

# Racial Equity and Social Justice (RESJ) Zoning Text Amendment Statement

Office of Legislative Oversight

## ZTA 23-03: BETHESDA OVERLAY ZONE – EXTENSIONS

### SUMMARY

The Office of Legislative Oversight anticipates Zoning Text Amendment 23-03: Bethesda Overlay Zone – Extensions, will have little to no impact on racial equity and social justice (RESJ) in the County.

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### PURPOSE OF RESJ STATEMENTS

The purpose of RESJ impact statements for zoning text amendments (ZTAs) is to evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.<sup>1</sup> Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

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### PURPOSE OF ZTA 23-03

The purpose of ZTA 23-03 is to amend the Zoning Ordinance to grant a one-time, one-year extension to deadlines within the Bethesda Overlay Zone (BOZ)<sup>3</sup> and to generally amend the development procedures of the BOZ as follows:<sup>4</sup>

- Currently, if the Planning Board approves a site plan using BOZ Density, the applicant must have a building permit application within 24 months of site plan approval by the Planning Board. No extensions are permitted.
- If adopted, ZTA 23-03 will allow a one-year, one-time extension to grant building permits to all applicants who have obtained site plan approval using BOZ Density as of the effective date of this ZTA.

The Planning Department, requesting the introduction of ZTA 23-03, has stated that developers faced hurdles in getting approved for financing because of inflation and rising interest rates, and therefore, this ZTA is needed.<sup>5</sup>

ZTA 23-03 was introduced on April 11, 2023.

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### ANTICIPATED RESJ IMPACTS

OLO does not anticipate a RESJ impact for ZTA 23-03 because it codifies regulations already adopted by the Council in the Bethesda Downtown Plan (approved and adopted in May of 2017). This ZTA would create a one-time, one-year automatic extension for all currently approved site plan applications that have not yet submitted a building permit application to the Department of Permitting Services (DPS) and are still within the two-year deadline.<sup>6</sup> ZTA 23-03 offers technical corrections to allow some flexibility within the BOZ provisions of the Zoning Ordinance but does not establish new policies or practices that may impact RESJ in the County. As such, OLO anticipates that ZTA 23-03 will have little to no impact on RESJ in the County.

# RESJ Impact Statement

## Zoning Text Amendment 23-03

### 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.

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<sup>1</sup> Definition of racial equity and social justice adopted from "Applying a Racial Equity Lens into Federal Nutrition Programs" by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.racialequitytools.org/glossary>

<sup>2</sup> Ibid

<sup>3</sup> Ibid

<sup>4</sup> Ndou, Livhu. Montgomery County Council, Agenda Item #10A, April 11, 2023

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230411/20230411\\_10A.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2023/20230411/20230411_10A.pdf)

<sup>5</sup> Ibid

<sup>6</sup> Memorandum from Montgomery County Planning Board to Council President Evan Glass. March 13, 2023

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