

# Racial Equity and Social Justice Impact Statement for Zoning Text Amendment

Office of Legislative Oversight

## ZTA 24-04: DORMITORY AND COMMUNITY SERVICE RETAIL (CSR) OVERLAY ZONE

### SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Zoning Text Amendment (ZTA) 24-04: Dormitory and Community Service Retail (CSR) Overlay Zone will disproportionately benefit Black, Indigenous, and Other People of Color (BIPOC) in need of student housing and will positively impact 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 24-04

The purpose of ZTA 24-04 is to implement the recommendations of the Takoma Park Minor Master Plan Amendment (TPMMA) to allow dormitories in the Commercial Residential (CR)<sup>3</sup> and Commercial Residential Town (CRT)<sup>4</sup> zones as a limited use with a site plan approval.<sup>5</sup> Of note, the TPMMA amends 132 acres of the 2000 Takoma Park Master Plan with the goal of increasing and managing development along Maple Avenue and Flower Avenue from Philadelphia Avenue to the west and the Washington Adventist University (WAU) campus and former hospital site to the east.<sup>6</sup>

To advance development, the TPMMA rezones single-use residential zones in these areas to mixed-use CR and CRT zones (see Appendix A). To implement the TPMMA, ZTA 24-04 removes the Community Serving Retail (CSR) Overlay Zone in Section 4.9.7 of the Zoning Ordinance and creates a new use standard for dormitories in CR and CRT zones. Currently, dormitories are only permitted in the Life Sciences Center zone located in Gaithersburg.<sup>7</sup> ZTA 24-04 was introduced on July 30, 2024.

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### DEVELOPMENT, DORMITORIES, AND RACIAL EQUITY

**Development and Displacement.** The goal of the TPMMA and ZTA 24-04 is to increase development in a section of the City of Takoma Park.<sup>8</sup> A common concern associated with development, particularly in BIPOC communities, is the potential for displacement among current householders residing in affordable housing.

As noted in the TPMMA study, Takoma Park has over 1,000 federal and state government-subsidized affordable housing units, which comprise 41 percent of the city's total number of licensed rental units. The TPMMA plan area currently has over 1,300 housing units with about 500 subsidized units that are affordable for households with incomes between 30 and 80 percent of the area median income (AMI).<sup>9</sup> Takoma Park's Rent Stabilization Ordinance also covers approximately 1,500 units making many of these units affordable to households between 30 and 80 percent of AMI.<sup>10</sup>

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Available data suggests Takoma Park’s BIPOC households disproportionately rely on affordable housing. Although half of Takoma Park residents were homeowners in 2020, 77 percent of homeowners in Takoma Park were White <sup>11</sup>. Homeownership rates varied widely by race with 81 percent of White residents owning homes compared to 14 percent of Black residents and 22 percent of residents from other races <sup>12</sup>. Although White residents accounted for most property owners in Takoma Park, they accounted for only 42 percent of residents while BIPOC residents accounted for 58 percent of residents<sup>13</sup>. Thus, BIPOC residents are likely concentrated among the city’s most affordable rental communities.

Data on housing burden also suggests Takoma Park’s BIPOC households are likely over-represented among housing burdened households. Renters face higher levels of housing burden and severe housing burden, meaning they expend more than 30 percent or 50 percent of household income on housing, compared to homeowners. Whereas 47 percent of renting households were cost burdened in 2020 and 17 percent of renting households were severely cost burdened, only 22 percent of owner-occupied households were cost burdened, and 11 percent of owner-occupied households were severely cost burdened <sup>14</sup>. Since most BIPOC households in Takoma Park are renters while most White households are not, current BIPOC households in Takoma Park are more likely to be housing cost burdened and in need of affordable housing.

To the extent that development in the TPMMA boundary area and ZTA 24-04 spurs displacement and gentrification, BIPOC households could especially be harmed by the loss of affordable housing units in Takoma Park. To minimize this possibility, the TPMMA recommends that Takoma Park explore incentives and policy changes to encourage building improvements that extend the life of housing units and provide improvements like increased energy efficiency (See Appendix B).

**Dormitories and Racial Equity.** ZTA 24-04 would allow dormitories as a limited use within the TPMMA’s recommended CR and CRT zones. Given the boundaries of the TPMMA, OLO anticipates that WAU is the institution most likely to utilize ZTA 24-04 to build additional dormitory housing for its student enrollment. Between 2015 and 2020, WAU enrolled approximately 1,000 students annually in its undergraduate and graduate programs and housed about 200 students in its residence halls. During this time frame, Black students accounted for 49 percent of WAU’s domestic enrollment and Latinx students accounted for another 20 percent of enrollment.

To the extent that ZTA 24-04 spurs an increase in dormitory housing, OLO anticipates that BIPOC students at WAU could especially benefit as they account for the vast majority of WAU’s student enrollment.

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## ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 24-04 on racial equity and social justice, OLO considers two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could the passage of this bill weaken or strengthen?

**In response to the first question,** OLO anticipates ZTA 24-04 would disproportionately benefit WAU and BIPOC students who comprise a majority of the campus’s enrollment. Because BIPOC students could disproportionately benefit from increased access to dormitories, OLO anticipates that ZTA 24-04 could advance RESJ in the County.

**In response to the second question,** OLO considered the potential negative impact of ZTA 24-04 on the supply of affordable housing in the County and housing disparities by race and ethnicity. To the extent that the development of

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new dormitory housing displaces current residents in the TPMMA boundary area, BIPOC households could be disproportionately harmed by ZTA 24-04. Yet, the likelihood of new dormitory housing specifically displacing current BIPOC households remains unknown and potentially small if Takoma Park actively mitigates the risk for gentrification in the TPMMA boundary area.

Taken together, OLO anticipates ZTA 24-04 will advance RESJ in the County as it will primarily benefit BIPOC students who account for a majority of WAU's enrollment. Further, OLO anticipates that the benefit of this ZTA for BIPOC students could exceed the potential harms of displacement among current BIPOC households associated with ZTA 24-04 as the TPMMA contains several recommendations aimed at minimizing displacement (See Appendix B).

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## RECOMMENDED AMENDMENTS

Bill 44-20 amending the County's Racial Equity and Social Justice Act<sup>15</sup> requires OLO to consider whether recommended amendments to narrow racial and social inequities are warranted in developing RESJ impact statements for zoning text amendments. OLO, however, finds ZTA 24-04 will likely have a positive impact on RESJ in the County.

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## 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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## CONTRIBUTIONS

OLO staffer Elsabett Tesfaye, Performance Management and Data Analyst, drafted this racial equity and social justice impact statement with assistance from Elaine Bonner-Tompkins, Senior Legislative Analyst.

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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> The CR zone is intended for larger downtown, mixed-use, and pedestrian-oriented areas near transit options such as Metro, light rail, and bus. The gross floor area of the retail tenant is not restricted. Montgomery County Zoning Ordinance Chapter 59.

[https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco\\_md\\_zone2014/0-0-0-60221](https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md_zone2014/0-0-0-60221)

<sup>4</sup> The CRT zone is intended for small downtown, mixed-use, pedestrian-oriented centers, and edges of larger, more intense downtowns. Retail tenants ground floor footprints are limited to preserve the town center scale. Transit options may include light rail, Metro, and bus. Montgomery County Zoning Ordinance Chapter 59.

[https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco\\_md\\_zone2014/0-0-0-60221](https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md_zone2014/0-0-0-60221)

<sup>5</sup> Limited use standards are a type of land use standard that indicates that a use is permitted in a zone if it meets certain requirements. It is identified by a letter “L” indicating that the use is allowed if it meets the limited use standards in Division 3.2 through Division 3.7 of the Montgomery County Zoning Ordinance Chapter 59. The limited use standard created by this ZTA also includes a Site Plan review, public hearing, and approval by the Planning Board.

<sup>6</sup> Montgomery County Planning Department. Takoma Park Minor Master Plan Amendment. Planning Board Final Draft. Fall 2023

<https://montgomeryplanning.org/wp-content/uploads/2023/12/TPMMA-Planning-Board-Draft-12.18-PROOF-FINAL.pdf>

<sup>7</sup> Chapter 59 Montgomery County Zoning Ordinance Section 3.3.2.B defines dormitory as “... a building or portion of a building used for sleeping purposes in connection with a school, college, or other institution.”

<sup>8</sup> Ibid

<sup>9</sup> Ibid

<sup>10</sup> Memorandum From County Executive Marc Elrich to Council President Andrew Friedson. Attachment: Takoma Park Minor Master Plan Racial Equity and Social Justice Review. March 18, 2024.

<https://cvtakomajunction.com/wp-content/uploads/2024/03/TPMMA-Equity-Analysis-to-CC-3-18-2024-1.pdf>

<sup>11</sup> City of Takoma Park Web Site. Takoma Park Data Explorer.

<https://apps.takomaparkmd.gov/hcd/takomaparkexplorer.html>

<sup>12</sup> Ibid

<sup>13</sup> Ibid.

<sup>14</sup> Takoma Park, Data Explorer.

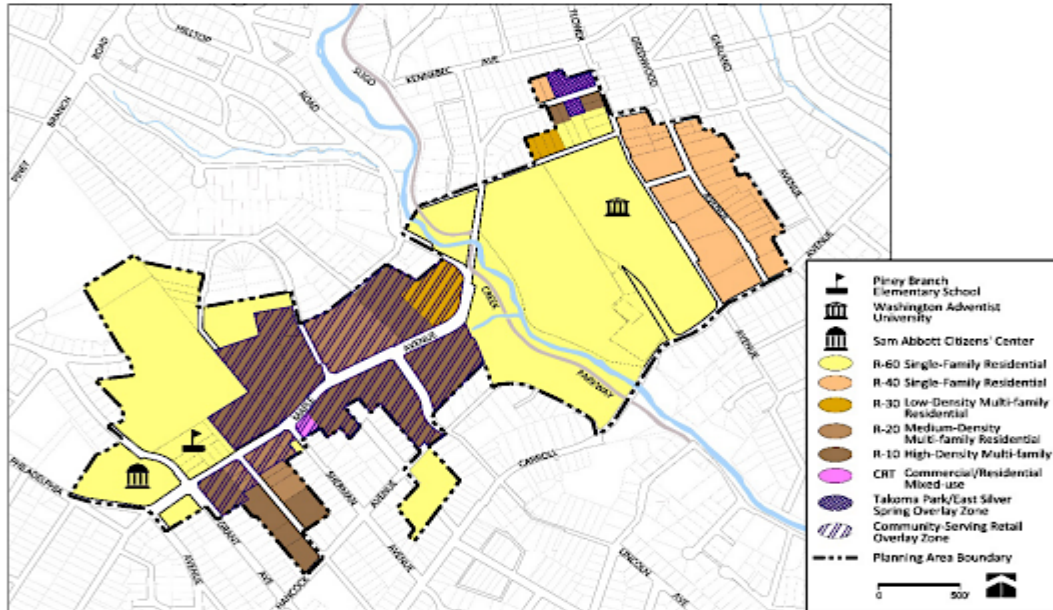
<sup>15</sup> Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.

[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)

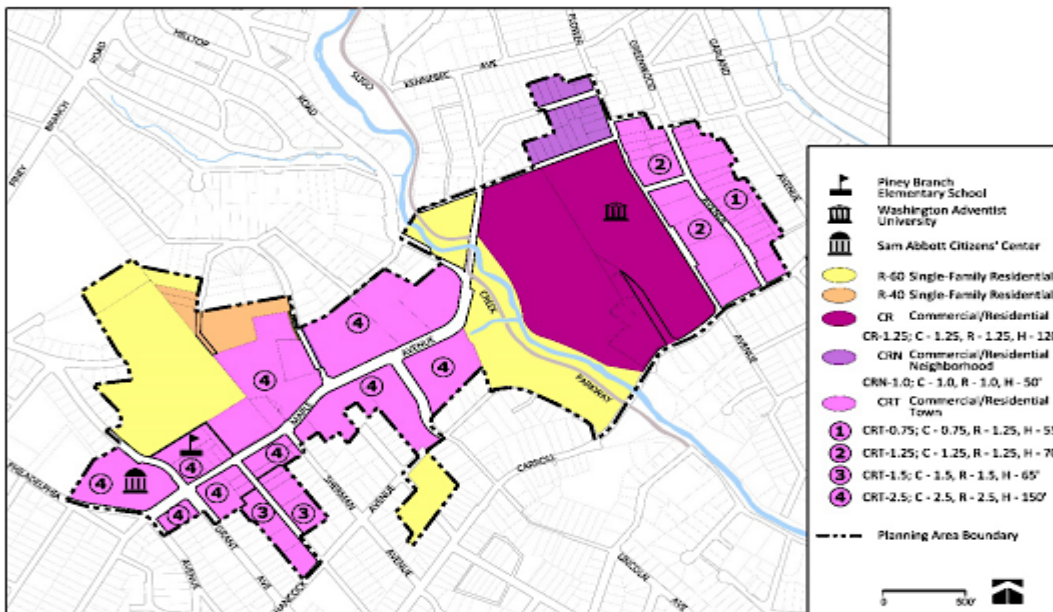
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### Appendix A: Existing and Proposed Zoning



Map 5: Existing Zoning



Map 6: Proposed Zoning

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### Appendix B: Takoma Park Minor Master Plan Amendment: Plan Wide Recommendation: Housing

| Housing Production 3.3.2.1  | Affordable Housing Production 3.3.2.2   | Preservation of Housing and Affordability 3.3.2.3  |
|---|---|--|
| <ul style="list-style-type: none"> <li>To help meet housing needs and diversify housing options, support a creative diversity of housing options such as tiny houses, cottages, duplexes, townhomes, multiplexes, and small apartment buildings; shared housing, cooperative housing, co-housing, live-work units, and accessory dwelling units (ADUs),</li> <li>New housing developments in the Plan Area should strive to increase the quality and quantity of housing units that are accessible to people with disabilities and older adults.</li> <li>The City of Takoma Park should consider modifications to its rent stabilization policy to ensure the policy does not deter new investment while continuing to safeguard tenants from onerous rent increases.</li> </ul> | <ul style="list-style-type: none"> <li>Increase the number of income-restricted affordable housing units, especially for low and-moderate-income households.</li> <li>New developments should provide at least <u>15 percent</u> Moderately Priced Dwelling Units (MPDUs).</li> <li>Prioritize MPDUs and two- and three-bedroom units for residential development projects as a top public benefit for the Optional Development Method in the Commercial/Residential family of zones (C/R) to provide additional affordable housing that is needed within the Plan Area.</li> <li>The city and county should work with property owners to potentially obtain incentives, like a Payment In Lieu of Taxes (PILOT), to help make new affordable housing developments feasible and spur the production of more affordable housing.</li> <li>Explore and leverage partnerships with public, private, non-profit, philanthropic, and religious institutions and pursue incentives to preserve and expand housing affordability in the plan area and to enable properties to redevelop as mixed-income communities serving a broad spectrum of incomes.</li> <li>When public properties are redeveloped with a residential component, provide a minimum of 30 percent MPDUs, with 15 percent affordable to households earning at the standard MPDU level of 65-70 percent or less of Area Median Income (AMI) and 15 percent affordable to households at or below 50 percent of Area Median Income (AMI).</li> <li>When public properties are redeveloped with a residential component, provide a minimum of 30 percent MPDUs, with 15 percent affordable to households earning at the standard MPDU level of 65-70 percent or less of Area Median Income (AMI) and 15 percent affordable to households at or below 50 percent of Area Median Income (AMI).</li> <li>When feasible, developers of private residential projects should collaborate with nonprofit partners, the City of Takoma Park, and the Department of Housing and Community Affairs (DHCA) to reach deeper levels of affordability by providing affordable housing below 65 percent of the Area Median Income (AMI).</li> <li>Support the development of permanent and temporary supportive housing for unhoused populations in the plan area.</li> </ul> | <ul style="list-style-type: none"> <li>Develop targeted strategies to minimize displacement because of development, while promoting social integration.</li> <li>Discourage the deterioration of housing through the enforcement of housing codes.</li> <li>In redevelopment, priority should be given to existing eligible residents for the right to return. Property owners should work with the DHCA, the City, and tenants minimize displacement and to ensure eligible residents receive support and assistance to mitigate impacts of temporary relocation.</li> <li>Retain and expand the current levels of affordability by working with property owners to extend their rental subsidy contracts.</li> <li>Preserve existing, naturally occurring and regulated affordable housing where practicable, striving for no net loss of affordable housing in the event of redevelopment.</li> </ul> |

Source: Staff Report, Montgomery County Council PHP Committee Work Session, March 4, 2024