

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

Office of Legislative Oversight

## ZTA 23-05 VEHICLE PARKING DESIGN STANDARDS – COMMERCIAL VEHICLE PARKING FOR PROPERTIES WITH A RESIDENTIAL USE

### SUMMARY

The Office of Legislative Oversight (OLO) cannot discern the anticipated impact of ZTA 23-05 on RESJ in the County with available data.

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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 23-05

The purpose of ZTA 23-05, Vehicle Parking Design Standards – Commercial Vehicle Parking for Properties with a Residential Use, is to expand residential parking options in the following residential zones:

- R-200 zones that refer to designated areas for residential uses with a minimum lot size of 20,000 square feet. The predominant use is residential in a detached house.
- R-90 zones that refer to designated areas for moderate density residential uses with a minimum lot size of 9,000 square feet. The predominant use is residential in a detached house.
- R-60 zones that refer to designated areas for moderate density residential uses with a minimum lot size of 6,000 square feet. The predominant use is residential in a detached house.
- R-40 zones that refer to designated areas for moderate density residential uses with a minimum lot size of 6,000 square feet for detached houses and 4,000 to 8,000 square feet for duplexes. The predominant use is residential in a detached or duplex house.

The Zoning Ordinance currently allows parking for one light commercial vehicle<sup>3</sup> and one recreational vehicle<sup>4</sup> per residential parcel in the R-200, R-90, R-60, or R-40 zones.<sup>5</sup> ZTA 23-05 would amend the Zoning Ordinance to allow parking for one light commercial vehicle and one recreational vehicle or two light commercial vehicles per residential parcel (e.g., single-family home) in these zones. ZTA 23-05 was introduced on June 20, 2023.

OLO has published several RESJ impact statements (RESJIS) that inform this analysis of this proposed ZTA:

- RESJIS for Expedited Bill 29-21, Contracts and Procurement – Minority Owned Businesses – Sunset Date – Amendments;<sup>6</sup>

# RESJ Impact Statement

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- RESJIS for Bill 35-21, Prevailing Wage Requirements – Construction Contracts – Amendments;<sup>7</sup> and
- RESJIS for Expedited Bill 41-21, Elections – Council Districts – Boundaries.<sup>8</sup>

Further, in July of 2020, OLO published OLO Report 2020-48, COVID-19 Recovery Outlook: Disparities in Telework by Race and Ethnicity.<sup>9</sup> Please refer to this report and RESJISs for Bills 29-21, 35-21, and 41-21 for information on racial inequities in business ownership, employment, and the construction industry in the County, and on housing segregation.

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### ANTICIPATED RESJ IMPACTS

OLO anticipates that ZTA 23-05 will primarily benefit employers and employees who rely on light commercial vehicles as it potentially reduces the cost of business for light commercial vehicle users. Currently, light commercial vehicle users are prevented from parking a second light commercial vehicle on a residential parcel in R-200, R-90, R-60, or R-40 zones.

If BIPOC entrepreneurs and employees benefit more from this change in zoning than White entrepreneurs and employees, this ZTA could advance RESJ by potentially narrowing disparities in income by race and ethnicity among employers and employees. Yet, the availability of data to discern the potential RESJ impact of this ZTA is too limited for a meaningful analysis.

For example, available data on business revenue in the County suggests that White business owners could be the primary beneficiaries of this ZTA as they accounted for 92 percent of all business revenue in 2012.<sup>10</sup> Available data on County procurement trends and the concentration of workers by business sectors, however, suggests that Latinx employers and employees may especially benefit from this ZTA. For example, Latinx workers are over-represented in several sectors that rely on light commercial vehicles that employees may take home:<sup>11</sup>

- Transportation and Material Moving;
- Installation, Maintenance, and Repair;
- Production;
- Building and Grounds Cleaning and Maintenance; and
- Construction and Extraction.

An analysis of the locations R-200, R-90, R-60, or R-40 zones across the County and the demographics of communities where they are concentrated suggests that employers and employees with take-home light commercial trucks who reside in BIPOC majority communities could also especially benefit from ZTA 23-05. Yet, although BIPOC constituents are concentrated in the residential zones most impacted by this ZTA, it remains unclear whether they would account for most of the beneficiaries of this ZTA in these zones. For example, given the higher levels of homeownership among White residents in the County, they could be the primary beneficiaries of this ZTA, even in BIPOC majority areas.

Given the limited data available, OLO cannot discern the anticipated impact of ZTA 23-05 on RESJ in the County. As such, the anticipated impact of ZTA 23-05 on RESJ in the County is indeterminate.

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### RECOMMENDED AMENDMENTS

Bill 44-20 amending the County's Racial Equity and Social Justice Act<sup>12</sup> requires OLO to consider whether recommended amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements for zoning text amendments. OLO cannot discern the anticipated impact of ZTA 23-05 on RESJ in the County with available data. As such, OLO does not offer recommended amendments.

# RESJ Impact Statement

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### CAVEATS

Two caveats to this RESJ 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.

### CONTRIBUTIONS

OLO staffers Elsabett Tesfaye, Performance Management and Data Analyst and Elaine Bonner-Tompkins, Senior Legislative Analyst, drafted this RESJ impact statement.

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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> Chapter 59, The Montgomery County Zoning Ordinance, defines Commercial Vehicle, Light: Any motor vehicle or trailer used for carrying freight or merchandise, or used in the promotion of any commercial enterprise that is not a heavy commercial vehicle and not used as an office or containing an entry for transactions. A light commercial vehicle is not a recreational vehicle, a motor vehicle owned or operated by the County or other government agency, or a machine or vehicle for agricultural use.

<sup>4</sup> Chapter 59, The Montgomery County Zoning Ordinance, defines Recreational Vehicle: A licensed and registered vehicle that is used for the leisure of the operator and guests and not used as an office or contain an entry for transactions. Recreation vehicle includes:

- 1) Motor homes;
- 2) Travel trailers;
- 3) Campers or camping trailers including truck inserts and collapsible units; or
- 4) Non-freight trailers as defined by the Maryland Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle.

<sup>5</sup> See Chapter 59, The Montgomery County Zoning Ordinance.

<sup>6</sup> Racial Equity and Social Justice Impact Statement for Expedited Bill 29-21, Contracts and Procurement – Minority Owned Businesses – Sunset Date – Amendments, Office of Legislative Oversight, Montgomery County, Maryland, September 13, 2021. <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/Bill29-21RESJ.pdf>

<sup>7</sup> Racial Equity and Social Justice Impact Statement for Bill 35-21, Prevailing Wage Requirements – Construction Contracts – Amendments, Office of Legislative Oversight, Montgomery County, Maryland, October 12, 2021. <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/Bill35-21RESJ.pdf>

<sup>8</sup> Racial Equity and Social Justice Impact Statement for Expedited Bill 41-21, Elections – Council Districts – Boundaries, Office of Legislative Oversight, Montgomery County, Maryland, November 9, 2021. <https://www.montgomerycountymd.gov/OLO/Resources/Files/resjis/2021/Bill41-21RESJ.pdf>

<sup>9</sup> Hall, Victoria, Covid Recovery Outlook: Disparities in Telework by Race and Ethnicity, Office of Legislative Oversight (OLO) Report 2020-48. July 9, 2020. <https://www.montgomerycountymd.gov/OLO/Resources/Files/2020%20Reports/COVID-19Recovery-DisparitiesTeleworkRaceEthnicity.pdf>

<sup>10</sup> Jupiter Independent Research Group, Racial Equity Profile Montgomery County, Office of Legislative Oversight (OLO) Report 2019-7, July 15, 2019. <https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>

<sup>11</sup> Hall

<sup>12</sup> Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020. [https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682\\_1\\_12149\\_Bill\\_44-20\\_Signed\\_20201211.pdf](https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682_1_12149_Bill_44-20_Signed_20201211.pdf)