

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

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- 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.

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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

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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

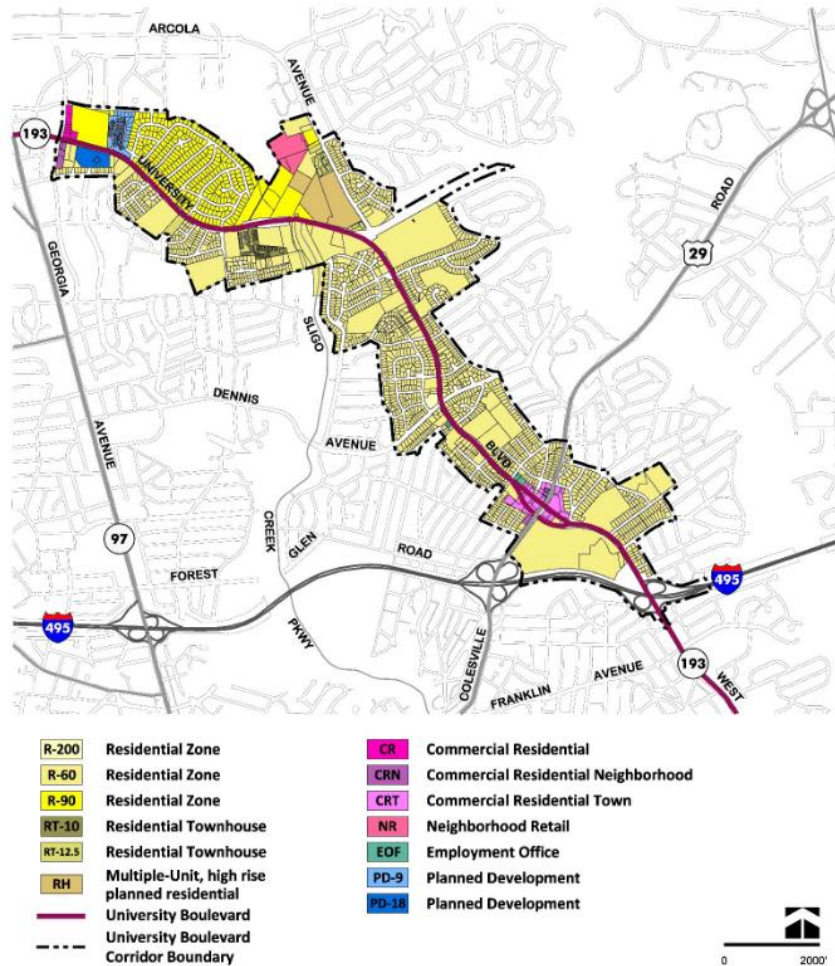
Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement 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.

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APPENDIX

Figure A. Existing Zoning for the University Boulevard Corridor

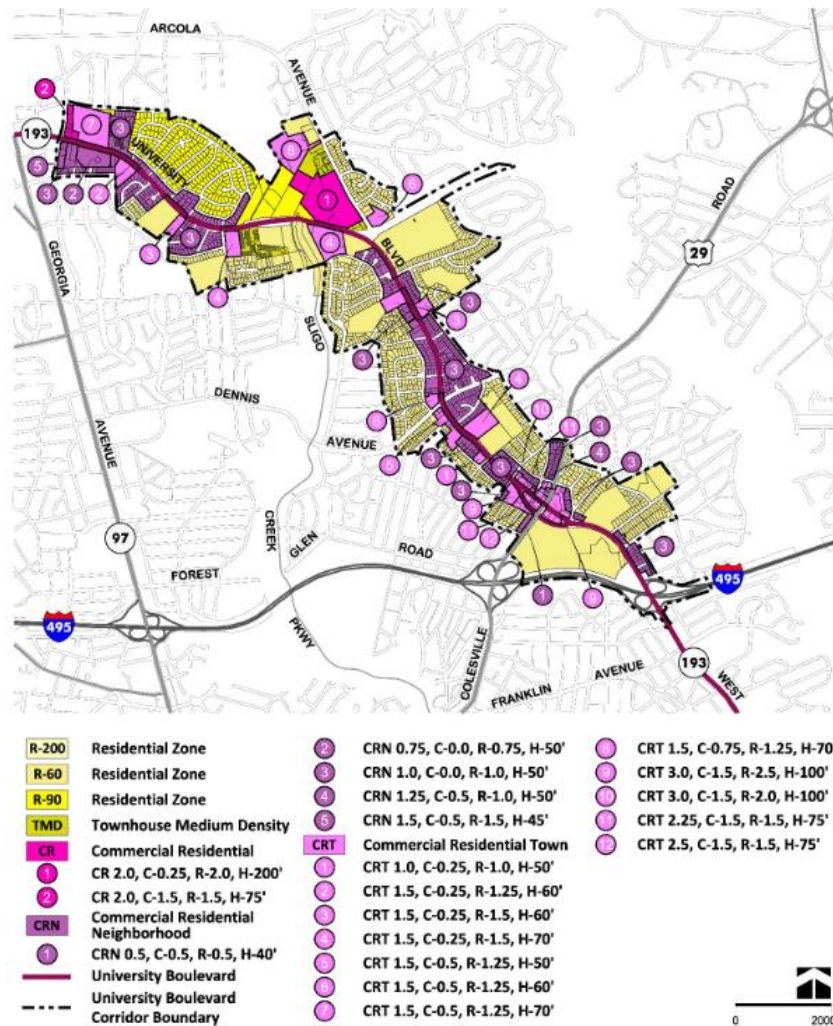


Source: [University Boulevard Corridor Plan, Planning Board Draft Summer 2025, Montgomery Planning, pg. 27.](#)

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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.