for residents in the Plan area.

Staff anticipates that the UBC Plan will enhance and facilitate community connectivity through the provision of attractive new public spaces and programming that will bring people together, promoting civic engagement and the formation of support networks within the community.

This Plan recommends additional child daycare and senior services as new development occurs in the area. This should improve the distribution of resources and support in the community. Additionally, improvements in the transportation infrastructure, including improved non-auto and transit options, should improve access to community facilities both within and near the Plan area.

RELATIONSHIP TO GREENHOUSE GAS REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

The CAP details the effects of a changing climate on Montgomery County and includes interagency strategies to reduce greenhouse gas emissions and climate-related risks to the county's residents, businesses, and the built and natural environment.

The CAP includes 86 climate actions as a pathway to meet the county's ambitious climate goals while building a healthy, equitable, and resilient community. Each county department has responsibilities for specific climate actions that are relevant to the work of that department. The following section provides a list of the CAP action items relevant to Montgomery Planning and addressed within the University Boulevard Plan. While it is not possible to know the rate of implementation, development, funding, or other implications, each action item was rated high, medium, or low for its potential to reduce GHG gases or sequester carbon.

Clean Energy Actions

- E-3: Promote Private Solar Photovoltaic Systems. Medium. The Plan promotes the use of on-site alternative energy systems for all development, private and public.
- E-4: Public Facility Solar Photovoltaic Installations and Groundwork. Medium. The Plan promotes the use of on-site alternative energy systems for all development, private and public.

Building Actions

- B-7: Net Zero Energy Building Code for New Construction. Medium. The Plan supports achieving Net Zero energy emissions.

Transportation Actions

- T-1: Expand Public Transit. High. There are recommendations for increasing access, stations, stops, and frequency of public transit.
- T-2: Expand Active Transportation and Micro-mobility Network. High. There are recommendations to construct bicycle lanes, improve sidewalks, and increase access, stations, and frequency of public transit.
- T-8: Transportation Demand Management. High. There are many recommendations intended to influence people's transportation choices and reduce use of single occupancy vehicles.

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Carbon Sequestration Actions

- S-1: Retain and Increase Forests. High (for forest retention), Low (for increase in forest). Retention and expansion of forest and is recommended.
- S-2: Retain and Increase Tree Canopy. Medium. Recommendations include increasing tree canopy cover on open space, within the right-of-way, and on new development.

Climate Adaptation Actions.

- A-18: Expanded Community Gardens. High. Recommendations support community garden expansion.
- A-7: Green Public Spaces. High. All development, public space, and the right-of-way should include native tree and vegetative plantings.
- A-10: Green Infrastructure. High. Green infrastructure is essentially the same as Nature-Based Design Solutions and the terms are used interchangeably. It is recommended for new development and road retrofits.
- A-15: Water Supply Protection. High. The Plan makes recommendations to protect watersheds that contribute to the County's water supply.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires the Planning Board to offer appropriate recommendations, such as amendments to the proposed UB Overlay Zone or other mitigating measures, that could help counter any identified negative impacts through this Climate Assessment. Potential amendments will be identified during the Planning Board discussion of the UB Overlay Zone.

SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES

The climate assessment for the University Boulevard Overlay Zone was prepared using the methodology for master plans contained within the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County, December 1, 2022*.

Racial Equity and Social Justice (RESJ) Impact Statement

Office of Legislative Oversight

ZTA 25-12: Overlay Zones – University Boulevard (UB) Overlay Zone

SUMMARY

The Office of Legislative Oversight (OLO) anticipates ZTA 25-12 could have a negative impact on racial equity and social justice (RESJ) in the County. Given the high rates of homeownership of Black and Latinx community members in the University Boulevard Corridor (UBC) Plan area, the proposed rezoning that is inherent to ZTA 25-12 could disproportionately displace existing Black and Latinx homeowners for the development of market-rate housing units that primarily benefits White, Asian, and Pacific Islander community members. OLO offers two policy options for Council consideration.

PURPOSE OF RESJ STATEMENTS

RESJ impact statements (RESJIS) for zoning text amendments (ZTAs) evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other People of Color (BIPOC) and communities with low incomes. RESJ is also a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF ZTA 25-12

The purpose of ZTA 25-12 is to implement recommendations from the UBC Plan. The UBC Plan covers 3.5 miles of University Boulevard (MD 193) East and West between the Capital Beltway (I-495) and Amherst Avenue (Figure 1). According to Montgomery Planning, the goals of the Plan are to:³

- Develop a multimodal corridor that supports safe, accessible, and healthy travel options and connects vibrant communities supported by bus rapid transit (BRT); and
- Envision a new range of residential housing types for existing detached residential properties and new infill development on larger institutional and commercial properties.

To achieve these goals, the Plan includes recommendations on urban design, land use and zoning, housing, transportation, and other areas.⁴ Of note, the UBC Plan is the first corridor plan that follows guidance from Thrive Montgomery 2050.⁵ The Montgomery County Planning Board approved the UBC Plan in June 2025. The Plan is currently under review by the County Council.⁶

If enacted, ZTA 25-12 will create a new University Boulevard (UB) Overlay Zone that would:⁷

- Allow accessory dwelling units (ADUs) in [commercial residential neighborhood \(CRN\) zones](#);
- Allow non-residential uses on properties with no commercial [floor area ratio \(FAR\)](#) in CRN zones if they conform with use standards for R-60 zones;⁸
- Prohibit certain land uses that are auto-centric, such as car washes and drive-thrus; and

Office of Legislative Oversight

October 22, 2025

RESJ Impact Statement

Zoning Text Amendment 25-12

- Establish development standards for properties in CRN zones that are less than 15,000 square feet and 15,000 square feet or larger.

The Council introduced ZTA 25-12 on September 9, 2025.

Figure 1. University Boulevard Corridor Plan Area



Source: [University Boulevard Corridor Plan, Planning Board Draft Summer 2025, Montgomery Planning, pg. 15](#)

UNIVERSITY BOULEVARD CORRIDOR AND RACIAL EQUITY

The history of BIPOC in the UBC is rooted in the greater history of the County. Indigenous people, including the Piscataway and the Susquehannock, settled in Montgomery County over 12,000 years ago.⁹ Starting in the 17th century, violence and forced removal by European colonists dispossessed Indigenous people of their native lands and nearly eliminated their population in the County.¹⁰ The population of enslaved Africans began to grow in the 17th century as colonists exploited their unpaid, forced labor to power the County's tobacco-based plantation economy.¹¹ In the UBC Plan area, several White plantation owners built their fortunes on the forced labor of Black people.¹² By the mid-19th century, over 5,000 of the County's 18,000 residents were Black people who were enslaved.¹³

Post-Emancipation, African Americans established a community within the UBC Plan area. Several Black families – including the Gaithers, Walkers, Gasaways, and Powells – acquired property in Wheaton, building homes, establishing a community church and cemetery, and starting an elementary school for Black children.¹⁴ Civil rights leaders Elsie and Romeo Horad were also among the community members who called Wheaton home.¹⁵ By the mid-20th century, the Black community in Wheaton numbered 147 people. Over time, much of Wheaton's historically Black community was displaced as it was subject to racially inequitable policies. Nonetheless, cultural landmarks like the Horad family house still stand today as a symbol of the important legacy of African Americans in Wheaton.¹⁶

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Today, the UBC Plan area is a racially and ethnically diverse community of nearly 10,000 community members.¹⁷ As noted in Table A (Appendix), compared to the County, Black and Latinx community members are overrepresented in the Plan area. Conversely, White and Asian community members are underrepresented in the Plan area, while Native American and Pacific Islander community members are proportionately represented.

The UBC Plan area is primarily a single-family home community where most community members are homeowners. Seventy-three percent of housing units in the UBC Plan area are owner-occupied while 27 percent are renter-occupied. Table B (Appendix) shows homeownership and rental rates in the UBC Plan area by race and ethnicity. Asian, White, and Latinx community members in the Plan area are more likely to be homeowners. Conversely, Black community members are more likely to be renters. Notably, while Black community members are less likely to own homes in the Plan area, their rates of homeownership in the Plan area are much higher than in the County overall.

The UBC Plan notes the “Plan area is characterized by its general affordability compared with the County as a whole in sales prices, rents, and the large amount of housing stock that is income-restricted.” In terms of rental housing, 350 of the 1,300 multifamily rental units in the UBC Plan area are income-restricted. Because of their older age, many multifamily units in the area that are not income-restricted are affordable at market rate. Nearly 2,000 homes in the Plan area are single-family attached or detached homes.¹⁸ Of note, tear down projects that replace older, more affordable single-family homes with newer, more expensive ones are not common in the Plan area.¹⁹

Montgomery Planning’s analysis of community feedback on the UBC Plan – which was compiled from door-to-door canvassing, community meetings, mailers and other engagement methods – revealed that, on housing, community members in the Plan area were most concerned about housing affordability and availability, housing quality and maintenance, and housing diversity.²⁰ According to Montgomery Planning, this feedback informed recommendations in the UBC Plan for zoning changes that would allow for diverse housing types.²¹

ANTICIPATED RESJ IMPACTS

The UB Overlay Zone proposed in ZTA 25-12 primarily depends on one recommended policy change in the UBC Plan: changing the underlying zoning of residential blocks that front University Boulevard from R-60 and R-90 zones to CRN zones (Figures A and B, Appendix). R-60 and R-90 zones only allow single-family housing by-right.²² Conversely, CRN zones allow single- and multi-family housing by-right.²³

Figure 2 shows current conditions in the UBC Plan area and how these conditions would change through the proposed rezoning and with and without the overlay in ZTA 25-12. The figure shows the main changes in conditions with ZTA 25-12 are:

- Allowing multi-family housing by-right in the proposed rezoning area; and
- Prohibiting certain auto-centric land uses throughout the UBC Plan area.

RESJ Impact Statement

Zoning Text Amendment 25-12

Figure 2. Changes to Conditions in UBC Plan area with Proposed Rezoning and with and without Overlay

Policy Change in ZTA 25-12 (Overlay)	Current Condition	Condition with Proposed Rezoning without Overlay	Condition with Proposed Rezoning with Overlay
Allow ADUs and certain non-residential uses in CRN zones	R-60 and R-90 zones that only allow single-family housing by-right. ADUs and certain non-residential uses are allowed.	CRN zone that allows multi-family housing by-right. ADUs and certain non-residential uses are not allowed.	<i>CRN zone that allows multi-family housing by-right.</i> ADUs and certain non-residential uses are allowed.
Prohibit certain land uses that are auto-centric throughout UBC Plan area	Auto-centric land uses are allowed throughout UBC Plan area.	Auto-centric land uses are allowed throughout UBC Plan area.	Certain auto-centric land uses <i>are not</i> allowed throughout UBC Plan area.
Establish development standards for CRN zones	R-60 and R-90 zones that only allow single-family housing by-right.	CRN zone that allows multi-family housing by-right.	<i>CRN zone that allows multi-family housing by right</i> with restrictions on smaller lots.

To consider the anticipated impact of ZTA 25-12 on RESJ in the County, OLO recommends the consideration of two related questions:

- Who would primarily benefit or be burdened by this ZTA?
- What racial and social inequities could passage of this ZTA weaken or strengthen?

OLO considered these questions for the main changes in conditions with ZTA 25-12:

- **Allowing multi-family housing by-right in the proposed rezoning area.** Allowing multi-family housing in the proposed rezoning area could advance RESJ by eliminating an exclusionary zoning practice. Historically, single-family zoning has been used to maintain racially and economically segregated neighborhoods. As noted in the RESJ Policy Handbook, exclusionary zoning policies “increase the cost of housing and make them unaffordable to many BIPOC residents.”²⁴ Eliminating exclusionary zoning is recognized as a best practice for advancing RESJ in housing.²⁵

Conversely, allowing multi-family housing in the proposed rezoning area could also adversely impact RESJ by encouraging the development of market-rate multi-family housing that could disproportionately displace existing Black and Latinx homeowners. A market analysis for the UBC Plan found that in the short- to mid-term, redevelopment in the rezoning area would most likely result in duplexes and stacked/piggyback townhouses.²⁶ Thus, new multi-family housing development in the rezoning area would likely consist of smaller scale market-rate developments that do not require moderately-priced dwelling units (MPDUs).²⁷ Allowing the development of market-rate multi-family housing could increase the value of properties in the UBC Plan area by making the area a more attractive investment for developers. Increased property taxes and rents from increasing property values could cause displacement by making housing in the area less affordable for existing community members.²⁸

Given existing racial disparities in income, White, Asian, and Pacific Islander community members are more likely able to afford new market-rate housing in the UBC Plan area than Black, Native American, and Latinx community members (Table C, Appendix). In the short-term, existing single-family homeowners in the proposed rezoning area are most susceptible to displacement from increasing property values. Existing Black and Latinx

RESJ Impact Statement

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homeowners in the UBC Plan area have the highest risk of displacement given lower income levels and higher rates of housing-cost burden (Tables D and E, Appendix). Relative to the County, Black and Latinx community members have high rates of homeownership in the Plan area (Table B, Appendix).

- **Prohibiting certain auto-centric land uses throughout the UBC Plan area.** This policy change would prevent new auto-centric businesses from being developed in the area. However, existing auto-centric businesses could continue operating provided they do not become inactive for more than 6 months.²⁹ Thus, to the extent existing auto-centric businesses in the UBC Plan area are BIPOC-owned, they will not be affected by this change.

Taken together, OLO anticipates ZTA 25-12 could have a negative impact on RESJ in the County. Given the high rates of homeownership of Black and Latinx community members in the UBC Plan area, the proposed rezoning that is inherent to ZTA 25-12 could disproportionately displace existing Black and Latinx homeowners for the development of market-rate housing units that primarily benefit White, Asian, and Pacific Islander community members.

RECOMMENDED AMENDMENTS

Bill 44-20 amending the County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to zoning text amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.³⁰ OLO anticipates ZTA 25-12 will have a negative impact on RESJ in the County. Should the Council seek to improve the RESJ impact of this Bill, OLO offers two policy options for Council consideration:

- **Engage with Black and Latinx homeowners in UBC Plan area to amend ZTA 25-12.** Developing any policy or program that advances RESJ requires community engagement that centers the needs and priorities of BIPOC community members.³¹ Because they are at highest risk of displacement from the proposed rezoning that ZTA 25-12 is implementing, the Council could prioritize engagement with Black and Latinx homeowners to identify and adopt amendments to ZTA 25-12 that help mitigate negative RESJ impacts and advance RESJ.
- **Adopt policies to prevent displacement of Black and Latinx homeowners in Plan area.** As noted by Local Housing Solutions, "[a]nti-displacement strategies can protect homeowners by reducing the impact of increased property taxes, thereby giving them greater choice over whether to stay in their homes or sell and leave." Anti-displacement strategies that can help protect existing homeowners include property tax relief programs, financial and legal assistance programs that help avoid foreclosure, and home repair and modification loans.³²

CAVEATS

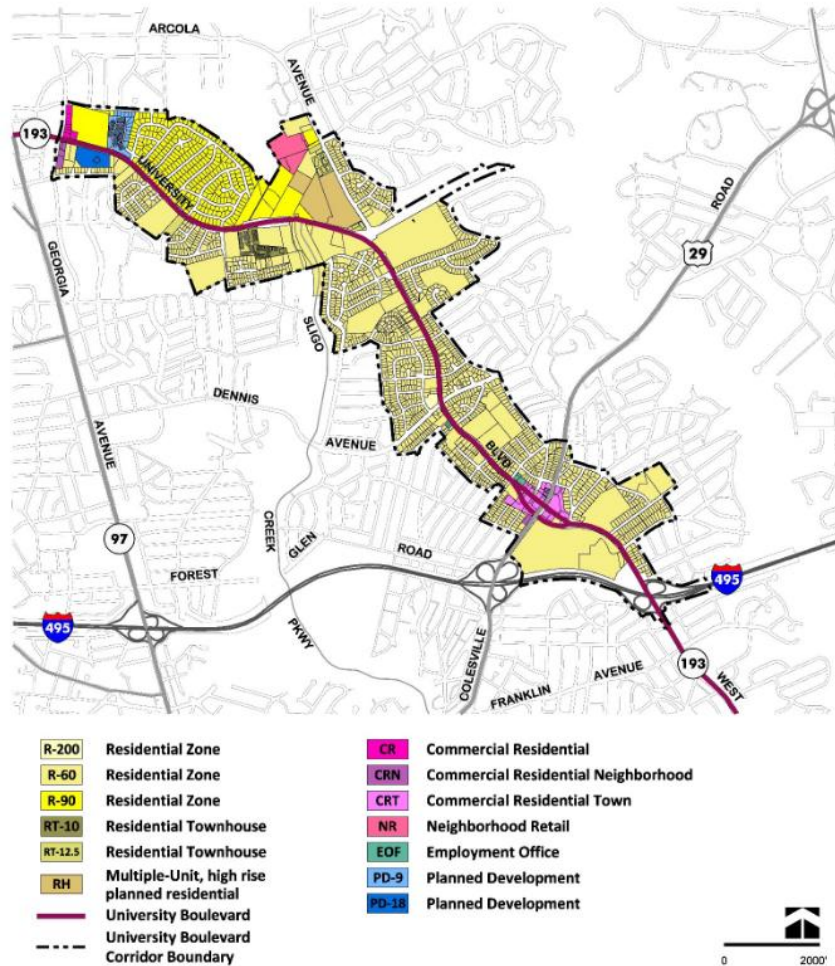
Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.

RESJ Impact Statement

Zoning Text Amendment 25-12

APPENDIX

Figure A. Existing Zoning for the University Boulevard Corridor

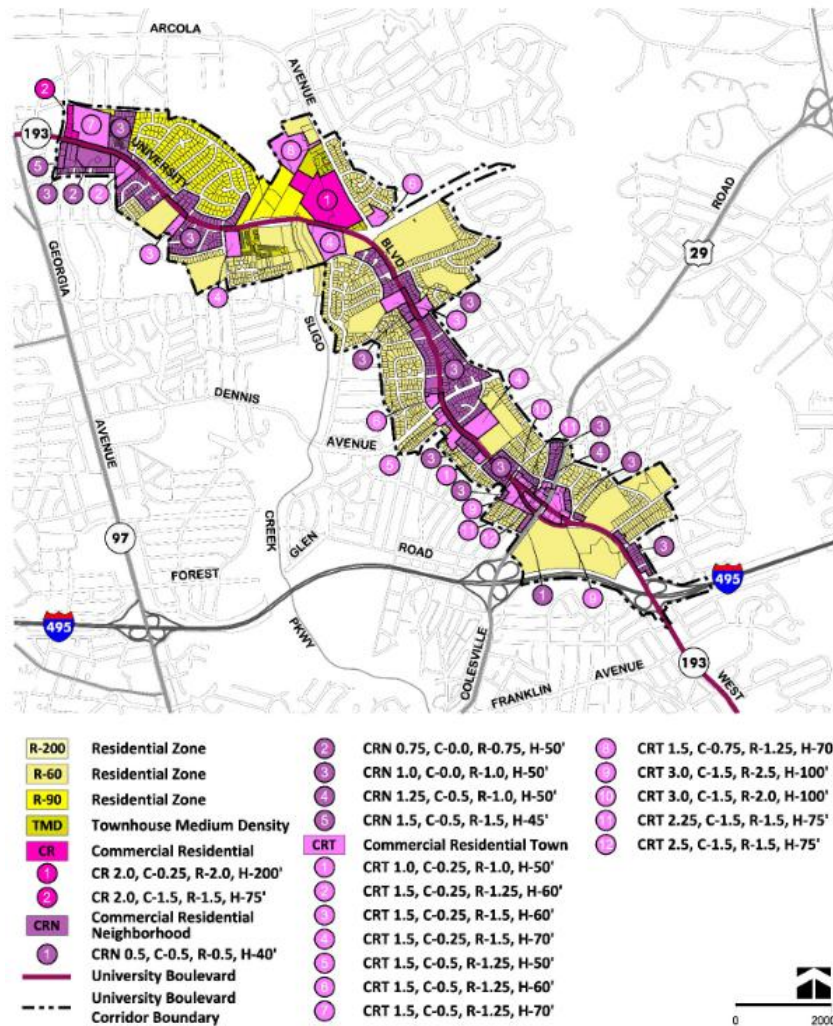


Source: [University Boulevard Corridor Plan, Planning Board Draft Summer 2025, Montgomery Planning, pg. 27.](#)

RESJ Impact Statement

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Figure B. Proposed Zoning for the University Boulevard Corridor



Source: [University Boulevard Corridor Plan, Planning Board Draft Summer 2025, Montgomery Planning, pg. 28.](#)

Table A. Percent of Community Members in UBC Plan Area by Race and Ethnicity

Race or ethnicity ³³	UBC Plan Area Population (2022)	County Population (2023)
Asian	10.0	15.1
Black	24.0	18.3
Native American	0.0	0.1
Pacific Islander	0.0	0.0
White	33.0	40.4
Latinx	27.0	20.6

Source: ["University Boulevard Corridor Plan: Appendices," Draft Appendix C pg. 1](#) and [Table DP05](#), 2023 American Community Survey 5-Year Estimates, Census Bureau.

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Table B. Homeownership and Rental Rates in UBC Plan Area by Race and Ethnicity

Race or ethnicity ³⁴	UBC Plan Area Homeownership Rate	UBC Plan Area Rental Rate	County Homeownership Rate	County Rental Rate
Asian	88.3	11.7	75.1	24.9
Black	68.3	31.7	43.9	56.1
White	84.9	15.1	74.4	25.6
Latinx	77.3	22.7	48.8	51.2
Plan area-wide/Countywide	73.0	27.0	64.4	35.6

Source: Montgomery Planning staff analysis and [Table S0201](#), 2023 American Community Survey 5-Year Estimates, Census Bureau.

Table C. Median Household Income by Race and Ethnicity, Montgomery County

Race or ethnicity	Median Income
Asian	\$144,493
Black	\$89,362
Native American	\$105,952
Pacific Islander	\$142,589
White	\$159,895
Latinx	\$94,619
County	\$128,733

Source: [Table S1903](#), 2023 American Community Survey 5-Year Estimates, Census Bureau.

Table D. Average Household Income in UBC Plan Area by Race and Ethnicity

Race or ethnicity	Average Income
Asian	\$171,679
Black	\$117,864
White	\$175,450
Latinx	\$146,097

Source: Montgomery Planning staff analysis of 2023 American Community Survey 5-Year Estimates, Census Bureau.

Table E. Cost-Burden Rates of Owner-Occupied Households in UBC Plan Area by Race and Ethnicity

Race or ethnicity	Cost-Burden Rate
Asian	10.0
Black	32.4
White	15.4
Latinx	34.5
Plan area-wide	21.5

Source: Montgomery Planning staff analysis of 2023 American Community Survey 5-Year Estimates, Census Bureau.

¹ Definition of racial equity and social justice adopted from [Marlysa Gamblin et.al., "Applying a Racial Equity Lens into Federal Nutrition Programs," Bread for the World](#) and from [Racial Equity Tools](#).

² Ibid.

³ ["University Boulevard Corridor Plan: Planning Board Draft Summer 2025," Montgomery Planning, June 2025, pg. 1.](#)

⁴ Ibid, pgs. 7-10.

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⁵ [“Corridor Planning,” Montgomery Planning.](#)

⁶ [Introduction Staff Report for ZTA 25-12, Montgomery County Council, Introduced September 9, 2025.](#)

⁷ Ibid.

⁸ Typically, properties with no commercial FAR in CRN zones are not allowed to have non-residential uses. Examples of non-residential uses the overlay would allow if they meet given use standards for the R-60 zone include independent living and residential care facilities, charitable and philanthropic institutions, and day care facilities. See Use Table [Montgomery County Zoning Ordinance § 59-3.1.6.](#)

⁹ [“University Boulevard Corridor Plan: Appendices,” Montgomery Planning, Draft Appendix D pg. 1.](#)

¹⁰ [Elaine Bonner-Tompkins, Janmarie Peña, and Elsabett Tesfaye, OLO Report 2024-11, RESJ Policy Handbook: Land Use, Housing, and Economic Development, Office of Legislative Oversight, June 18, 2024, pg. 17.](#)

¹¹ Ibid.

¹² [“University Boulevard Corridor Plan: Appendices,” Draft Appendix D pg. 1.](#)

¹³ [“Background – Slavery in Montgomery County,” Montgomery History, pg. 1.](#)

¹⁴ [“University Boulevard Corridor Plan: Appendices,” Draft Appendix D pg. 6.](#)

¹⁵ [Serena Bolliger, “Spotlight on Wheaton’s Black History,” The Third Place Blog, Montgomery Planning, January 31, 2025.](#)

¹⁶ [“University Boulevard Corridor Plan: Appendices,” Draft Appendix D pg. 6.](#)

¹⁷ [“University Boulevard Corridor Plan: Planning Board Draft Summer 2025,” pg. 16.](#)

¹⁸ [“University Boulevard Corridor Plan: Planning Board Draft Summer 2025,” pg. 77.](#)

¹⁹ According to Montgomery Planning staff, in the last 25 years, there have only been six demolitions of single-family properties in the Plan area. Two were demolished with no further action taken, one was demolished and issued a rebuild permit but was not constructed, and three were demolished and rebuilt.

²⁰ [“University Boulevard Corridor Plan: Appendices,” Draft Appendix B pg. 19.](#)

²¹ Ibid., pg. 22.

²² By-right development, or the standard method of development, is development that is permitted without approval from the Montgomery County Planning Board. See ‘standard method of development’ definition in [“Incentive Zoning Update,” Montgomery Planning.](#)

²³ See Use Table Montgomery County Zoning Ordinance § 59-3.1.6.

²⁴ Bonner-Tompkins, Peña, and Tesfaye, pg. 18. See also pgs. 24-25 for present day RESJ context of exclusionary zoning.

²⁵ Ibid., pg. 46.

²⁶ [“Draft Appendix H: Financial Feasibility Assessment,” Montgomery Planning.](#)

²⁷ MPDUs are required for any new development in the County with 20 or more units. See [“MPDU Developers,” Department of Housing and Community Affairs.](#)

²⁸ [“Policy strategies for preventing displacement,” Habitat for Humanity.](#)

²⁹ See [Nonconforming Use, Montgomery County Code § 59-7.7.2.](#)

³⁰ [Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County Council.](#)

³¹ [Janmarie Peña and Chitra Kalyandurg, OLO Report 2024-8: Community Engagement for Racial Equity and Social Justice, Office of Legislative Oversight, March 12, 2024.](#)

³² [Steps for homeowner protection, “Developing an anti-displacement strategy,” Local Housing Solutions.](#)

³³ For Table A, race is not inclusive of Latinx origin.

³⁴ For Tables B, C, D, and E race is inclusive of Latinx origin. Estimates for Native American and Pacific Islander community members are not available for some data points.

**November 12, 2025**

TO: Montgomery County Council Planning, Housing, and Parks Committee
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

FROM: Montgomery County Planning Department
Zubin Adrianvala, Lead Planner, East County Planning
Ben Berbert, Planner III, Design, Placemaking and Policy Division
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Lisa Govoni, Supervisor, Design, Placemaking and Policy Division
Carrie Sanders, Division Chief, East County Planning
Robert Kronenberg, Deputy Planning Director
Jason K. Sartori, Planning Director

SUBJECT: Additional Information and Recommended Revisions from PHP Work Session #4

MEMORANDUM

This memorandum responds to the Planning, Housing, and Parks (PHP) Committee's request to provide more clarity on several items including: 1) the Racial Equity and Social Justice (RESJ) Impact Statement released by the Office of Legislative Oversight (OLO) on Zoning Text Amendment (ZTA) 25-12: The University Boulevard (UB) Overlay Zone; 2) percent of renter households living in homes on properties recommended for rezoning; 3) the relationship between zoning and property tax assessment; 4) recommended language to monitor progress of advancing RESJ; 5) potential housing yields associated with zoning recommendations; 6) recommended language to acknowledge the need for a new 4th District Police Station collocated with Park Police; and 7) assessment of traffic safety and complete streets guidance for reallocating sidepath space for people walking, bicycling and rolling to sidewalk street buffer space on Eastbound University Boulevard.

Racial Equity and Social Justice (RESJ) Impact Statement

It's important to clarify that ZTA 25-12 does not rezone any properties within the Plan area. Rezoning can only occur through County Council action via a Sectional Map Amendment or Local Map Amendment. Instead, the proposed ZTA is intended to support the implementation of the zoning and land use recommendations outlined in the University Boulevard Corridor Plan through an Overlay

Zone. In essence, the OLO RESJ Impact Statement is evaluating aspects of the plan that fall outside the scope of what the ZTA directly addresses.

Montgomery Planning integrates equity and inclusion throughout every phase of the master planning process. From budgeting and community engagement to shaping a shared vision and finalizing recommendations, staff approach each step with intention and inclusivity. This commitment is reflected in our use of the [Equity Agenda for Planning](#), the [Equitable Engagement Guide](#), the [Government Alliance for Racial Equity \(GARE\) equity tool](#), and the detailed review provided by our Equity Peer Review Group.

Equity is not an afterthought; it is a foundational outcome considered across all elements of the plan, including environmental impacts, historic preservation, housing, and zoning. To suggest otherwise, without offering constructive alternatives or acknowledging the depth of this work, misrepresents both the process and the recommendations. Our approach is deliberate, transparent, and continually evolving to meet the needs of Montgomery County's diverse communities.

As noted in the OLO report itself, "predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors." The impact on RESJ due to the University Boulevard Corridor Plan (UBC Plan) and corresponding UB Overlay Zone is additionally challenging to analyze, given that implementation of the zoning recommendations is anticipated to be incremental over the next two decades and based on property owners' interest and initiative in pursuing infill development or redevelopment.

To facilitate a more comprehensive discussion regarding the potential RESJ impacts of the proposed ZTA, Planning staff therefore encourage the County Council to also consider several additional factors of the UB Overlay Zone, which are discussed in greater detail in this section of the memorandum.

[Eliminating Exclusionary Zoning is a RESJ Best Practice](#)

As noted in the RESJ statement, eliminating exclusionary zoning is widely considered a best practice due to its negative effects on housing supply, economic growth, and racial equity.

Exclusionary zoning increases housing costs, limits economic mobility, and exacerbates racial segregation and wealth disparities.

"Allowing multi-family housing in the proposed rezoning area could advance RESJ by eliminating an exclusionary zoning practice. Historically, single-family zoning has been used to maintain racially and economically segregated neighborhoods. As noted in the RESJ Policy Handbook, exclusionary zoning policies "increase the cost of housing and make them unaffordable to many BIPOC residents."

Eliminating exclusionary zoning is recognized as a best practice for advancing RESJ in housing." – OLO RESJ Statement on ZTA 25-12

The companion UBC Plan presents a vision for equity and inclusive growth, as discussed in greater detail in the [Racial Equity and Social Justice chapter of the Draft Plan](#). To help realize this vision, the UBC Plan and UB Overlay Zone encourage the introduction of new housing typologies within the Plan area, especially along blocks facing the University Boulevard Corridor and near BRT stations. These strategic rezonings from single-family only zoning to zones that promote housing diversity aim to

address decades of inequities, foster more equitable, mixed-income neighborhoods, and remove barriers created by exclusively single-family zoning, ensuring more housing choices for the community.

Benefits of New Housing Development

The purpose of the UB Overlay Zone is to increase the diversity and supply of housing in a compact, transit-oriented form of growth that supports Bus Rapid Transit on University Boulevard and Colesville Road, creates complete communities, and improves safety for all travelers.

The proposed zoning changes seek to achieve, over time, the type of community where every resident has access to a wider variety of housing that they can afford and enjoy a high quality of life with convenient access to safe and reliable transportation options, retail, restaurants, services, outdoor recreation, gathering space, and other public amenities that comprise great places.

The RESJ impact of the UB Overlay Zone should be considered in the context of the entirety of the housing recommendations in the University Boulevard Corridor Plan. The UBC Plan is designed to increase the availability of both affordable and market-rate housing, recognizing that a healthy housing ecosystem relies on a diverse supply of housing types. The introduction of new supply, paired with initiatives such as an increased requirement for Moderately Priced Dwelling Units in the Plan area—Montgomery County’s inclusionary zoning mechanism—serves as an effective means to mitigate displacement.

The Plan area has seen limited development in the past decades; specifically, less than one percent of the county’s development has occurred in the Plan area since 2000. As documented in a recent analysis by the Pew Charitable Trusts, without new housing development, shortages are intensified, upward pressure on rents and home prices is exacerbated, and displacement becomes more likely.¹

Short Term vs. Long Term Impacts

We know from research and data from other jurisdictions that the most likely scenario for new housing typologies like duplexes and triplexes to be built in single-family zones is when an existing single-family home is torn down and replaced. In the short term, the likelihood of single-family home redevelopment in the UBC Plan area is limited; since 2000, fewer than five demolition permits for teardown rebuilds of single-family detached homes have been issued within the UBC Plan boundary.

While short-term impacts are limited, in the long term, the county is seeing the teardown replacement home market expand across the county. What was once an isolated phenomenon in the western part of the county is migrating to the eastern parts of the county. In that context, **RESJ considerations should also acknowledge the existing status quo: across the county, property owners can already tear down a single-family home and replace it with a larger, more expensive home. By contrast, the UB Overlay and UBC Plan allow for the construction of more diverse housing types beyond single-family detached homes, which are expected to be sold at lower prices than newly built detached units.**

¹ Rodnyansky, Seva, et al. “New Housing Slows Rent Growth Most for Older, More Affordable Units.” The Pew Charitable Trusts, July 31, 2025, [New Housing Slows Rent Growth Most for Older, More Affordable Units | The Pew Charitable Trusts](#).

According to BrightMLS, in the second quarter of 2025, the average price of an attached unit was \$463,444 in Montgomery County, while the average price of a detached unit was \$1,092,698. At less than 50 percent of the cost of a detached home, the homes that could be built under the ZTA would be accessible to many more low-income and Black or Hispanic residents.

Gentrification and Displacement

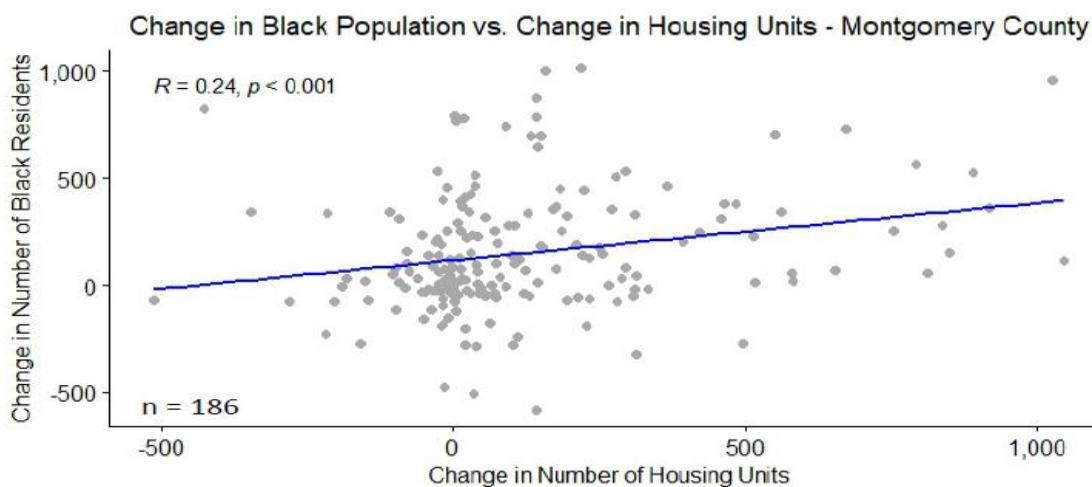
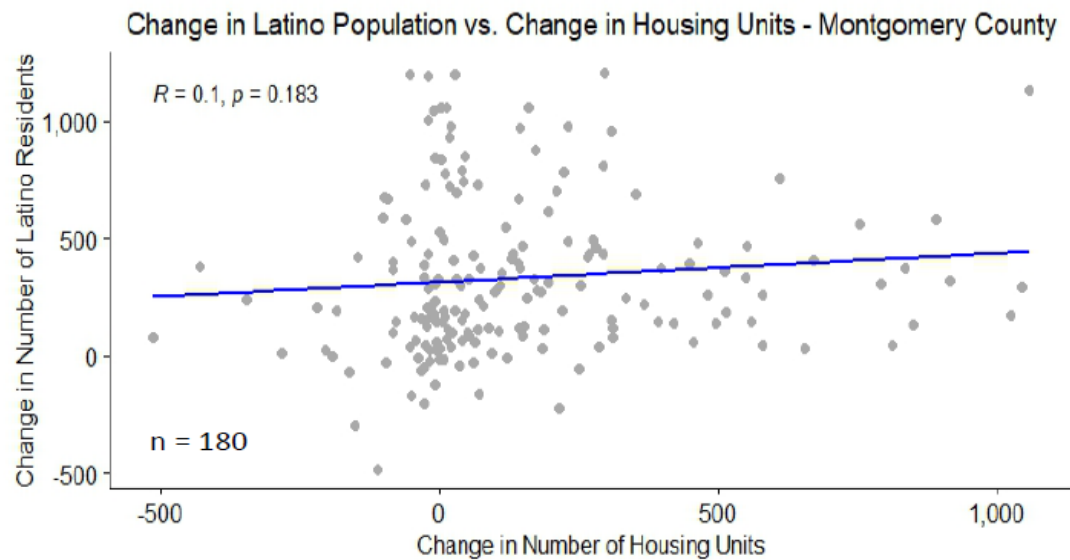
Regarding the main concern of the RESJ statement, the displacement of Black and Hispanic/Latino homeowners along the corridor, we refer to our own study published in 2022 called [Neighborhood Change in the Washington, DC Area](#). The main findings of the study were that while displacement of low-income people has occurred in the central part of the Washington, DC region, mainly within the city itself, poverty concentration was a larger problem for low-income and minority populations in Montgomery County than displacement. As of 2019, larger percentages of Black and Latino residents in Montgomery County lived in tracts experiencing poverty concentration (12% of Black residents and 13% of Latino residents) than tracts experiencing displacement (4% of Black residents and 6% of Latino residents).

Additionally, poverty concentration and displacement were both associated with a *lack of new housing* rather than housing growth. From 2000 to 2019, tracts that experienced poverty concentration or displacement added the least new housing on average. In contrast, those that added the most housing saw *inclusive growth*, or the addition of new high- and low-income residents.

Another issue with generalizing the relationship between race/ethnicity and displacement is that the *Hispanic/Latino population has increased in tracts experiencing displacement* in Montgomery County. The Hispanic/Latino community of Montgomery County still faces economic hardships, but as the fastest growing group in the county, this highly diverse community has grown in neighborhoods with varied demographic trends.

Resale of single-family detached homes can drive gentrification and displacement without adding housing. A conversion to a duplex, triplex, or any multi-unit development, on the other hand, can not only ease rent pressure but also prevent long-term displacement. Outreach in the community highlighted concerns about housing affordability, persistent rent increases, poor maintenance, unresolved repairs, and security issues—all symptoms of a constrained supply and absence of meaningful choices at all price points.

Finally, **the general assertion that new housing causes displacement is not supported by the data. In fact, new housing is statistically correlated with growth in Black and Hispanic/Latino residents in census tracts across Montgomery County, as the charts below show.**



Corridor plans such as the University Boulevard Corridor Plan are designed to encourage investment and promote inclusive growth by making new housing available to residents of all income ranges. As the Neighborhood Change study suggests, expanding housing opportunities can accommodate new demand generated by investment. The only other options are increasing poverty concentration due to ongoing disinvestment or displacement due to new and existing residents competing for increasingly scarce and expensive housing.

Homeowners and Displacement

The main threat of displacement for homeowners is due to rising property values, triggering rising assessments and increased property tax bills. As opposed to sudden unexpected rent increases, the slower assessment and taxation cycle builds a cushion into property tax increases. Homeowners have time to anticipate rising tax bills as nearby comparable sales accumulate and the three-year cycle of property tax assessments in Maryland proceeds. Property taxes are also payable over the course of a

year, leaving homeowners with more payment flexibility than renters, who are often on monthly payment schedules. This is not to minimize the hardship that could be caused by rising property taxes – the prospect of losing housing is unsettling regardless of the cause or timeframe.

However, and most importantly, homeowners have the option of selling their property. Although rising property values result in higher property taxes, the increase is commensurate with the higher price at which they can now sell their house. A forced sale is not ideal, but it leaves a homeowner with proceeds from the sale that they may use to find alternative housing.

Costs vs. Benefits of Rising Property Values and Land Use Flexibility

As noted above, while increases in surrounding property values increase taxes, they also provide homeowners with home equity windfalls. For this reason, an analysis of ZTA 25-12 that only considers potential costs is incomplete, because the benefits of rising property values to homeowners can outweigh the costs. For example, a ten percent increase in a house assessed at \$450,000 in 2025—typical for a single-family detached home fronting on University Boulevard—would result in about a \$520 increase in annual property taxes and a \$45,000 increase in home equity.² With higher-than-average homeownership rates for Black and Hispanic/Latino residents along the University Boulevard Corridor, a rise in property values could result in especially significant wealth-building opportunities for groups that are typically underrepresented in homeownership.

In addition to wealth-building through home equity, ZTA 25-12 would give existing homeowners the opportunity to build accessory units that could either provide income or house extended family.

Renter Households

While there is a likelihood that renter households living in the single-family detached homes in the rezoned CRN properties could be displaced, the impact of this is likely to be limited due to the number of renter households that occupy these parcels. In the PHP Committee’s recommended rezoning of certain single-family detached homes to CRN, of the approximately 179 single-family detached homes rezoned to CRN, only 33³ are not occupied by the principal owner, approximately 18% of the rezoned parcels. This is slightly higher than the plan-wide percentage, where, for all single-family detached parcels within the UBC Plan boundary, 12% are not occupied by the principal owner. Table 1 shows this information for the Planning Board and the PHP committee recommendation discussed during the committee work sessions.

² Assuming a state tax rate of 11.2 cents per \$100 of assessed value and a county tax rate of \$1.0392 per \$100 of assessed value. Solid Waste and Water Quality Protection charges are not included because they assessed based on land value.

³ The State Department of Assessment (SDAT) has an attribute for each parcel that indicates whether the parcel is occupied by the principal owner. While this is not a perfect proxy for being occupied by a renter household (some may be second homes, etc.), most are likely occupied by renters.

Table 1: SFD Units Not Occupied by the Principal Owner

	Scenario 1: Planning Board Draft	Scenario 2: Committee Recommendation	All SFD Parcels in UBC Plan	Countywide
# of SFD Parcels	512	179	1,687	184,573
# of SFD Parcels Not Occupied by Principal Owner	74	33	196	16,144
Percent	14%	18%	12%	9%

Source: State Department of Assessment and Taxation (SDAT)

SDAT Property Assessments

During the November 10th PHP work session on the UBC Plan, there was a discussion on the relationship between property taxes/assessments and zoning changes. It should be noted that **zoning changes do not necessarily lead to higher property assessments, as assessments are based on comps (comparable properties).**

In a letter received by the Planning Department from Maryland's State Department of Assessment and Taxation (SDAT) in 2021, SDAT writes of its assessments: "Montgomery County is divided into three reassessment groups and currently reassesses each group on a three-year cycle, and SDAT analyzes market sales data during a reassessment cycle to determine the property's value change. **We use verified sales for comparable properties of a similar use, type, and style that are in a comparable neighborhood or market area to determine the assessed values of properties.** SDAT also reassesses properties out of cycle when they have had a use change or recent new construction resulting in an increase in assessment adding over \$100,000 in value." Please see Attachment 1 for the full letter.

Recommended Amendments

The RESJ statement recommends "engaging with Black and Latinx homeowners in the UBC Plan area to amend ZTA 25-12." Throughout the development of the Plan and its recommendations, community engagement played a critical role in shaping its direction and content. The [Planning Board Draft Plan Appendix B](#) outlines community outreach and engagement conducted in the community. These efforts are summarized below:

- Organized and hosted 20 community meetings, including two meetings held in Spanish.
- Attended 20+ neighborhood-focused gatherings, events, and festivals.
- Distributed bilingual (Spanish) letters, postcards, and flyers during these meetings and events.
- Mailed 10,600+ mailers and postcards to renters and property owners throughout the Plan area to provide notification of upcoming community meetings and zoning recommendations,

including direct, bilingual mailings to property owners and residents of properties recommended for rezoning.

- Hosted many small group discussions with community members.
- Posted and promoted an online questionnaire and interactive feedback map.
- Participated in three interviews with El Sintonia.
- Bilingual mailers (English and Spanish) sent to single-family residences and property owner addresses to inform them of potential zoning changes.
- ArchHub interactive zoning recommendation map: A website where any community member could insert an address to check if their zoning had changed. Between launch on October 10th to November 1st, 2024, the website logged nearly 2,288 views, averaging 91.52 views per day.

Canvassing Effort:

- Knocked on 1,000 doors, which resulted in 239 one-on-one conversations across six languages in six different languages: Amharic, English, French, Mandarin, Portuguese, and Spanish.
 - 41% of these respondents were African American
 - 20% were Hispanic/Latino (canvassing efforts used the term Latinx)
- Housing affordability and quality emerged as major concerns, dominating these conversations.
 - Concerns about high rent, frequent rent increases, and unaffordable housing.
 - Maintenance issues: slow or unresponsive management, unresolved repairs, pest infestations, and problems with heating/AC.
 - Security concerns in apartment buildings: open doors, package theft, lack of security staff, and frequent fire alarms.
 - Utility billing issues and high costs.



Staff pursued a variety of outreach and engagement strategies to engage with all community members, but particularly those who have traditionally been underrepresented in planning processes.

The UBC Plan’s zoning recommendations and corresponding UB Overlay Zone were intentionally crafted to respond to community needs, priorities, and concerns, including expanded housing options to address affordability challenges and demographic changes, as well as a desire for safe, affordable, accessible, and well-maintained housing near amenities. This balanced approach aims to accommodate new housing in a manner that is both context-sensitive and aligned with community expectations.

Racial Equity and Social Justice (RESJ) Impact Statement Conclusion

We appreciate the Council’s willingness to consider additional RESJ impacts from the UB Overlay Zone. As stated earlier in this memo, it is difficult to fully understand the complete RESJ impacts of this Zoning Text Amendment, given the long-term, incremental implementation of the ZTA. The main impacts of the UB Overlay zone mainly affect private property owners, who can choose to redevelop now either by rebuilding a much larger, more expensive single-family detached home or, as a result of this ZTA, by redeveloping into multiple smaller units that would be less costly than the new single-family home.

Even more importantly, as noted in the data Planning provided to OLO, the homeowners who could benefit from this change in the UBC Plan area are a higher proportion of Black and Latino homeowners.

Recommended Language to Monitor Progress of Advancing RESJ

As noted above, Chapter 11 of the University Boulevard Corridor Plan outlines the Plan’s approach to Racial Equity and Social Justice. During their review of the Plan’s recommendations on November 10th, the Committee requested that the Planning Board and Planning Staff recommend additional language to clarify how the progress of advancing RESJ will be monitored. Staff recommends the following language be added to the “Communication and Accountability” section of Chapter 11, included on page 143 of the Planning Board Draft:

To meaningfully advance equity and social justice, Montgomery Planning will adopt a four-step approach to tracking and communications:

1. Establish Benchmarks and Milestones: Following Plan approval and adoption, collect and publish comprehensive baseline data, including demographic information and current disparities.
2. Monitor Progress: Track these indicators, analyzing and reporting as part of regular master plan monitoring efforts every 5 years.
3. Select Key Metrics: Monitor metrics including BIPOC representation, homeownership rates, poverty levels, tax delinquency, and transportation methods.
4. Reporting: Publish a user-friendly public report to share progress and highlight gaps.

This process will ensure accountability and promote continuous progress toward racial equity and social justice.

Potential Housing Yields Associated with Zoning Recommendations

The Committee also requested the potential number of housing units, or “yields,” under each of the zoning scenarios discussed by the Committee. The chart below identifies the yields associated with each scenario, with the following assumptions:

Potential Housing Yield Based on existing zoning (excludes Kemp Mill Shopping Center & includes ZTA 25-02/More Housing N.O.W)	Planning Board Draft Recommended Zoning (excludes Kemp Mill Shopping Center)	Committee Recommendation <i>Details: Rezone single-family detached residential properties that abut University Boulevard to CRN with a height of 45 feet.</i>	Housing Yield Based on Zoning as suggested by CM Jawando <i>Details: All single-family detached residential properties in the R-60 and R-90 zones are reconfirmed to their existing zoning (includes ZTA 25-02/More Housing N.O.W)</i>
2,691	4,584	4,060	3,780

Key Assumptions and Considerations:

- These scenarios assume that every single-family parcel where zoning changes from an R-60 or R-90 to CRN adds at least one unit. The same is assumed for single-family parcels under ZTA 25-02.
- In the Planning Board Draft Housing yield, roughly 804 housing units are a result of the change to single-family zoning; the other potential yield of 3,780 housing units comes from zoning changes to institutional and commercial properties. This is slightly higher than the 2,691 units based on existing zoning.

Through the Local Housing Targets project, the PHP committee discussed a target of around 2,400 units in the Kemp Mill and Four Corners Planning Area by 2050. Given the existing land use context in these planning areas, the University Boulevard Corridor Plan area provides the greatest potential to achieve these targets. While the existing zoning capacity allows for a capacity of nearly 2,700 additional units, development in the UBC area has been very limited in recent decades, and meeting the housing goals would require nearly 100% build-out of existing zoning, which is very unlikely, as zoning does not necessarily translate to build-out. Additional zoning capacity gives the county flexibility in meeting its housing goals.

As noted above, existing zoning capacity does not necessarily translate into housing. Indeed, while meeting the county’s housing goals is a very important goal of the plan, the goal of allowing for different housing typologies on legacy single-family zones is not necessarily about maximizing yield but is about enabling diverse housing types that meet the needs of people at different life stages as well as financial capacity. Permitting duplexes and other types of missing middle homes bridges the gap between single-family houses and large apartment complexes. This approach introduces a wider range of housing prices for both buyers and renters, which are often unavailable due to exclusionary

zoning policies. This diversity expands access, stabilizes costs, and supports inclusive, resilient communities.

Recommended Language Acknowledging Need for New Public Safety Facilities

During the November 10th work session, the PHP Committee also discussed that a new facility is needed for the Montgomery County Department of Police, District 4. Given that the county owns the property currently occupied by the Maryland-National Capital Park Police in a facility at Saddlebrook Local Park on Layhill Road, the county is considering co-location of the Police District 4 and the Park Police in a new public safety facility on Layhill Road. As District 4 and the Park Police serve the University Boulevard Corridor Plan area, the need for and potential delivery of this facility are relevant to this Plan.

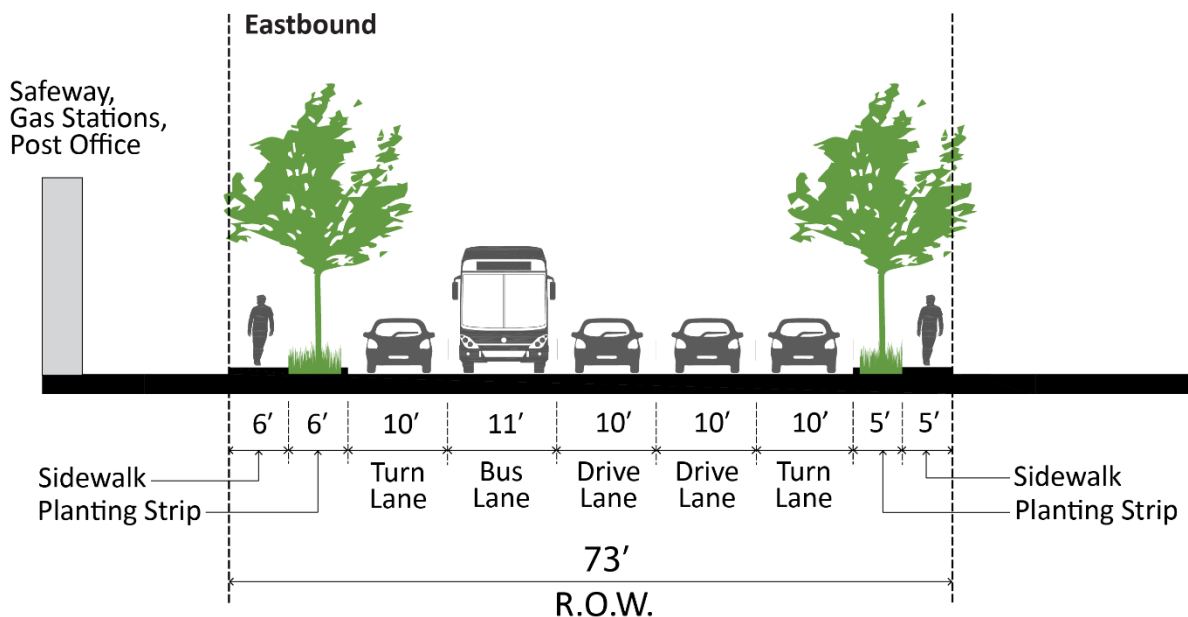
Planning Staff recommends the following revision to the Public Safety section of Chapter 10 in response to this request:

The Montgomery County Department of Police District 4 at 2300 Randolph Road in Wheaton and District 3 at 1002 Milestone Drive in Silver Spring provide public safety services to the Plan area. This Plan supports providing additional public safety resources[, if needed,] at publicly owned properties in the Plan area. While outside the Plan area but serving community members in the Plan area, this Plan also supports the colocation of Police District 4 and the Maryland-National Capital Park Police in a new public safety facility on Layhill Road, as both the 4th District and the Park Police provide service to the Plan area. (Planning Board Draft page 130.)

Potential Options to Reallocate Right-of-Way for Planted Buffer and Sidepath - Eastbound University Boulevard

The Committee continued discussions on options for the Four Corners Street Network during the November 10th work session, recommending (3-0) the “Option C: Public Hearing Draft” version of the Four Corners allocation of University Boulevard right-of-way. The Committee also requested that Planning Staff provide options for reallocating the right-of-way in “Option B: Councilmember Mink’s proposal” on Eastbound University Boulevard approaching Colesville Road to increase the width of the street buffer and reduce the width of the sidepath on the south side of the roadway, relative to the 2-foot street buffer and 10-foot sidepath in Option B.

Planning Staff has developed the “non-preferred alternative” shown below, which reallocates the combined 12 feet of space available on the south side of University Boulevard in Option B to a 6-foot street buffer and 6-foot sidewalk.



Option B is itself an adaptation of the “Planning Board Draft – Phase 1” recommendation, which was never intended as a final state for Four Corners, rather as an interim step toward Phase 2, which included street buffers that meet or exceed the 6-foot minimum in all locations. Six feet is the narrowest recommended street buffer width for any street type in the Complete Streets Design Guide (CSDG) and is especially important as a minimum width in this location for the safety of the large numbers of vulnerable people walking, biking, and rolling, including many Blair High School students. The default recommended street buffer width for a Town Center Boulevard like this is 8 feet.

With the minimum 6-foot street buffer and without expanding the right-of-way or repurposing vehicular travel lanes, the widest pedestrian facility that can be provided would also be 6 feet. Several concerns with Option B would remain:

- A 6-foot sidewalk on the south side of University Boulevard is narrower than the 8-foot minimum sidewalk width in the CSDG for Town Center Boulevards.
- Outside Four Corners (e.g., west of Lorain Avenue), the Draft Plan recommends a 10-foot sidepath and 8-foot street buffer. Option B would replace the sidepath with a narrower 6-foot sidewalk and narrow the street buffer as the facility approaches an area with higher levels of walking, biking, and rolling.
- The 2018 *Bicycle Master Plan* includes a high-quality Breezeway facility along University Boulevard, including through Four Corners. With a 6-foot street buffer and 6-foot sidewalk, there would be no east-west bicycle facility, Breezeway or otherwise, through Four Corners.
- People crossing eastbound University Boulevard would still need to cross five lanes of traffic (51 feet).
- In Option B, several other locations would have street buffer and sidewalk widths narrower than the CSDG minimums of 6 feet for a street buffer and 8 feet for a sidewalk:

- The north side of eastbound University Blvd. approaching Colesville Road (south of McDonald's/7-Eleven/Vitamin Shoppe) would have a 5-foot street buffer and 5-foot sidewalk.
- The south side of westbound University Blvd. departing from Colesville Rd. (north of McDonald's/7-Eleven/Vitamin Shoppe) would have a 5-foot street buffer and 5-foot sidewalk.
- The north side of westbound University Blvd. departing from Colesville Rd. (south of Jerk House/Pizza Hut/Crisp & Juicy) would have a 7-foot sidewalk.
- The south side of westbound University Blvd. approaching Colesville Rd. (north of Ethiopian Evangelical Church) would have a 4-foot sidewalk.

Finally, concerns were raised about delays to people traveling in motor vehicles if one vehicle travel lane per direction is repurposed in Four Corners as in “Option C: Public Hearing Draft.” Consultant analysis of vehicle travel times through Four Corners with one repurposed vehicle travel lane per direction indicates a modest increase in travel time of 8 seconds in the AM peak hour and 11 seconds in the PM peak hour, relative to existing conditions.⁴

With a modest amount of increased travel time for people traveling in motor vehicles, “Option C: Public Hearing Draft” would provide sidewalk and street buffer facilities that meet or exceed CSDG minimum widths as well as a Breezeway bicycle facility, consistent with the Bicycle Master Plan, creating safe and comfortable conditions for people walking, biking, and rolling along University Boulevard in Four Corners. Planning Staff recommends Option C, consistent with the Committee’s recommendation.

Conclusion

The Planning Board and Planning Staff appreciate the Committee’s comprehensive review of the University Boulevard Corridor Plan and remain available to respond to questions as the County Council advances its review of the draft plan and associated overlay zone.

Attachments

Attachment 1: 2021 Letter to Montgomery Planning from SDAT

###

⁴ For additional detail, refer to the “2045 US29 BRT + Limited Changes Concept with Additional Signal Improvements” scenario in the “Driving Time Analysis” section (PDF p. 158) of the University Boulevard Corridor Plan Appendices, Appendix F: Transportation: https://montgomeryplanning.org/wp-content/uploads/2025/07/PB-Draft-Appendices_Summer-2025.pdf



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Michael L. Higgs, Jr., Director

October 19, 2021

To Whom It May Concern:

Recently, the Montgomery County Real Property office for the Maryland Department of Assessments and Taxation (SDAT) has been questioned about the potential impact on assessment values related to proposed zoning code changes for land use in Montgomery County. However, SDAT cannot make assumptions or predictions regarding assessment outcomes related to of any kind of zoning code changes being considered by the Montgomery County Planning Department.

SDAT is responsible for assessing the value of property within the State of Maryland. Local County Governments and Municipalities then set their tax rates and apply it to our assessment valuations to generate property tax bills. Montgomery County is divided into three reassessment groups and currently reassesses each group on a three-year cycle, and SDAT analyzes market sales data during a reassessment cycle to determine the property's value change. We use verified sales for comparable properties of a similar use, type, and style that are in a comparable neighborhood or market area to determine the assessed values of properties. SDAT also reassesses properties out of cycle when they have had a use change or recent new construction resulting in an increase in assessment adding over \$100,000 in value.

If a property were to be redeveloped by plat and subdivide lots, or were to change in use to create a multi-family unit on the parcel, the immediate change would only directly impact that particular parcel. However, if properties are acquired at lower or higher purchase prices over time and the comparable sales warrant a decrease or increase in the assessed value of those similar properties upon the next reassessment cycle, it may indirectly impact the assessments for similar properties in that market area. Property that is reassessed and is owner occupied and eligible for any applicable Homestead Tax Credits or Homeowners Tax Credits may continue to receive those credits.

In sum, the zoning code changes proposed by Montgomery County that are under consideration allowing for multiple living units or more development potential in single-family zones may or may not result in changed assessed value for properties subject to that change. SDAT can only follow the market trends after they occur. Local governments may offset any change in assessment by the implementation of their local property tax rates.

Montgomery County Office of Assessments
30 West Gude Drive, Suite 400, Rockville, MD 20850

Email: sdatt.mont@maryland.gov

240-314-4510 (Phone) 1-800-552-7724 (MD Relay) 301-424-3864 (Fax) 410-314-4530 (Commercial)



**DEPARTMENT OF
ASSESSMENTS AND TAXATION**

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Michael L. Higgs, Jr., Director

I hope this information is useful for the Montgomery County Department of Planning. Please do not hesitate to contact me should your team have additional questions or concerns.

Regards,

A handwritten signature in black ink, reading "Ava M. Garvey".

Ava McIntyre-Garvey
Supervisor of Assessments
Montgomery County

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Memorandum

To: Council Vice President Will Jawando

From: Janmarie Peña, Performance Management and Data Analyst, Office of Legislative Oversight
Elaine Bonner-Tompkins, Ph.D., Senior Legislative Analyst, OLO

CC: Chris Cihlar, Ph.D., Director, OLO

Date: November 17, 2025

Re: Montgomery Planning's Feedback to RESJIS for ZTA 25-12

.....

Per your request, this memo responds to Montgomery Planning's November 12th rebuttal¹ of OLO's Racial Equity and Social Justice Impact Statement (RESJIS) for Zoning Text Amendment (ZTA) 25-12.² Figure 1 summarizes Planning's main points offered in their rebuttal memo and OLO's responses.

Overall, the information shared in Planning's memo does not change our RESJIS finding for ZTA 25-12. We anticipate that ZTA 25-12 could have a negative impact on RESJ because the proposed rezoning that it helps codify could disproportionately displace Black and Latinx homeowners for the development of market-rate housing that primarily benefits other community members.

As stated in the RESJIS for ZTA 25-12, OLO's finding is based on an analysis of the specific characteristics of the University Boulevard Corridor (UBC) Plan area and expected housing outcomes from the proposed rezoning in the UBC Plan. Key factors driving OLO's analysis and finding include:

- The current affordability of owner- and renter-occupied housing in the UBC Plan area compared to the County as a whole and the historic rarity of tear down projects that replace older, more affordable single-family homes with newer, more expensive ones in the Plan area.
- A Planning-sponsored market analysis of the UBC Plan finding that the proposed rezoning would most likely result in the development of market-rate duplexes and stacked/piggyback townhouses that would not require the development of Moderately Priced Dwelling Units (MPDUs). Allowing the development of market-rate housing could increase the value of properties in the UBC Plan area by making the area a more attractive investment for developers. In turn, increased property taxes and rents from increasing property values could cause displacement by making housing in the area less affordable for existing community members.
- Data on existing homeowners in the proposed rezoning area show Black and Latinx homeowners are the most susceptible to displacement from increasing property values because, relative to the County, Black and Latinx community members in the Plan area have high rates of homeownership but also high rates of housing-cost burden and lower income levels.

¹ [Planning November 13, 2025 Memo to Planning, Housing, and Parks Committee](#)

² [Racial Equity and Social Justice Impact Statement for ZTA 25-12](#)

The information shared in Planning’s memo also does not change the two policy options OLO offers for Council consideration to potentially improve the RESJ impact of ZTA 25-12:

- Engage with Black and Latinx homeowners in the UBC Plan area to amend ZTA 25-12; and
- Adopt policies to prevent displacement of Black and Latinx homeowners in UBC Plan area such as property tax relief, foreclosure prevention, and home repair programs.

While Planning’s rebuttal memo describes the community engagement process they utilized to develop the UBC Plan, OLO staff recommend a separate community engagement process with Black and Latinx homeowners aimed at identifying and implementing solutions that minimize their risk for displacement and improve the RESJ impact of ZTA 25-12.³ Should you have any additional questions regarding the RESJIS for ZTA 25-12 or this memorandum, please do not hesitate to contact either of us. Thank you.

Figure 1: Summary of Planning’s Rebuttal to RESJIS for ZTA 25-12 and OLO’s Responses

<u>Planning’s Perspective</u>	<u>OLO’s Response</u>
The scope of the RESJIS for ZTA 25-12 is too broad.	OLO disagrees. The RESJ impact of ZTA 25-12 cannot be understood without understanding the RESJ impact of the proposed rezoning.
Increasing housing paired with requirements for MPDUs could mitigate displacement.	OLO agrees. Yet MPDUs are unlikely to be built because new market rate housing will likely result in duplexes and stacked or piggyback townhouses rather than complexes that require MPDUs.
New housing alleviates housing shortages, increases affordability, and reduces displacement.	OLO disagrees relative to affordable housing. This perspective does not address the shortage of housing affordable for households earning lower incomes (up to 50 percent of AMI). New market rate housing would not help alleviate housing shortages for households with lower incomes but would add to the surplus of housing that is affordable for residents with higher incomes.
Neighborhoods with high concentrations of poverty are a larger problem for BIPOC residents and low-income residents than displacement.	OLO disagrees with the premise of comparing exposure to concentrated poverty to displacement risk. The communities with the highest concentrations of poverty are often the communities most at risk of displacement because they are the most undervalued. This risk is exacerbated if they are located adjacent to communities that are being redeveloped.
Potential displacement due to rising property taxes will be offset by “home equity windfalls” for Black and Latinx homeowners.	OLO disagrees that Black and Latinx homeowners forced to sell their homes due to increasing property taxes are not harmed because they benefit from increased home equity. Displacement of Black or Latinx renters or homeowners negatively impacts RESJ.

³ Of note, Planning did not provide a summary of the racial and ethnic demographics of community members participating across their engagement opportunities. Nor did they disaggregate feedback received from renters vs. homeowners through their engagements nor the specific feedback received by BIPOC community members within each of these groups. As noted within OLO’s recommendation, “[d]eveloping any policy or program that advances RESJ requires community engagement that centers the needs priorities of BIPOC community members.”



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

November 14, 2025

Colleagues,

As we collectively prepare for the worksession on the University Boulevard Corridor Plan on Tuesday, we are writing to you with a concrete proposal to further align the corridor housing with the Council's More Housing N.O.W. approach as we seek to increase housing options with more workforce housing (WFH) units into the plan area. While the plan as recommended by the PHP Committee already has strong protections against displacement and incentives for the creation of new income-restricted units (as augmented and improved by the Committee in our deliberations), we believe we can do even more at the WFH level.

As you know, WFH provides units affordable to people making 80-120% of AMI, providing housing options for teachers, police officers, lab technicians, firefighters, and the like. We need to do more to make Montgomery County more affordable for the folks who represent the backbone of our economy.

To that end, we are proposing a requirement that any 3+ unit redevelopment of the newly rezoned CRN properties (that is, the single-family properties directly abutting University Boulevard in the plan area) have at least one WFH unit, or 15% of the total units, whichever is greater. To accomplish that, we are suggesting the following changes to the sector plan and will prepare language likely needed for the implementing overlay zoning text amendment (ZTA 25-12).

First, we are recommending the following be added to the introductory, general text of the Housing chapter:

The UBC Plan envisions a mixed-use, transit-supportive environment with a balanced range of housing options including access to high-quality workforce housing within the corridor.

We also request that the following recommendation be added to the *Housing Production and Housing Diversity Recommendations* of the sector plan.

Facilitate the production of workforce housing units, furthering mixed-income development and supporting projects that provide units affordable at the county's workforce housing levels.

Then, when we take up ZTA 25-12, the overlay zone that implements the sector plan recommendations in December, we will propose language that would formalize the requirement for workforce housing in 3+ unit redevelopments.

This approach is consistent with how we navigated the issue in ZTA 25-02 of More Housing NOW. The WFH requirement is the same, however, because this is through a master plan as opposed to countywide, the rezoned parcels along the corridor will/would maintain standard method development (by right) that is inherent to the CRN zoned properties in the plan. Applicants would need to provide proof of signed agreement with DHCA for the required workforce units, as detailed by Chapter 25B, before DPS would approve a building permit. Compared to the optional method review process required by ZTA 25-02, this allows a more straightforward review process that is less costly and less burdensome for applicants. The CRN zone also has modestly higher heights by five feet and more flexible development standards than the R-60, R-90, and R-200 properties covered by ZTA 25-02. One additional key reason for this approach is that it also allows modified setbacks and other development standards that are important to achieving the pedestrian safety improvements and streetscape envisioned by the UBC Plan, as was noted in our Committee discussions.

Let's also acknowledge that the Workforce Housing program administered by DHCA is long overdue for modernization. The County Executive has known about the challenges in the program for years and has been promising reforms. Indeed, the PHP Committee was expecting a briefing by the administration on their recommended changes in June, which was subsequently delayed until earlier this fall, and we are now told we should receive their recommendations by the end of the year. We again call on the County Executive to follow through on his promised reform to the WFH program and stand ready to immediately begin the Council's review and ultimate implementation of potential adjustments to the workforce housing program.

The WFH proposal above for the UBC Plan is just the start, however. We are asking that the Planning Department and Planning Board consider this approach in future corridor plans so we can continue to provide the housing needed to support the County's workers and power our local economy. If you have any questions, technical or otherwise, please reach out to our staff or central staff.

We'd appreciate your support for this proposal to get more units affordable to more working people in this critical area of Montgomery County.

Sincerely,



Andrew Friedson, Chair
Planning, Housing and Parks (PHP) Committee



Natali Fani-González, Chair
Economic Development (ECON) Committee