



THE MARYLAND-NATIONAL CAPITAL
Park and Planning Commission

COMMISSION MEETING

December 21, 2022
10:00 a.m. to 12 noon

**The Commission will be meeting live and by
teleconference and will be live-streamed from:**

Wheaton Headquarters

Auditorium

2425 Reddie Drive

Wheaton, Maryland 20902

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MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
MEETING AGENDA

Wheaton Headquarters, 2425 Reedie Drive, Wheaton, Maryland
with hybrid-teleconference option

Wednesday, December 21, 2022

		<u>ACTION</u>	
		Motion	Second
1.	Approval of Commission Agenda (10:00 a.m.)	(+*)	Page 1
2.	Approval of Commission Minutes (10:05 a.m.)		
	a) Open Session – November 16, 2022	(+*)	Page 3
	b) Closed Session – November 16, 2022	(++*)	
3.	General Announcements (10:05 a.m.)		
	a) National Human Rights Month		
	b) National Drugged and Drunk Driving Prevention Month		
	c) Global AIDS Awareness Month		
	d) Ongoing Festival of Lights and Winter Garden of Lights Walk-Through in Prince George’s		
	e) and Montgomery Counties		
	f) Diversity Council Openings for 2023		
4.	Committee Minutes/Board Reports (For Information Only) (10:10 a.m.)		
	<i>M-NCPPC Executive Committee Dissolved per Resolution 22-39</i>		
	a) Employees Retirement Association Board of Trustees Regular Meeting – November 1, 2022	(+)	Page 11
5.	Action and Presentation Items (10:15 a.m.)		
	a) Resolution 22-42 Adoption of the Montgomery County Thrive Master Plan (Afsal)	(+*)	Page 15
	b) Resolution 22-43 Adoption of the M-NCPPC FY24 Proposed Annual Capital and Operating Budgets (Kroll)	(LD*)	LD
	c) Resolution 22-45 Adoption of the Montgomery County Uniform Standards for Mandatory Referrals (Mills)	(+*)	Page 87
	d) Audit Committee and Office of the Inspector General Annual Report (Bailey/Kenney) OIG Annual Report Appendix B (For Information Only)	(+)	Page 99 (++)
	e) Plan Integration Tool (Finio/Chimento) See also https://www.umdsmartgrowth.org/fta-mta-tod-purple/plans-and-regulations-tool/	(+)	Page 129
6.	Officers’ Reports (11:45 a.m.)		
	<u>Executive Director’s Report</u>		
	a) Late Evaluation Report, November 2022 (For Information Only)	(+)	Page 159
	<u>Secretary Treasurer</u>		
	No report scheduled		
	<u>General Counsel</u>		
	b) Litigation Report (For Information Only)	(+)	Page 161
<i>Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9) a closed session is proposed to consult with counsel to consider matters that relate to negotiation with the Fraternal Order of Police Collective Bargaining Unit.</i>			
7.	Closed Session (11:50 a.m.)		
	a) Collective Bargaining Update (Chiang-Smith)	(++)	

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

Commission Meeting
Open Session Minutes
November 16, 2022

The Maryland-National Capital Park and Planning Commission met in hybrid, in-person/videoconference, with the Chair initiating the meeting at the Wheaton Headquarters Building in Wheaton, Maryland. The meeting was broadcast by the Montgomery County Planning Department.

PRESENT

Prince George's County Commissioners

Peter A. Shapiro, Chair

Manuel Geraldo

A. Shuanise Washington (videoconference)

Montgomery County Commissioners

Jeffrey Zyontz, Vice Chair

Cherri Branson

David Hill

Amy Presley (videoconference)

NOT PRESENT

Dorothy Bailey

William Doerner

Robert Piñero* (not yet sworn in)

Chair Shapiro called the meeting to order at 10:05 a.m. Roll was called, and Chair Shapiro called for a motion to move the meeting into closed session. Commissioner Geraldo moved; Commissioner Hill seconded. All Commissioners in attendance voted in favor of moving to closed session. The meeting adjourned to a secure meeting location and re-convened in closed session at 10:10 a.m.

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b)(9) a closed session is proposed to consult with counsel to consider matters that relate to negotiation with the Fraternal Order of Police Collective Bargaining Unit.

The following individuals were present (in person and via videoconference):

Also present:

Asuntha Chiang-Smith, Executive Director

Gavin Cohen, Secretary-Treasurer

Debra Borden, General Counsel

Andree Checkley, Director, Prince George's Planning

Bill Tyler, Director, Prince George's Parks and Recreation

Mike Riley, Director, Montgomery Parks

Tanya Stern, Acting Director, Montgomery Planning

James Adams, Senior Technical Writer, DHRM

Miti Figueredo, Deputy Director, Montgomery Parks

Tracey Harvin, CPMO Director, DHRM

Suzann King, Deputy Director, Prince George's Planning

John Kroll, Corporate Budget Director

Robert Kronenberg, Deputy Director, Montgomery Planning

William Spencer, Corporate HR Director

The Executive Director updated Commissioners on collective bargaining negotiations and related matters. Commissioners provided direction and support on how to proceed.

There being no further business to discuss in closed session, Chair Shapiro called for a motion to return to open session. Commissioner Geraldo moved; Commissioner Hill seconded. All Commissioners in attendance voted in favor of returning to open session. Open session resumed at 10:49 a.m.

ITEM 1 ACTION ITEM

- a) Appointment of Peter A. Shapiro as Chair of the M-NCPPC and Jeffrey Zyontz as Vice Chair of the M-NCPPC

ACTION: Motion of Commissioner Geraldo to appoint the Chair and Vice Chair
Seconded by Commissioner Washington
7 approved the motion

- b) Liaison Board Appointments

1. Vice Chair Zyontz Appointed Commissioner Branson to the Audit Committee.
2. Resolution 22-40 Presley to ERS BOT
3. Resolution 22-41 Pinero to 115 Trust

ACTION: Motion of Vice Chair Zyontz to adopt Resolutions 22-40 and 22-41
Seconded by Commissioner Geraldo
7 approved the motion

ITEM 2 APPROVAL OF COMMISSION AGENDA

Executive Director Chiang-Smith added a closed session to the agenda

ACTION: Motion of Commissioner Hill to approve the amended agenda
Seconded by Commissioner Geraldo
7 approved the motion

ITEM 3 APPROVAL OF COMMISSION MINUTES

Open Session – July 20, 2022

Closed Session – July 20, 2022

Open Session – September 8, 2022

ACTION: Motion of Commissioner Geraldo to approve the minutes
Seconded by Commissioner Washington
Shapiro, Geraldo and Washington approved the motion
Zyontz, Branson, Hill and Presley abstained
3 approved the motion, motion passes
4 abstentions

ITEM 4 GENERAL ANNOUNCEMENTS

- a) Thanksgiving and Employee Appreciation Day Holidays
- b) National American Indian Heritage Month (Maryland American Indian Heritage Day Nov 25)
- c) American Lung Cancer Awareness Month & Pancreatic Cancer Awareness Month
- d) Great American Smoke Out Nov 17
- e) Bereaved Siblings Month
- f) Caregivers Month
- g) National Adoption Month
- h) Military Family Appreciation Month

- i) Upcoming Festival of Lights and Winter Garden of Lights Walk-Through in Prince George's and Montgomery Counties
- j) Diversity Council Openings for 2023

ITEM 5

COMMITTEE MINUTES/BOARD REPORTS (For Information Only)

- a) Executive Committee Meeting, September 7, 2022 Open Session
- b) Executive Committee Meeting, September 7, 2022 Closed Session
- c) Executive Committee Meeting, November 2, 2022 Open Session
- d) Employees' Retirement System Board of Trustees Regular Meeting, July 12, 2022
- e) Employees' Retirement System Board of Trustees Regular Meeting, September 6, 2022
- f) Employees' Retirement System Board of Trustees Regular Meeting, October 4, 2022

ITEM 6

ACTION AND PRESENTATION ITEMS

- a) Diversity Council Strategic Plan 2023-2025 (Diversity Council)
Diversity Co-Chairs Genevieve Gennai and Ryan Harrison and Vice Chair Zubin Adrianvala presented the 2022-2024 Diversity Council Strategic Plan as reflected in the packet. The presentation included a review of the departmental makeup of the body of the Council; the Diversity Council's Mission, Vision, and Values; Ongoing projects and work; and noting proposed changes in the Strategic Plan.

ACTION: Motion of Commissioner Geraldo to adopt the Strategic Plan
Seconded by Commissioner Branson
7 approved the motion

- b) Resolution 22-34 Re-Appointment of Michael Strand to the M-NCPPC Merit Board (King)
No discussion

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-28
Seconded by Commissioner Hill
7 approved the motion

- c) Resolution 22-35 Request to Approve Change of Resident Agent for Service of Process (Borden)
General Counsel Borden summarized the memo included in the packet, explaining that the M-NCPPC needs to file an updated Resident Agent for Service of Process with the Maryland State Department of Assessments and Taxation since the former General Counsel retired.

ACTION: Motion of Commissioner Hill to adopt Resolution 22-35
Seconded by Commissioner Geraldo
7 approved the motion

- d) Resolution 22-36 Adoption of the ERS Plan Document Restatement Effective July 1, 2022 (Rose)
MNCPPC Employees' Retirement System Administrator Rose, on behalf of the ERS Board of Trustees, reviewed the Retirement Plan Document changes adopted by the M-NCPPC, as outlined in the packet. She described changes to Plans C&D regarding sick leave conversion for Park Police.

ACTION: Motion of Vice Chair Zyontz to adopt Resolution 22-36

Seconded by Commissioner Geraldo
7 approved the motion

- e) Resolution 22-37 Recommendation to approve an Employer Contribution of \$28,367,491 for the Employees' Retirement System for Fiscal Year 2024 (Rose/Cheiron)

ERS Administrator Rose explained the ERS undergoes an annual independent actuarial evaluation to determine funding requirements for the coming year and is requesting Commissioner approval for that funding recommendation. She introduced representatives from the independent auditor, Cheiron, who performed the audit. Patrick Nelson from Cheiron reviewed the material included in the packet.

Ms. Rose noted the agency's funding ratio for the plan and the investment return assumptions are in the top quartile for public plans nationwide, a very good position, due to the work of the Board. Chair Shapiro agreed, praising the Board's long term planning and noting given the economic climate, this is very good news.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-37

Seconded by Commissioner Washington

7 approved the motion

Vice Chair Zyontz disclosed he is getting an annuity from the Employees' Retirement System. He noted the contribution does not affect his annuity and Counsel has assured him there is no conflict of interest in his vote.

- f) Recommendation for Appointment of Nuveen as a new Investment Manager for the Employees' Retirement System (Rose)

Ms. Rose said in accordance with the trust agreement between the ERS Board of Directors and the Commission, the Commission approves the appointment of new Investment Managers upon the recommendation of the Board. After consistent underperformance of the former Investment Manager, the Board spent several months in due diligence to select Nuveen as a new Manager.

ACTION: Motion of Commissioner Geraldo to Appoint Nuveen

Seconded by Vice Chair Zyontz

7 approved the motion

- g) CAS Cost Allocation (Chiang-Smith/Beckham)

Corporate Budget Director Kroll explained his annual analysis detailing how much administrative support is allocated between Montgomery and Prince George's Counties, based on workload indicators, over a 3-year average. This year's analysis shows a small shift of approximately \$9,900 from Prince George's to Montgomery County. There were no questions.

ACTION: Motion of Commissioner Geraldo to approve the cost allocation

Seconded by Commissioner Branson

7 approved the motion

- h) 115 Trust Report (Cohen) (information item)

No discussion, no vote needed

- i) Resolution 22-38 Temporary Extension of Annual/Generic Leave Carryover (Harvin)
Corporate Policy and Management Operations (CPMO) Director Harvin requested a fourth and hopefully final extension for use of Annual Leave, suspending leave carryover policies as laid out in the Merit System Rules and Regulations and Contract procedures. She provided background information and statistics supporting the request, adding the Department of Finance will provide periodic reports to Department Heads to assist in ensuring employees are given the opportunity to plan for leave use throughout calendar 2023.

Commissioner Branson asked how many employee hours are currently expected for payout for Term, or rollover to Sick Leave for Merit employees, and for the maximum amount of annual leave carryover and how it is calculated. CPMO Director Harvin replied there are currently more than 154,000 hours collectively slated to roll over if the extension isn't granted. She added the amount an employee is permitted to carry over is based on longevity, ranging from 440 hours for employees who were hired before July 1, 2013; scaling to a maximum of 275 hours for employees hired after July 2019. Commissioner Hill asked about the certainty that this will be the last year. CPMO Director Harvin said if the agency remains in the same position in future years, staff and Commissioners can reconsider the direction.

ACTION: Motion of Commissioner Hill to adopt Resolution 22-38
Seconded by Commissioner Geraldo
7 approved the motion

- j) Resolution 22-39 Resolution to Dissolve the Executive Committee by Modifying Resolution Nos 74-46 and 76-34 (Borden/Vaias)

General Counsel Borden asked the Commission to support a recommendation to dissolve the Executive Committee. She provided background and justification for the action, including examining the resolutions, created in the 1970s that pertained to the establishment and duties of the Executive Committee. Because the Executive Committee only consists of the two Chairs and the Executive Director, if just two of those three members meet to discuss any agency matter, that constitutes a majority quorum, which triggers certain regulations within the Open Meetings Act. Earlier this year, the agency received an Open Meetings Act Compliance Board decision that cited this as a problem.

Because the agency's executives need to be able to confer and discuss things freely and at any time, staff examined the duties and actions of the Committee. To address and fix this issue, staff determined most of these duties can be carried out by the Executive Director, provided the Executive Director confers with the two Chairs. There will be a number of other resolutions and references which will require amendments, scheduled to be presented as a package of corrections and resolutions at a later date.

Chair Shapiro said this is a small but significant change toward good governance. Vice Chair Zyontz supported the action. Commissioner Branson concurred, noting she supports and encourages transparency in governance but the configuration of the Committee is stifling to open communication. Commissioner Hill asked if any of the Commissioners had an issue

with the transfer the power of three people to single individual. Vice Chair Zyontz replied he and Chair Shapiro discussed this issue, and determined since the Executive Director answers to the Chairs, any conflict/objection could be resolved by action of the Chairs.

ACTION: Motion of Commissioner Geraldo to adopt Resolution 22-39
Seconded by Commissioner Hill
7 approved the motion

k) Information on MPIA Policy (Beckham) (information only)

No discussion

l) Information on Exetention of Referral and Sign-on Bonuses (Beckham) (information only)

No discussion

ITEM 6 OFFICERS' REPORTS

Executive Director's Report

- a) Late Evaluation Report (September-October 2022) (For information only)
- b) Budget transfer Quarterly Report (For information only)
- c) 4th Quarter Purchasing Statistics (for information only)

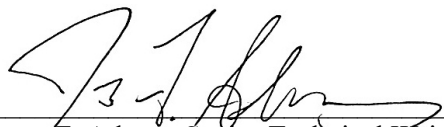
Secretary-Treasurer's Report

- d) 4th Quarter FY22 and 1st Quarter FY23 Investment Report (For information only)
Vice Chair Zyontz asked if there was a reason for the current investment diversification rather than focusing solely on a Money Market. Secretary-Treasurer Cohen replied it is the principle of protecting the agency's portfolio as a whole by diversifying the types of investments. The agency is better protected with this kind of diversification strategy.

General Counsel's Report

- e) Litigation Report (For information only)

With no further business to discuss, Chair Shapiro adjourned the meeting at 11:39 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

WRITTEN STATEMENT FOR CLOSING A MEETING
UNDER THE OPEN MEETINGS ACT

Date: 11/16/2022 Time: 10:05 am Location: Wheaton HQ & Via Videoconference

Motion to close meeting made by Commissioner Geraldo. Seconded by Commissioner Hill.

Members voting in favor: Branson, Geraldo, Hill, Presley, Shapiro, Washington and Zyontz.
Commissioners Bailey, Doerner, and Pinero were absent for the meeting.

Opposed: N/A Abstaining: N/A Absent: 3

STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305(b)
(check all that apply):

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals concerning a matter not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- (15) To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, such as information that is related to passwords, personal ID numbers, access codes, encryption, security devices, or vulnerability assessments or that a governmental entity collects or maintains to prevent, detect, or investigate criminal activity; or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

FOR EACH CITATION CHECKED ABOVE, THE REASONS FOR CLOSING AND TOPICS TO BE DISCUSSED:

Pursuant to Maryland General Provisions Article of the Annotated Code of Maryland, Section 3-305(b) (9), a closed session is proposed. The purposes for closing this meeting generally are to protect and promote the public interest by: (i) preserving privileged and confidential deliberations needed to manage ongoing collective bargaining negotiations.

The topics to be discussed include a) Collective Bargaining Update with the Fraternal Order of Police Collective Bargaining Unit (Chiang-Smith)

This statement is made by:

Peter Shapiro, Chair, Presiding Officer.

PRINT NAME



SIGNATURE & DATE

11/23/2022



EMPLOYEES' RETIREMENT SYSTEM
The Maryland-National Capital Park and Planning Commission

BOARD OF TRUSTEES MEETING MINUTES

Tuesday, November 1, 2022; 10:00 a.m.

Kenilworth Office Building, Riverdale, MD
(Due to COVID-19 Attend via Microsoft Teams)

Due to COVID-19, the Maryland-National Capital Park and Planning Commission (“Commission”) Employees’ Retirement System (“ERS”) Board of Trustees (“Board”) met virtually through Microsoft Teams with VICE CHAIRMAN SHAPIRO leading the call on Tuesday, November 1, 2022. The meeting was called to order at 10:00 a.m. by VICE CHAIRMAN SHAPIRO.

Board Members Present

Peter A. Shapiro, Board of Trustees Vice Chairman, Prince George’s County Commissioner
Lisa Blackwell-Brown, MCGEO Represented Trustee
Asuntha Chiang-Smith, M-NCPPC Executive Director, Ex-Officio Arrived at 10:15 a.m.
Gavin Cohen, CPA, M-NCPPC Secretary-Treasurer, Ex-Officio
Pamela F. Gogol, Montgomery County Public Member
Caroline McCarthy, Montgomery County Open Trustee
Sheila Morgan-Johnson, Prince George’s County Public Member
Theodore J. Russell III, Prince George’s County Open Trustee
Elaine A. Stookey, Bi-County Open Trustee

Board Members Absent

Vacant, Montgomery County Commissioner
Howard Brown, FOP Represented Trustee

ERS Staff Present

Andrea L. Rose, Administrator
Sheila Joynes, Accounting Manager
Ann McCosby, Software Manager

Presentations

- *Cheiron* – Janet Cranna, FSA, FCA, EA, MAAA, Patrick Nelson, FSA, CERA, EA, MAAA, Jana Bowers, ASA

Other Attendee(s)

- Ben Rupert – M-NCPPC, Principal Legal Counsel
- Bradley A. Baker, Wilshire Advisors, Managing Director

ITEM 1 APPROVAL OF THE NOVEMBER 1, 2022, CONSENT AGENDA

ACTION: MS. STOOKEY made a motion, seconded by MS. GOGOL to approve the Consent Agenda of November 1, 2022. The motion PASSED (6-0-2) with MR. COHEN and MS. MCCARTHY abstaining due to absence from the October 4, 2022 Board Meeting. (Motion # 22-52).

ITEM 2 CHAIRMAN’S ITEMS
ITEM 3 MISCELLANEOUS

Asuntha Chiang-Smith joined the meeting.

ITEM 4 MANAGER REPORT/PRESENTATIONS

ITEM 4.A. Cheiron – Presentation by Janet Cranna, Patrick Nelson, and Jana Bowers

Cheiron conducted an educational session on the actuarial valuation process, historical trends, and the identification and assessment of risk prior to presenting the June 30, 2022 actuarial valuation results.

The June 30, 2022 actuarial valuation indicated a funded ratio (based on the actuarial value of assets) of 91.1%, which is down from 92.6% in 2021.

The June 30, 2022 actuarial valuation included a change in the investment return assumption from 6.75% to 6.70% and plan changes for Plan C and Plan D.

To meet the ERS’ funding objectives, Cheiron recommended an Actuarially Determined Contribution (ADC) of \$28,367,491 (16.22% of covered payroll) is payable July 1, 2023 for fiscal year 2024. The recommended ADC increased from \$25,682,999 (14.43% of payroll) as of June 30, 2021. The increase in the ADC can be primarily attributed to 1) a \$20 million loss on liabilities driven by salary increases (for actives) greater than expected and cost-of-living adjustments (for retirees) greater than expected; 2) a change in the investment return assumption from 6.75% to 6.70% which increased liabilities by \$6.9 million; and 3) changes for Plan C and Plan D which increased liabilities by \$0.9 million.

ACTION: MR. RUSSELL made a motion, seconded by MS. CHIANG-SMITH to approve an Actuarially Determined Contribution of \$28,367,491 (16.22% of payroll) payable July 1, 2023 for fiscal year 2024. The motion PASSED (8-0). Lisa Blackwell-Brown had intermittent technical difficulties. (Motion # 22-53).

ITEM 5 COMMITTEE REPORTS/RECOMMENDATIONS

ITEM 5.A. Investment Monitoring Group (IMG) Presentation

Ms. Morgan-Johnson provided an overview of the IMG meeting on October 18, 2022. The ERS had \$48.5 million invested in a commingled account with PGIM Fixed Income (“PGIM”) as of August 31, 2022. PGIM invests in a diversified portfolio of emerging markets debt securities and other securities and investments. The investment objective is to outperform the benchmark which is 50% JP Morgan EMBI Global Diversified Index/50% JP Morgan GBI-EM Global Diversified Index over a full market cycle which is typically 3-5 years. PGIM confirmed performance had fallen short of the intended 200 basis points of outperformance versus the benchmark due to the market environment. Positions in Russian, Ukraine, Pakistan, Zambia, and Turkey detracted from performance. PGIM indicated the outlook is challenging with volatility expected in the short term.

Eaton Vance requested two guideline changes as follows:

Request #1: Eaton Vance requested the guidelines be revised to increase the maximum limit for Rule 144A securities from 15% to 30% of the portfolio’s market value. Eaton Vance believes the requested change will significantly increase its ability to invest unencumbered in Rule 144A high yield bonds and Rule 144A asset-backed securities, broadening the investment universe in these sub-sectors from which it can source investment opportunities.

Request #2: The investment guidelines specify the use of Moody's, S&P, and Fitch when testing for minimum rating and rating concentrations. Eaton Vance requested the guidelines be revised to allow Kroll Bond Rating Agency, LLC ("KBRA") ratings for securitized investments. Eaton Vance believes including KBRA as a fourth NRSRO specifically for securitized debt instruments will significantly increase its ability to invest in asset-backed securities, broadening the investment universe from which it can source investment opportunities.

Wilshire's Brad Baker recommended acceptance of the proposed guideline changes. Wilshire believes the changes are prudent, allow Eaton Vance flexibility without undue investment risk, and are consistent with institutional standards in the asset management industry.

The IMG recommended the Board approve the revised Eaton Vance Core Fixed Income Investment Guidelines, as requested by Eaton Vance and recommended by Wilshire Advisors.

ACTION: MR. RUSSELL made a motion, seconded by MS. CHIANG-SMITH to approve the revised Eaton Vance Core Fixed Income Investment Guidelines, as recommended by Wilshire Advisors. The motion PASSED (8-0). Lisa Blackwell-Brown had intermittent technical difficulties. (Motion # 22-54).

ITEM 5.B Audit Committee Presentation

Ms. Rose provided an overview of the Audit Committee meeting on September 28, 2022 on behalf of Personnel Committee Chairman, Gavin Cohen, CPA. SB & Company, LLC ("SB") SB issued an unmodified (aka "clean") opinion on the financial statements; reviewed the Annual Comprehensive Financial Report (ACFR); found no material weaknesses or instances of fraud identified; and received the full cooperation from management. SB audited the significant risk areas, including financial reporting, investments, investment income, benefits payable, actuarial information, contributions, information technology, administrative expenses, and payroll. As of June 30, 2022, and 2021, the ERS had a Fiduciary Net Position Restricted for Pensions of \$1,056,153,292 and \$1,107,721,888, respectively. During 2022, the Fiduciary Net Position Held in Trust for Pension Benefits decreased by \$52 million primarily due to a net depreciation in fair value of investments of approximately \$36 million and an investment loss of approximately \$21 million associated with current market conditions. The ACFR is available on the website.

ITEM 6 ADMINISTRATOR'S REPORT

Ms. Rose presented the Administrator's Report dated October 21, 2022. During October, the ERS simulated the annual disaster recovery test on the PensionGold system with LRS (the software provider) and Flexential (the hosting provider). The process fully tested production server fail-over to the disaster recovery site; confirmed applications would function at the disaster recovery site; confirmed access to the production environment; proved the data included changes made to the production database that morning before the switchover; and replicated a full benefit payroll for retirees and survivors, downloading results and printing. The disaster recovery test was a success.

The Board meeting of November 1, 2022, adjourned at 11:34 a.m.

Respectfully,

Andrea L. Rose

Andrea L. Rose
Administrator

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Montgomery Planning

THRIVE MONTGOMERY 2050 – RESOLUTION OF ADOPTION

Description

The Montgomery County Council, sitting as the District Council, approved *Thrive Montgomery 2050* by Resolution No. 19-1413 on October 25, 2022. Sec. 33A-9 of the County Code requires the Commission to adopt the approved plan within 60 days of the Council’s approval of the plan. The adoption of the approved plan is a two-step process: 1) Planning Board’s approval of the Resolution of Adoption; and 2) the full Commission’s approval of the Resolution of Adoption.

Attached for your review and approval is the Montgomery County Planning Board Resolution No. 22-101 to adopt Thrive Montgomery 2050 as the new General Plan for Montgomery County, except for the following municipalities that have their own planning and zoning authority: the Cities of Rockville and Gaithersburg, and the municipalities of Barnesville, Brookeville, Laytonsville, Poolesville, and Washington Grove.

COMPLETED: 11-18-2022

MCPB
Item No. 5
12-1-2022

2425 Reedie Drive
Floor 14
Wheaton, MD 20902

Montgomeryplanning.org



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

6611 Kenilworth Avenue • Riverdale, Maryland 20737

MCPB NO. 22-101

M-NCPPC NO. 22-42

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of the Land Use Article of the Annotated Code of Maryland, is authorized and empowered, from time to time, to make and adopt, amend, extend and add to the *On Wedges and Corridors, Updated General Plan for the Physical Development of the Maryland-Washington Regional District in Montgomery County, 1969*; and

WHEREAS, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, pursuant to the procedures set forth in the Montgomery County Code, Chapter 33A, held a duly advertised public hearing on Thursday, November 19, 2020, on the Public Hearing Draft *Thrive Montgomery 2050*, being a Comprehensive Amendment to the ...*On Wedges and Corridors, Updated General Plan for the Maryland-Washington Regional District in Montgomery County Maryland, 1969*; the *General Plan Refinement of the Goals and Objectives for Montgomery County, 1993*, as amended; the *Master Plan of Historic Preservation*, as amended; the *Purple Line Functional Plan, 2010*, as amended; the *Housing Element of the General Plan, 2011*, as amended; the *County-wide Transit Corridors Functional Master Plan, 2013*, as amended; the *Master Plan of Highways and Transitways, 2018*, as amended; the *Energized Public Spaces Functional Master Plan, 2018*, as amended; and the *Bicycle Master Plan, 2018*, as amended; and

WHEREAS, the Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on April 8, 2021, approved the Planning Board Draft *Thrive Montgomery 2050*, recommended that it be approved by the District Council, and on April 13, 2021, forwarded it to the County Executive for recommendations and analysis; and

WHEREAS, the Montgomery County Executive reviewed and made recommendations on the Planning Board Draft *Thrive Montgomery 2050* and forwarded those recommendations and analysis to the District Council on June 10, 2021; and

WHEREAS, the Montgomery County Council sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held two public hearings on June 17, 2021 and June 29, 2021, wherein testimony was received concerning the Planning Board Draft *Thrive Montgomery 2050*; and

Approved as to

Legal Sufficiency: /s/ Matthew T. Mills

M-NCPPC Legal Department

WHEREAS, the District Council, on October 25, 2022, approved the Planning Board Draft *Thrive Montgomery 2050* subject to the modifications and revisions set forth in Resolution No. 19-1413

NOW THEREFORE BE IT RESOLVED, that the Montgomery County Planning Board and the Maryland-National Capital Park and Planning Commission do hereby adopt the said *Thrive Montgomery 2050*, as the General Plan for the Maryland-Washington Regional District in Montgomery County, as approved by the District Council in the attached Resolution NO. 19-1413, and

BE IF FURTHER RESOLVED, that copies of said Amendment must be certified by the Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's Counties, as required by law.

This is to certify that the foregoing is a true and correct copy of Resolution No. 22-101 adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission at its regular meeting held on December 1, 2022, in Wheaton, Maryland on motion of Commissioner Branson, seconded by Commissioner Piñero, with a vote of 5 to 0, Chair Zyontz, and Commissioners Branson, Hill, Presley, and Piñero, voting in favor of the motion.



Jeffrey Zyontz, Chair
Montgomery County Planning Board

This is to certify that the foregoing is a true and correct copy of Resolution No. _____ adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with Commissioners _____, _____, _____, _____, voting in favor of the motion, at its meeting held on Wednesday, December 21, in Riverdale, Maryland.

Asuntha Chiang-Smith
Executive Director

Clerk's Note: An incorrect reference to Prince's Georges County was removed from paragraph 2.

Resolution No.: 19-1413
Introduced: October 25, 2022
Adopted: October 25, 2022

**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: County Council

SUBJECT: Approval of Thrive Montgomery 2050

1. On April 13, 2021, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft Thrive Montgomery 2050 plan.
2. The Planning Board Draft Thrive Montgomery 2050 contains the text and supporting maps for a comprehensive amendment (rewrite) of the 1969 General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery County Maryland, as amended; the 1993 General Plan Refinement of the Goals and Objectives for Montgomery County, as amended; the Master Plan of Historic Preservation, as amended; the 2010 Purple Line Functional Plan, as amended; the 2011 Housing Element of the General Plan, as amended; the 2013 County-wide Transit Corridors Functional Master Plan, as amended; the 2018 Master Plan of Highways and Transitways, as amended; 2018 Energized Public Spaces Functional Master Plan as amended; and the 2018 Bicycle Master Plan, as amended.
3. The County Council held two public hearings on the Planning Board Draft Thrive Montgomery 2050 plan, one on June 17, 2021, and another on June 29, 2021. The General Plan was referred to the Council's Planning, Housing, and Economic Development (PHED) Committee for review and recommendations.
4. On September 21, 2021, the Office of Management and Budget transmitted to the County Council the Executive's Fiscal Impact Statement for the Planning Board Draft Thrive Montgomery 2050 plan.
5. On July 14, 21, 26, September 20, 27, October 4, 11, 13, and 25, the PHED Committee held worksessions to review the issues raised in connection with the Planning Board Draft Thrive Montgomery 2050 plan. In September, the Committee started its review based on a revised version of each chapter. Council and Planning staff worked together at the direction of the Committee to incorporate suggestions made during the July worksessions. The bulk of these revisions focused on adding definitions, information and explanations, and deleting or rearranging text for clarity and readability.

6. Upon completion of its review on October 25, 2021, the PHED Committee Draft of Thrive Montgomery 2050 was posted on the Council’s website and is the basis for the Council’s review of the plan.
7. On February 15, 2022, the County Council held its first worksession on the PHED Committee Draft Thrive Montgomery 2050 plan. After being briefed by the Office of Legislative Oversight regarding an equity analysis of the plan, the Council approved additional outreach and assistance with a racial equity and social justice review of the plan’s recommendations.
8. On March 1, June 21, September 13, and September 20, 2022, the Council received updates and briefings regarding this effort.
9. On September 22, October 4 and 11, 2022, the County Council held four more worksessions to review the PHED Committee Draft of Thrive Montgomery 2050.

Action

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 resolution:

The PHED Development Committee Draft Thrive Montgomery 2050, which revises the Planning Board Draft Thrive Montgomery 2050, is approved with revisions. County Council revisions to the PHED Committee Draft plan are identified below. Deletions to the text of the plan are indicated by [brackets], additions by underscoring. All page references are to the October 2021 PHED Committee Thrive Montgomery 2050 plan.

Page 2: Delete the section titled “Highlights of the PHED Committee Draft of Thrive Montgomery 2050”.

Page 4: Amend the table of Contents to reflect changes in headings and updated page numbers as a result of the addition of new chapters and changes to text and graphics.

Page 5: Amend the third paragraph under “INTRODUCTION” as follows:

In addition, we now see that not all of the changes in our approach to planning were beneficial. The 1993 refinement established the residential wedge, identified as an area for “maintaining a low-density residential character” and directed most growth to the “urban ring” and I-270 corridor. However, the removal of the eastern portion of the County as a location suitable for corridor-focused development discouraged public and private investment in this area. The establishment of the residential wedge consigned more than one-third of the County to zoning exclusively for single family homes, leaving many of our neighborhoods reliant on automobiles and disconnected from many amenities and services. These decisions, in conjunction with discriminatory land use and planning-related practices such as redlining and restrictive covenants (both created by the real estate and financial industries and then adopted by government agencies), established inequitable patterns of development that must be recognized and addressed in ways that do not compound the issues caused by displacement and gentrification.

Page 6: Amend the second paragraph under “WHAT IS A GENERAL PLAN?” as follows:

Thrive Montgomery 2050 is the county’s update to our general plan. It is a framework for future plans and development that defines the basic land use policies and context for all public and private development in the county. It provides direction for decisions about land use, transportation, and related issues under local government influence, but it does not by itself change zoning or other detailed land use regulations although implementation of its recommendations may require such changes. Its recommendations also touch on the objectives and actions of other public and private entities that are responsible for implementing and providing land use related services and amenities. However, while the general plan provides guidance to the entire county, that guidance is not binding upon those municipalities that have independent planning, zoning, and subdivision authority²².

¹ This includes the Cities of Rockville and Gaithersburg, and the municipalities of Barnesville, Brookeville, Laytonsville, Poolesville, and Washington Grove

Page 6: Insert two new paragraphs after the fourth paragraph under “WHAT IS A GENERAL PLAN?” as follows:

To that end, Thrive Montgomery 2050 will inform future master and functional plans. Master plans (or area master plans or sector plans) are long-term planning documents for a specific place or geographic area of the county. All master plans are amendments to the General Plan. They provide detailed land use and zoning recommendations for specific areas of the county. They also address transportation, the natural environment, urban design, historic resources, affordable housing, economic development, public facilities, and implementation techniques. Many of Thrive Montgomery 2050’s recommendations cannot be implemented with a one-size- fits-all approach. Area master plans will help refine Thrive Montgomery 2050 recommendations and implement them at a scale tailored to specific neighborhoods.

Functional plans are master plans addressing a system, such as traffic circulation or green infrastructure, or a policy, such as agricultural preservation or housing. A functional master plan amends the General Plan and may include recommendations on land use and zoning. The Master Plan of Highways and Transitways, the Energized Public Spaces Functional Master Plan, and the Master Plan for Historic Preservation are functional plans that do not include land use or zoning recommendations; however, the Preservation of Agriculture & Rural Open Space Functional Master Plan does. New and revised functional master plans can help refine and implement Thrive Montgomery 2050 recommendations that affect county-wide systems and/or policies.

Page 6: Amend second sentence of the third paragraph under “A Blueprint for the Future” as follows:

These strategies [will] aim to accommodate growth in ways that make room for new residents and also improve the quality of life for the people who already live here.

Page 7: Amend the first paragraph under “Plan Framework and Overarching Objectives” as follows:

Thrive Montgomery 2050 aims to create communities that offer equitable access to jobs, more housing, transportation, parks, and public spaces. Just as importantly, it can help guide the design

of the built environment to strengthen the social and physical health of our residents, supporting active lifestyles and encouraging interaction and engagement. This framework embraces and builds on the Wedges and Corridors plan, with a greater emphasis on the development of compact, complete communities and the role of major corridors as places to grow. It also supports greater conservation and expanded protection of our natural resources and recognizes the importance of integrating arts and culture in our communities. [The plan is designed to integrate arts and culture into the fabric of our community and open opportunities for creative expression.]

Page 7: Amend the first sentence of the third paragraph under “Economic Performance and Competitiveness: Opportunities and Challenges” as follows:

As we work to fortify the county’s economic performance, we must simultaneously bolster our dominance in existing sectors, diversify our job base, improve connections to centers of employment and innovation throughout the region, and provide the kinds of infrastructure, services, and amenities that [will] can strengthen our ability to compete effectively in the future.

Page 7: Amend the first paragraph under “How Thrive Montgomery 2050 addresses economic health” as follows:

Thrive Montgomery 2050 can play[s] an important role in strengthening our economic competitiveness by fostering the creation [creating the kind] of places where people with diverse choices want to live and work. Its recommendations for land use, transportation, parks, and other public and private infrastructure lay the groundwork for economic development initiatives undertaken by other entities. For example, the county’s Capital Improvement Program (CIP) should be aligned with Thrive Montgomery 2050’s recommendations to make our neighborhoods more attractive for private development by providing high quality transit, sidewalks and a walkable grid of streets, great urban parks, and high-performing and racially integrated schools. The combination of these kinds of investments is a reliable long-term strategy for attracting workers to well-designed and planned complete communities, which in turn will entice businesses and employers to locate here.

Page 8: Amend the second sentence of the second paragraph under “How Thrive Montgomery 2050 addresses economic health” as follows:

Re-energizing the county’s commercial centers is a major goal of the plan, but so is the recognition that small offices or storefronts in Complete Communities and even home offices [will] are likely to be common workplaces in the 21st century.

Page 8: Amend the last sentence of the third paragraph under “Racial Equity and Social Inclusion, Opportunities and Challenges” as follow:

The 1993 Refinement of the Wedges and Corridor plan’s focus on the I-270 corridor and related planning decisions exacerbated this problem by discouraging growth in the East County, focusing public and private investment to the west.

Page 9: Insert a sentence at the end of the third paragraph under “Impacts of Past Practices” as follows:

As we seek a future that is more equitable and inclusive, improved access to infrastructure and amenities in racially, socially, and economically isolated areas will not be enough. We also must facilitate the integration of neighborhoods by race and income, across all ages. Increasing the share of racially and economically mixed neighborhoods and schools across all parts of the county is critical to ensure that the inequities of the past will not be perpetuated in the future. To this end, planning must establish working, on-going relationships with communities that prioritize participatory planning and must bring the voices of vulnerable communities forward.

Page 9: Amend the second sentence of the first paragraph under “How Thrive Montgomery 2050 addresses Racial Equity and Social Justice” as follows:

Different measures of social capital, including trust in public and private institutions, the planning process, political participation, whether neighbors know each other, and other indicia of connection and cohesion are influenced by qualities of the built environment.

Page 9: Amend the first sentence of the second paragraph under “How Thrive Montgomery 2050 addresses Racial Equity and Social Justice” as follows:

Advancing racial equity through just planning policies and public investments in underserved communities, promoting the racial and economic integration of neighborhoods, and focusing on the potential for the design of communities to help build social trust and inclusion while encouraging civic participation and participation in the planning process are among the most significant elements of Thrive Montgomery 2050.

Page 10: Amend the last sentence of the first paragraph under “Environmental Resilience, Opportunities and Challenges” as follows:

Along with [aggressive] improved stormwater and forest conservation regulations, these efforts have established a strong framework for the protection of natural resources.

Page 10: Amend the second paragraph under “Environmental Resilience, Opportunities and Challenges” as follows:

Despite these policies, however, additional work is still needed in these areas, including increased attention to localized flooding and loss of mature tree canopy. [t]The county cannot avoid the impact of global climate change. Precipitation in northeastern United States increased by 55 percent between 1958 and 2016. This trend has meant more frequent violent weather events like the flash flooding that occurred in July 2019, when the D.C. region received a month’s worth of rain in a single day, causing streams to rise 10 feet in less than an hour, inundating vehicles, businesses, roads and closing the Metrorail system. The past decade has also been the hottest 10-year period in the region’s recorded history, with rising hospitalizations due to extreme heat impacts. Public health issues are exacerbated by climate change and intertwined with the quality of the built and natural environment. Where possible, these and other effects of climate change must be addressed in our land use policies. The adverse effects of a changing climate will be felt most acutely by low-income residents and people of color, who are likely to suffer a disproportionate share of the damage to real property and personal health due to past and current patterns of discrimination.

Page 11: Amend the third sentence of the second paragraph under “How Thrive Montgomery 2050 address environmental resilience” as follows:

It prioritizes the equitable distribution and expansion of green infrastructure throughout the County.

Page 11: Amend the last sentence of the third paragraph under “How Thrive Montgomery 2050 address environmental resilience” as follows:

Together these plans [will] strive to create a comprehensive approach to climate change at the local level.

Page 11: Amend the paragraph under “Improving Public Health and Encouraging Active Lifestyles” as follows:

The length and quality of human life are strongly influenced by both the natural and built environment. In 2018, more than three-fifths of adults in Montgomery County were overweight or obese. Five of the seven zip codes in the county with household incomes in the lowest quartile are also among the zip codes with the lowest average life spans. And even though low-income residents and people of color are more likely to suffer from negative health outcomes for several reasons, all residents can benefit from a more active lifestyle supported by an emphasis on transit, walking, and biking, and easy access to parks, [and]recreational opportunities, and nature. The importance of healthy living for seniors and the disabled will also remain a significant area of focus as our ageing population continues to grow. Active lifestyles supported by improved housing choices in compact, complete communities can serve to improve public health for all, while simultaneously reducing the ecological footprint of human activity.

Page 11: Amend the first paragraph under “Elevating Quality of Design and Highlighting Role of Arts and Culture” as follows:

The Wedges and Corridors Plan envisioned a variety of living environments and encouraged “imaginative urban design” to avoid sterile suburban sprawl. Nonetheless, like every plan, that plan was a product of its time. It relied on design approaches that were typical of the 1960s, emphasizing the convenience of driving and rigid separation of land uses.

Page 12: Amend the second paragraph under “Elevating Quality of Design and Highlighting Role of Arts and Culture” as follows:

Good design is not a luxury but a critical economic development tool. Businesses and workers [now]today prefer walkable, accessible, amenity rich, mixed-use places that facilitate the interaction and exchange of ideas that feed innovation. A greater share of residents, across all ages, prefer walkable, transit-rich neighborhoods too. Combined with the lack of undeveloped land far from transit, these forces [dictate] indicate the need for a shift toward redevelopment and infill that converts “parking lots to places” near existing or planned transit lines and incorporating walkable form.

Page 12: Amend the last sentence of the third paragraph under “Elevating Quality of Design and Highlighting Role of Arts and Culture” as follows:

Supporting a healthy and diverse arts and culture ecosystem will not only enrich the lives of our residents and bring us closer together but can also [will] help attract talent and spur innovation.

Page 12: Amend the second, and third paragraphs under “URBANISM AS AN ORGANIZING PRINCIPLE” as follows:

This approach calls for focusing growth in a limited number of locations rather than dispersing it, avoiding “sprawl.” It means encouraging in appropriate areas the agglomeration of different uses such as retail, housing, and office space as well as diversity within each type of use. For example, a variety of housing sizes and types near employment and retail can help[s] to ensure that people of diverse income levels can live and work in proximity to each other. This over time can produce[s] more racially and socioeconomically integrated neighborhoods and schools, [providing]and more equitable access to economic opportunities, public services, and amenities. It also emphasizes the importance of walking, biking and transit and reduces reliance on cars.

Of course, other factors – particularly quality and thoughtfulness in the design of buildings, streets, neighborhoods,[and] public spaces, and the incorporation of nature into urban areas – are also essential. Combined with the fundamentals of urbanism, design excellence and biophilic design² can help create a sense of place, facilitate social interaction, [and]encourage active lifestyles, and contribute to environmental resiliency. Compact development can also provide[s] other advantages including efficient use of scarce land, more natural areas for recreation and preservation, and reduced expense for building and maintaining infrastructure.

² Biophilic Design is the practice of connecting people and nature within our built environments and communities.

Page 12: Amend the first sentence of the fourth paragraph under “URBANISM AS AN ORGANIZING PRINCIPLE” as follows:

These principles of urbanism [are equally relevant to]benefit rural, suburban, and urban areas.

Page 12: Amend the fifth paragraph under “URBANISM AS AN ORGANIZING PRINCIPLE” as follows:

With attention to both the functional and aesthetic aspects of design, urbanism is not only consistent with a commitment to maintaining the best of what has made Montgomery County attractive in the past but is necessary to preserve and build on these qualities while [correcting]addressing the challenges of auto-centric planning and its effects on the environment, racial equity, and social cohesion.

Page 13: Amend the section “Organization of the Plan” as follows:

Related to the three primary objectives of economic competitiveness, racial and social equity, and environmental sustainability, the plan is organized into [six]nine chapters:

- Economic Competitiveness
- Racial Equity and Social Justice

- Environmental Health and Resilience
- Compact Growth: Corridor-Focused Development
- Complete Communities: Mix of Uses and Form
- Design, Arts, and Culture: Investing and Building Community
- Transportation and Communication Networks: Connecting People, Places, and Ideas
- Housing for All: More of Everything
- Parks and Recreation for an Increasingly Urban and Diverse Community: Active and Social

The first three chapters, following the introduction, each address one of the three overarching objectives of the Plan. As such, they “set the stage” for the policies and practices recommended in the chapters that follow. The ideas in each of the following six chapters are intended to complement each other and outline approaches calibrated for varying scales of planning. The [first three] fourth, fifth and sixth chapters move from the countywide scale (Compact Growth) to the [district]community and neighborhood scale (Complete Communities) and finally to the details of individual blocks and buildings (Design, Arts, and Culture). The chapter on Compact Growth describes a countywide approach that aims to concentrate development along corridors to maximize the efficiency of infrastructure, preserve land, and focus investment. The Complete Communities chapter covers strategies for individual neighborhoods and districts that build on the foundation of a compact footprint for growth by incorporating a mix of uses, building types, and lot sizes to create livable places that are accessible and inviting to people with a variety of income levels, household sizes, and lifestyles. The Design, Arts and Culture chapter discusses the finer-grained analysis of design concepts applicable to blocks and individual development sites, the architecture of public and private buildings, the landscape of plazas and public spaces, and elements of street design.

These concepts are reinforced and supported by the remaining three chapters, which address specific topics related to development and public infrastructure. The Housing for All chapter recommendations are intended to diversify our housing stock across incomes, building types and geography. The Transportation and Communication Networks chapter outlines the multi-modal and digital infrastructure required to support compact growth and the creation of walkable, well-designed complete communities as well as the communication networks in the county. The Parks and Recreation chapter describes the role of public and privately-owned parks and gathering spaces in encouraging social interaction, promoting a healthy lifestyle through physical activity, and mitigating the effects of climate change through environmental stewardship. Each chapter explains how its recommendations serve the broader objectives of Thrive Montgomery 2050 and provides suggested measures [metrics] to gauge progress in implementing the chapter’s ideas. No plan that is designed to provide guidance over a period of decades can anticipate every difficult problem, attractive opportunity, or useful idea that may emerge, so these metrics should be used to assess new proposals as well as to measure the success or failure of the plan’s recommendations over time.

Page 14: Amend the second paragraph under “Equitable Communications and Community Outreach” as follows:

From June 2019 through April 2021, Montgomery Planning organized multiple in-person and virtual engagement activities to imagine what life in Montgomery County will be like in 2050 and what will be needed to ensure that we thrive in the decades to come. Planners participated in more than 180 meetings with community members and organizations; created and distributed

a “Meeting-in-a-Box” for residents and organizations to host their own discussions about Thrive Montgomery 2050 and the county’s future; created an online quiz soliciting feedback on values and priorities for the plan; built a dedicated website (accessible both in English and in Spanish), [thrivemontgomery2050.com (and MontgomeryProspera.com in Spanish),] with a wealth of materials in multiple languages, and distributed tens of thousands of postcards and e-newsletters to reach community members across the county. The outreach effort was challenging because of the onset of the COVID-19 pandemic nine months into the planning process; however, the outreach work responded to this challenge with innovative new tools – including successful virtual meetings, social media campaigns, and outdoor pop-up events. More detailed information about this award-winning equitable engagement strategy is included in the Outreach and Engagement Appendix.

Page 14: Delete the third paragraph and sections that follow under “Equitable Communications and Community Outreach” as follows:

[Montgomery Planning estimates that these efforts resulted in interactions with approximately 12,000 people.

Thrive Montgomery 2050 looked at the largest minority languages where limited English proficiency was greater than 10% and created materials and advertising in multiple languages.

Thrive Montgomery 2050 Engagement by the Numbers

- Over 180 meetings with community
- 1,635 people completed online Thrive Montgomery 2050 Quiz
- 1,300 Meeting-in-a-Box postcards sent to HOAs + Community Associations
- 91,000 postcards to equity emphasis areas
- ThriveMontgomery.com – 102,641 web views
- E-letter signup – 1,384, with open rate of 40% (double industry average)
- Estimated participation – approximately **12,000**

Top five topics that received the most comments:

1. Public transit
2. Affordable housing
3. Parks
4. Walkability
5. Education/Schools]

Page 15: Insert three new paragraphs at the end of “Equitable Communications and Community Outreach” as follows:

For a typical master or sector plan, one public hearing is held by the County Council. For plans that encompass a large area or contain recommendations for a large number of properties, the Council will hold two public hearings. For Thrive Montgomery 2050, the Council held two public hearings in June 2021.

Recognizing the interest in the plan and hoping to receive input from as diverse a group of County residents and business-owners as possible, the Council created additional opportunities for community members to weigh in. Following completion of the Committee Draft, the Council held two Community Listening Sessions, encouraging participation focused on the overarching goals

of the plan and the updates made by the Committee. In early 2022 at the request of the Council President, the Citizen Advisory Board of the County's five Regional Service Centers hosted a discussion of the draft plan, providing yet another opportunity to gather diverse thoughts on the updated plan from residents across the County.

During this time of extended outreach, the Council also requested the Office of Legislative Oversight (OLO) conduct a racial equity and social justice review of the plan. The primary finding from this review was that meaningful input on plan recommendations from Black, Indigenous, and People of Color as well as other under-represented residents would require more targeted outreach best handled by a consultant with expertise in this area. In response, a consultant team with extensive experience engaging under-represented communities on a variety of topics, including land use planning, transportation, economic development, and housing were hired. In executing their work, the consultant team spent three months gathering input from communities of color and other under-represented groups within the County; specifically engaging these community members on the policies and practices recommended in the Committee Draft. As a result, the consultant team produced a report that includes recommended revisions based on input aimed at advancing racial equity and social justice, detailed information on targeted community engagement, a description of the community engagement process and the methodologies used to gather feedback, and recommendations applicable to any future outreach efforts. The consultant team also provided a draft chapter on racial equity and social justice, which is the basis of the chapter in this plan.

Page 16: After the "INTRODUCTION", insert three new chapters titled "ECONOMIC COMPETITIVENESS", "RACIAL EQUITY AND SOCIAL JUSTICE", and "ENVIRONMENTAL HEALTH AND RESILIENCE" as follows:

ECONOMIC COMPETITIVENESS

Montgomery County is in the 99th percentile of all counties in the United States in terms of household income, household net worth and educational attainment, and the county's gross economic output exceeds \$81 billion a year - more than 13 states. These statistics, however, do not tell the whole story. The County's economic performance has been mixed at best since the Great Recession of 2008. Job growth over the past two decades has been slow and household incomes have been flat. These trends, if unaddressed, threaten Montgomery County's future success. The county has several mechanisms to address these issues. Thrive Montgomery 2050 complements economic development initiatives developed by other organizations, such as the Economic Development Strategic Plan developed by Montgomery County Economic Development Corporation (MCEDC)³ and business-supportive legislation adopted by the Montgomery County Council.

Thrive Montgomery 2050 is primarily focused on land use, so it addresses only the aspects of economic development with a strong connection to real estate and public infrastructure. Thrive's

³ The Montgomery County Economic Development Strategic Plan aligns its vision and priorities with the four pillars of the County's Economic Development Platform in its four strategic priorities: (1) Accelerate innovation, economic drivers, and entrepreneurship; (2) Provide greater workforce and educational opportunities; (3) Build livable communities that connect residents to jobs; and (4) Create an inclusive economy for shared prosperity. The plan is slated to be updated every two years.

recommendations are designed to strengthen the County’s ability to compete for economic opportunities by creating great places. Employers want to locate and expand in places where their employees want to live and work. Well-designed “complete” communities that include a mix of uses and forms with safe and attractive walking and biking infrastructure along with public amenities such as parks and recreational facilities are essential to ensuring the quality of life that employers want and that residents deserve. Quality of place is not a comprehensive economic strategy, but it is a solid foundation for success.

Thrive Montgomery 2050 emphasizes quality of place, amenities, and infrastructure instead of focusing on policies to attract specific types of employers or development designed to accommodate certain employment uses. There is limited value in trying to predict how factors such as technological change or a pandemic, might impact the demand for office space or other aspects of land use and transportation planning. The county has an excess of office space in existing buildings, and flexible zoning already in place in major business districts to accommodate just about any demand that that may emerge for development or redevelopment of office buildings in the near to intermediate term. This puts the County in a position to respond and adapt to market changes.

It is also vital to recognize that housing is a critical form of infrastructure that supports efforts to attract and retain the workforce that employers need. Thrive Montgomery 2050 recognizes the importance of abundant housing choices and convenient regional transportation options to maintaining a competitive workforce and workforce development has been recognized as key to making Montgomery County economically strong. By providing attractive housing options that are physically and economically accessible to people with a wide range of incomes, skills, and preferences, we can help ensure that the workers that employers need will find housing that they find appealing, convenient, and affordable. In addition, by investing in transportation and communications networks, we can help our residents take advantage of all of the economic and educational opportunities the county and region have to offer.

Montgomery County’s Economic Performance: the Good, the Bad, and the Future

Montgomery County continues to benefit from proximity to the nation’s capital, which draws skilled, educated, and motivated people from all over the world, but the total number of jobs in Montgomery County grew by only five percent between 2004 to 2019 even as 20 similarly sized counties grew their employment base by an average of 21 percent.

Household incomes in Montgomery County grew by 14 percent from 2009 to 2019, a slower rate than the rest of the region. Despite a median household income of \$111,812, more than one-fifth of households make less than \$50,000 and almost two-fifths of public-school students qualify for free or reduced meals.

This weak growth in household incomes and the number of high-paying jobs shrinks the County’s tax base, limiting the County’s ability to provide and maintain high quality infrastructure, amenities, and services. It also limits the ability of many county residents to buy homes, a key tool for building household wealth and investing in the community. This is particularly the case for younger households and households earning less than the median household income, who

struggle to afford a home and put down roots. Montgomery County is capturing a smaller share of young adults than similar jurisdictions across the country.

The Aging of the Workforce and Implications for the Tax Base

All of this is happening at a time when large numbers of residents are reaching retirement age, creating the region's highest elder-adult dependency ratio. Unless the County can attract and retain more young adults, the aging of the workforce will put pressure on the tax base as the proportion of Montgomery County residents in retirement grows and the percentage of residents in their peaking earning years shrinks.

This demographic shift means that the county's economic performance will have to get better just to maintain current levels of tax revenue and the services it funds, thus making economic competitiveness an even more pressing concern.

Strength in Hospitality and Life Sciences

Despite our challenges, Montgomery County retains significant assets that will help us compete for economic opportunities in the future. For example, Montgomery County is home to companies representing 50 percent of the market capitalization of the entire national hospitality sector, and the Washington area is consistently ranked as one of the top life science clusters in the nation, with bio-health businesses located in the Great Seneca Science Corridor and in several transit-oriented downtowns throughout the County.

Our strength in pharmaceutical research and related fields has sparked a wave of investment in vaccine development. The University of Maryland is leading ground-breaking research in emerging fields such as quantum computing, the National Institutes of Health and Food and Drug Administration are overseeing development of new drugs and medical devices, and several local companies stand to benefit from a focus on testing, prevention, and treatment of infectious disease.

Human Capital: Montgomery County's Ace in the Hole

Perhaps even more important than Montgomery County's strengths in any particular sector is our diverse workforce. Montgomery County has a highly educated workforce. Among adults in the County age 25 and over, 58 percent of people have a bachelor's degree, compared to 41 percent in Maryland, and only 31 percent in the United States overall in 2019. The County also has residents who work in service industries that support all kinds of businesses and residents, from restaurant workers and landscapers to laboratory and clerical staff. The future of employment and the prospects for growth in any particular field are difficult to predict, so the availability of people with a wide range of knowledge and skills may prove to be our most valuable asset of all.

Thrive Montgomery Establishes the Building Blocks for Places that Prosper

How can a land use plan support economic competitiveness? Thrive focuses on three specific areas: quality of place; transportation; and housing.

Great Places are Magnets for People, Businesses, and Jobs

People are instinctively drawn to vibrant centers of activity that have a sense of place with lots of things to do. They enjoy living and working in places that facilitate social interaction and where walking and biking feels safe and appealing and where travel between their homes and other destinations is accessible and easy - be it by car, bike, or transit. Employers making decisions about where to locate are increasingly responsive to these preferences, giving communities that can satisfy them a crucial competitive edge.

Developing neighborhoods and districts with the features and qualities that support the emergence of more vibrant communities is easier said than done. Even the most progressive policies on land use, transportation, housing, and public amenities are likely to fall short unless they are integrated into a cohesive framework. That’s why Thrive Montgomery 2050 recommends strategies that reinforce each other, using compact form as the foundation, “complete communities” and 15-minute living as basic orienting objectives, attention to the aesthetic and functional aspects of design, and the importance of increased housing and transportation options as important criteria for implementation. Each of these topics is discussed at length in the policy chapters of Thrive Montgomery 2050.

In addition, Thrive considers parks to be infrastructure for economic development. *World-class* places require world-class parks, recreation, and cultural amenities. Look to Central Park in New York, Golden Gate Park in San Francisco, Millennium Park in Chicago, or Hyde Park in London and the significance of great urban parks becomes clear. In fact, parks and related amenities are regularly cited as among the most important factors influencing business decisions about where to relocate or expand. Multiple studies have shown that parks increase adjacent property values by 5 percent to 20 percent, providing incentives for property owners to contribute to the creation of public parks or to build privately-owned, publicly accessible spaces for recreation and gathering. Likewise, taxpayer-funded investment in parks and related programming and amenities delivers strong economic returns to the public. These topics are discussed in greater detail in Thrive’s chapter on Parks and Recreation.

Finally, the forms of growth and the creation of quality places promoted by Thrive are economically sustainable. The intuition that compact development leads to efficient use of infrastructure—and has the potential to reduce both private household and infrastructure costs—has been supported by decades of research. Almost all high-quality studies comparing the infrastructure and service costs of spread-out development to those of compact communities have shown that compact urbanism reduces cost burdens on the public sector. For example, a study comparing infrastructure expenditures of 283 counties over a ten-year period found that counties with compact growth patterns spent less than less densely developed counties (controlling for size and property values) on total direct infrastructure costs and capital facilities, as well as several subcategories of infrastructure and services including roads, trash collection, police, fire, parks and recreation, education, and libraries.⁴ In addition to lowering costs, compact development also tends to increase municipal revenues,⁵ strengthening the case for focusing growth in centers and along corridors.

⁴ Carruthers, J. I., & Ulfarsson, G. F. (2003). Urban sprawl and the cost of public services. *Environment and Planning B: Planning and Design*, 30(4), 503-522.

⁵ Litman, T. (2021). *Understanding smart growth savings*. Victoria Transport Policy Institute. https://www.vtpi.org/sg_save.pdf

Walkable, Bikeable, Transit-Connected Places Expand Economic Opportunity

Just about any other form of daily transportation—walking, biking, or riding a bus or train—is potentially less expensive (monetarily) than driving a single-occupancy vehicle, both on a personal basis and in terms of public spending. The two comprehensive reviews of the voluminous literature on the relationship between the built environment and travel behavior conducted in the past decade agree that features of compact development such as household density, job accessibility, and intersection and street network density, reduce driving.

In addition, better transit connections to job centers make the County a more attractive choice for employers by making it easier for their current and future employees to get to work. With drive times and pass-through automobile traffic predicted to continue growing, investments in transit can significantly increase our “commute shed” and avoid ever-longer drives to and from work, which makes Montgomery County economically competitive.

A higher priority for investments in transit, walking, rolling, and bicycling infrastructure is critical to building complete communities that have the amenities, sense of place, and level of activity that more and more people of all backgrounds and ages seek. Transit improvements exert a kind of gravitational pull on real estate development by creating incentives and opportunities to locate a variety of uses, services, and activities close to station locations – and to each other.

Housing for the Workforce Needed for a Strong Economy

Increasing the supply of new housing near transit, jobs, and amenities may help to improve the quality of life for everyone in the county while helping to attract and retain the broadly skilled workforce that employers need, making the county more economically competitive. The increased demand for walkable neighborhoods with a mix of uses – especially near transit – is well documented. Housing in “Walkable Urban Places (WalkUPs)”, command prices 71 percent higher per square foot than other locations in the Washington area, reflecting both the desirability and relative shortage of these kinds of places. By concentrating more housing of different sizes and types near high-quality transit corridors, we can provide housing that will help keep the most productive workers in the county, curb escalating prices in the most desirable locations, and improve accessibility of jobs, transportation, and services while being mindful not to displace current residents.

Conversely, if we don’t have enough housing, workers will continue bidding up the cost of existing residences until only the very affluent will be able to afford decent housing in convenient locations. Lower-and middle-income residents will either be priced out entirely or face crowded, substandard housing conditions in remote locations with long and difficult commutes. Without affordable and attainable housing dispersed throughout the county, we will never be able to attract and retain the broadly skilled workforce needed to effectively run businesses, regardless of their scale or economic sector.

The Role of Regionalism in Strengthening and Diversifying Our Job Base

Even as we focus on bolstering our competitive position in sectors such as hospitality and life sciences, we also need to diversify our job base, and improve connections to centers of employment and innovation throughout the region. Montgomery County is part of a dynamic regional economy with a rich mix of public institutions and private companies.

Many residents of the Washington region travel to, from or through Montgomery County to reach jobs or homes in other jurisdictions within the region. The effects of decisions about housing, environmental stewardship, economic development, and other issues in any DC-area jurisdiction are felt by its neighbors. We enjoy many benefits from cooperation with our neighbors, but also compete against them for opportunities, and consensus on how to address regional problems is often elusive. Montgomery County is an integral part of the larger region and must find ways to work more effectively with other area governments to make us all stronger.

Conclusion: Great Places as a Common Denominator for Economic Performance

Thrive Montgomery 2050 is a comprehensive land use plan, not a comprehensive economic development plan, so it focuses on ways to help create the kind of places where people with diverse choices want to live and work rather than workforce development, financial incentives for business relocation and retention, or other important topics related to economic competitiveness. It is not intended as a substitute for the county's broader economic programs, policies and plans, but in an era with limited demand for new office construction and a strong market preference for locating businesses in high-quality, mixed-use, walkable, and transit-oriented areas, it is one of the best strategies available to local government for growing our work force and our tax base.

In making decisions about how to allocate scarce resources available for subsidies, incentives and workforce development, the tension between reinforcing existing strengths and looking for ways to diversify into new sectors often presents difficult choices. Fortunately, the kinds of infrastructure, services and amenities that make a place appealing to employees and employers are generally not sector specific. Put another way, the things that will make Montgomery County attractive to people working in life sciences or hospitality are the same things that draw people in other fields and at a variety of skill-levels.

The recommendations in the following chapters lay the groundwork for economic development initiatives undertaken by other entities. For example, the County's Capital Improvement Program (CIP) should be aligned with Thrive Montgomery 2050's recommendations to make our neighborhoods more attractive for private development by providing high quality transportation networks, sidewalks and a walkable grid of streets, great urban parks, and high-performing and racially integrated schools. In addition, communities designed with sufficient affordable and accessible housing options integrated into our neighborhoods to limit displacement will ensure existing and new community members benefit from these improvements. The combination of these kinds of investments is a reliable long-term method for attracting and retaining workers and their employers to well-designed and planned complete communities.

The purpose of the various policy recommendations in this plan is less about identifying new locations for large government or corporate tenants and more about making parts of the county that already have been developed or planned more attractive and accessible to all residents and workers across all fields, which in turn will help attract employers.

Racial Equity and Social Justice

Planning for Racial Equity and Social Justice

The modern planning profession was born out of social movements like the ‘Tenement House Reform’ movement which broadly exposed substandard living conditions endured by immigrant and working-class residents in New York City in the late 19th century. The resulting Tenement House Act of 1901 established one of the first laws governing how buildings should be constructed and regulated to account for human health and safety. Since that time, countless academics, organizers, politicians, and agitators alike have contributed to establishing urban planning as the ‘epistemological field of study’ which informs how so many of the decisions that impact our lives are made. Planning is the tool that the state wields when exercising its ‘police power’ to regulate and govern the development of land and infrastructure through plans, codes, and ordinances, and their associated administrative processes. As such, planning decisions have significant and cross-cutting impacts; how and where things are built (or not built) directly correlates to the physical quality of place and the quality of life for inhabitants. It is precisely because of the tremendous importance of planning why who gets to participate in the planning process matters so much in determining future outcomes.

Historically, there has frequently been an atmosphere of distrust around planning because there are often limited opportunities for everyday citizens to participate and truly be empowered in making the important decisions regarding the future growth and development of their communities. This dynamic is compounded by a legacy of exclusion reinforced through racism and classism. Generally speaking, power and decision-making authority in planning has been reserved for those with either direct political access, or those with privileges associated with wealth, education, race, and/or social status. This imbalance has contributed to a dynamic where the interests of ‘capital’ have often trumped the interest of the public good. While capitalism’s market theory has its merits, one of its flaws is that there is no mechanism by which externalities (like pollution) get paid for. Planning’s prescriptions are designed to correct for market failure when the market is not able to correct itself. As such, planning is one of the primary tools available to us to deal with the problems of racial inequities and social injustices, which most often show up in the form of segregation, poverty, and its associated impacts.

Survey before Plan

Foundational to planning theory is the work of Patrick Geddes, a planning pioneer, who theorized that you must ‘survey before you plan’. The underlying idea is that before you can apply a prescription, you must thoroughly understand and diagnose the issues. Meaningful public engagement is the prerequisite to building the transparency, trust, and collaborative relationships with communities that are needed to establish the two-way learning process which supports holistic planning solutions. Without careful consultation with the community, it is unlikely that a comprehensive understanding of place can be achieved. John Forester, preeminent urban planning professor who writes on participatory planning processes emphasizes that the ears are the practitioners most useful tool, and that listening the most important planning exercise.

Two Americas

During the Civil Rights Movement, Dr. Martin Luther King, Jr. gave a speech about the “Two Americas” which highlighted the legacy of racial and economic oppression and the plight of poor people and how their lived experiences juxtapose with the promise of America as the land of opportunity, life, liberty, and the pursuit of happiness. Unfortunately, for the decades since this

speech was given there are still significant swaths of the black, indigenous, and other people of color (BIPOC) communities that continue to be 'stuck' in cyclical poverty. The persistent challenges of social and economic mobility are clearly highlighted in the land use and economic patterns observed in Montgomery County, today.

In 2022, across America, we are still seeing communities of color disproportionately dealing with eroding infrastructure, substandard living conditions, and environmental justice issues like unsafe drinking water. These neighborhoods across the United States do not exist by coincidence, they were 'carved out' on the map, years ago, by people who wielded planning power. Too often, when these communities are finally paid attention, the original residents are displaced and unable to benefit. The cycle of divestment and real estate speculation in communities of color nationwide has been well documented over time, making 'Gentrification' one of the hottest issues impacting urban America today.

According to the 2022 Neighborhood Change in the Washington DC Area study by Montgomery Planning, while displacement and poverty concentration both take place in Montgomery County, poverty concentration affects more people and more neighborhoods than displacement. Neighborhoods seeing increasing poverty concentration face the risk of further disinvestment and deprivation of opportunities for their residents. Thrive Montgomery 2050 and Planning's Equity Agenda emphasize that County resources should be prioritized in these areas to spur investment. While the Neighborhood Change study shows that areas in Montgomery County that saw sufficient new housing construction avoided both displacement and concentration of poverty while experiencing inclusive socio-economic growth, continued evaluation of these dynamics is essential to racial equity and social justice in the County.

Educational Attainment

This map depicts Educational Attainment by showing, at the census tract level, the percent of the population 25 years and over who has at least obtained a bachelor's degree.

Census tracts with low proportions (20 to 36 percent) of those holding a bachelor's degree or higher are concentrated in tracts within Germantown, Montgomery Village, and Gaithersburg. The Rock Creek, Wheaton, and Oakview communities have tracts with the lowest proportion (1.4 to 20 percent) of the population holding a bachelor's degree or higher. The tracts with lowest concentrations of educational attainment are also those that overlay the primary and secondary target areas with high concentrations of BIPOC and Low to Middle Income residents.

As the county becomes more racially and ethnically diverse, our neighborhoods are still largely separated along income and racial lines. This geographic separation has important consequences for access to educational opportunities and the life prospects of our county's children. There are differences in the quality of education across K-12 public schools and the achievement gaps among different racial groups. In 2019, three-quarters of Black, Hispanic, and English-learning students in Montgomery County Public Schools – along with more than 80 percent of all low-income students in the system – were enrolled in high-poverty-focus schools. By comparison, more than two-thirds of all white, Asian, and multi-racial students were enrolled in low-poverty schools.

As we seek a future that is more equitable and inclusive, access to quality education will continue to be an important driver of equitable development. Improved access to infrastructure and

amenities in racially, socially, and economically isolated areas will not be enough. We must also facilitate the integration of our neighborhoods and schools, by race and income – through increasing opportunities for employment and housing in all areas of our County. The growth of online learning is also changing post-secondary education, creating more opportunities for people to access courses online and reducing opportunities for formal and informal interactions on campuses. Increasing the share of racially and economically mixed neighborhoods and schools across all parts of the county is critical to ensure that the inequities of the past will not be perpetuated in the future.

Racial Equity

Racial equity work seeks to heal; implementation of its ideals requires an honest and careful examination of history to inform deliberate actions aimed at repairing past injustices which have disproportionately impacted black and indigenous communities in America. The legacy of racist policies, and the land-uses they influenced reverberate throughout the entire spectrum of communities of color with Latin/x, Asian, and other BIPOC communities experiencing different, but familiar challenges as their predecessors. Addressing racial equity requires an honest look at root causes of social problems and recognizing that some form of restitution is required to fix them.

To make planning more equitable we have to acknowledge the systems of racial discrimination and privilege which reinforce disparate outcomes for Montgomery County households. Planning alone cannot end racism and segregation or prevent the erosion of cultural communities that wish to remain intact, it can however be an important tool to begin the work of dismantling long-established systems of privilege.

Social Justice

In a planning sense, wealth affords you the opportunity for exclusion: to live in an environment where you do not have to interact with poor people. However, due to the time value of money, the compound nature of wealth creation, and other factors the wealth gap between 'haves' and 'have-nots' is growing. This imbalance creates a strain on society which makes it unstable.

Social justice is a process by which working class people begin to access the privileges only enjoyed by the historically privileged class[es], to afford healthy lifestyles and to experience education and built environments which inspire them to lead happier and more productive lives. In modern times, this is becoming increasingly important as more and more people are finding it hard to thrive economically. Montgomery County has at times taken forward-thinking steps to address inequality, such as adoption of the nation's first – and to this day, most successful – inclusionary zoning law, the Moderately Priced Dwelling Unit (MPDU) program, which guarantees that income-restricted housing will be built in every part of county as part of market-rate development projects. The County has also prioritized using its own resources to help build affordable housing by both co-locating housing with other public uses and disposing of excess public land in exchange for the creation of more affordable housing. In addition to these housing related programs, Montgomery County, through its Department of Health and Human Services, has created a robust set of social service to address health and other wrap-around service needs of County residents. As the County plans for the future, it should continue to find ways to address the specific needs of vulnerable populations impacted by the hidden costs of poverty and determine more ways to design communities to reduce problems associated with public health, crime, housing instability, food insecurity, and segregation.

Justice in Planning

A Right to the City?

The right to the city is far more than the individual liberty to access urban resources: it is a right to change ourselves by changing the city. It is, moreover, a common rather than an individual right since this transformation inevitably depends upon the exercise of a collective power to reshape the processes of urbanization. The freedom to make and remake our cities and ourselves is, I want to argue, one of the most precious yet most neglected of our human rights (Harvey 23).

Property and Pacification

Quality of urban life has become a commodity, as has the city itself, in a world where consumerism, tourism, cultural and knowledge-based industries have become major aspects of the urban political economy. The postmodernist penchant for encouraging the formation of market niches— in both consumer habits and cultural forms—surrounds the contemporary urban experience with an aura of freedom of choice, provided you have the money. Source: David Harvey, Rebel Cities

Examining History

After the Civil War, African Americans suffered from all forms of discrimination (social, housing, education, employment, commerce, health, etc.). The resulting alienation led to the creation of self- reliant kinship communities in many parts of Montgomery County in the late 19th century. A significant part of the history of racial injustice and discrimination suffered by African Americans includes the formation and subsequent decline (in some cases, destruction) of kinship communities in the early 20th century.

Over time, these communities suffered from lack of public investment in infrastructure such as new roads, sewer and water, schools, health clinics, and other public amenities and services needed to be viable places to live. Some communities suffered the devastating impacts of urban renewal policies of the 1960s. Others faced pressure to sell their houses or farms to developers for housing subdivisions. These communities declined because of an accumulation of racially motivated actions paired with social, political, and economic circumstances. The very few of these communities that survived in some way include Ken-Gar in Kensington, Lyttonville in Silver Spring, River Road in Bethesda, Scotland in Potomac, Stewarttown in Gaithersburg, and Tobytown in Travilah.

From the 1890s to the 1920s, the first suburban subdivisions in Silver Spring and Chevy Chase used racial covenants prohibiting African Americans and other racial and religious groups from purchasing land or homes. Well into the mid- 20th century, these types of covenants were placed in the land records. Even after the passage of the Fair Housing Act of 1968 and the Community Reinvestment Act of 1977 to end these practices, a development pattern of segregation continued. Injustices were evident in unfair banking and lending practices; federal immigration policies; unequal public investment in schools, parks and other public facilities; and siting a disproportionately high number of undesirable uses, such as landfills, near communities of color.

In Montgomery County, the legacy of such discriminatory policies and the exclusionary zoning and other land use controls led to neighborhoods defined by income, race, and housing types. As

a result of these practices and other societal factors, a significant quality of life gaps exists for various racial and ethnic groups in the county.

On Wedges and Corridors

Thrive seeks to "modernize" the old Wedges and Corridors Plan. While it is prudent to not throw the proverbial "baby out with the bathwater," the Wedges and Corridor plan created "land use patterns... which left neighborhoods disconnected and reinforced segregation along racial and economic lines." If the old had plan adverse outcomes for historically disadvantaged groups, how do we address/mitigate its failures? What does "modernization" of the Wedges and Corridors Plan look like?

To address segregation and economic inequality established in past zoning/land use planning, deliberate mechanisms need to be introduced to create racially and economically inclusive communities. Planning needs to consider social and economic consequences of efforts to integrate. Communities that face historic challenges need special attention paid to community development and stabilization to ensure that existing social networks and institutions are strengthened so that it is not harder for the existing community to survive in the reimagined one, but they feel a central part of it. Conversely, established areas need to create opportunities for less privileged to access the schools, jobs, natural resources, and other benefits through housing opportunity and improved physical access.

Housing

Thrive's housing prescriptions to address racial equity and social justice largely center on a strategy to significantly increase housing production, striving to increase housing density along major corridors and in Complete Communities across the County. This includes more housing for every income level, with particular attention to providing more income-restricted housing, housing for the very low-income, and permanent supportive housing.

To promote racial equity and economic diversity in housing in every neighborhood, the plan recommends targeted strategies be developed to minimize gentrification and displacement while promoting integration and avoiding concentrations of poverty. The idea of development without displacement is an exciting one, but these ideas, in practice are often acting in direct opposition of each other. Development without deliberate community and neighborhood conservation efforts will almost certainly result in some displacement. So, instead of ignoring this possibility, let's determine where people can go.

Identifying and promoting safeguards against the potential loss of naturally occurring affordable housing continues to be a priority for the County. The County has made recent strides in preserving naturally occurring affordable housing by using a variety of financial and land use tools. For example, the county has increased funding for the Housing Initiative Fund to help preserve naturally occurring affordable housing. Through recent master plans, the county has also allowed for increased density in exchange for no net loss of affordable housing in the event of redevelopment. Understanding that these naturally occurring affordable housing units are important housing resources to the county, more work is needed to understand the risk factors associated with losing these units, as well as the best strategies to preserve these units. If housing affordability continues to decline, it is quite feasible that Montgomery County could require even

more commuters from outside the region to staff its businesses. This dynamic would be in opposition to both the Equity and Sustainability goals of Thrive Montgomery 2050.

Undoubtedly, many residents who currently occupy a community where they have historical, cultural, spiritual, and other ties (kindship) will want to remain in their home community. However, there will be some residents who may like to move to a more affluent area. Traditionally, planning documents are written to support Housing Choice as a strategic goal for future outcomes. When we juxtapose this idea with regional housing markets, it would seem that in order to balance the integration of low-income neighborhoods, some accommodation for rebalancing should be made to ensure that economic benefits begin to reach historically disadvantaged populations. As such, integration should be a two-way process, by which there should be a parallel strategy of making accommodation for low-income housing in areas which are already wealthy and thus providing new residents who want the choice of living somewhere else to achieve immediate access to communities that have close proximity to jobs, good education, etc. If we are going to promote development in the growth areas with new market-rate housing, there should also be provision of new low-income housing in high income areas to allow for housing choice in different markets.

The justification for this strategy is doubled when you consider that to support economic competitiveness and sustainability Thrive's number one transportation priority is connecting low-income communities to job areas, but the housing strategy should also seek to provide workforce housing locally. Consequently, areas of high wealth and business activity such as Bethesda should also include sufficient workforce and low-income housing to support housing choices for people who work in the area. Future planning should conduct detailed market analysis of labor markets and determine thresholds by which area plans should promote low-income, workforce, and middle-class housing options to support a truly local community where commuting is "optional" because the mathematical possibility of the local workforce is reflected in the housing availability.

Attention should be paid to tenants as well as homeowners. Currently, about 1 in 3 households are renter households in Montgomery County. Almost 50 percent of renter households in the county are cost-burdened, spending more than 30 percent of their income on housing costs. Renter households are also more likely to be people of color. While 75 percent of white householders own their own homes in the county, this number declines to 53 percent for householders of color. To address these disparities between renters and homeowners and to ensure housing stability for renters in the county, the county should aim to strengthen its protections for its renters. This requires investments in rental housing quality and code enforcement, as well as increasing access to affordable, safe, stable, and decent housing. In addition, the county should pursue policies that protect and increase tenants' rights and ensure that renters' contributions to the community are emphasized and valued.

There are plenty of challenging stories about housing experiences. It is clear that many of the mechanisms put in place to help are being offset by personal bias (racism) in the system or by individual actors. The County will need to be vigilant to seek accountabilities for all actors. Successfully addressing racism in housing will require deliberate action and systems of checks and balances.

Compact Growth

Encouraging growth in already developed areas, has ripple effects. Density brings economic opportunity as well as increased diversity of population and housing opportunities, social capital, and promotion of social justice, but it can also strain existing infrastructure, impacting the quality of natural resources, parks, schools, and neighborhoods. If new development occurs in areas where existing naturally occurring affordable housing exists, the County must continue its progressive policies and programs and create new mechanisms and infrastructure to ensure that as the population density increases, residents maintain equitable access to parks, recreation, natural resources, and high-quality places which influence quality of life. Additionally, as density increases, increased consideration needs to be made towards maintenance and operations of public spaces and institutions to ensure that effective stewardship is achieved and maintained.

Environmental Justice

As the County grows, special attention will need to be paid to Environmental Justice issues. New residents may strain existing infrastructure, suggesting the need for sustainable practices to ensure that the County is able to maintain good air and water quality, preserve urban tree canopy, manage stormwater, and invest in renewable sources of energy. Analysis of environmental quality shows that residents of the Target Areas where the majority of BIPOC and Low-Income residents live are more likely to be exposed to poor environmental conditions and live next to polluting land uses. As we look towards the future, and grapple with issues like climate change we need to be deliberate in protecting the County's vulnerable residents to ensure they do not have their life challenges compounded by disproportionate exposure to environmental threats.

Transportation

The plight of the working class and many BIPOC people we talked to felt that the needs of working-class families were not considered in the planning themes of Thrive. They felt that many of the “progressive” policies did not consider their current status in life and expressed how proposed changes would adversely impact their quality of life. Some people showed great resistance to the idea of '15-minute living' because they relied on their work vehicles to take them to different parts of the county where they had access to jobs. Many expressed that they rely on vehicle miles and parking availability to make a living. For some, getting a vehicle represented the possibility of financial independence. To others, the idea of riding a bike for leisure or to commute was seen as a luxury that comes with a level of economic empowerment they did not have yet. These sentiments are compounded by the long commutes even more traditional workers faced while using locally available transit options. There was a general sentiment that root issues needed to be addressed before new ideas could be successfully implemented.

Instead of welcoming these ideas as positive, they are often seen as a harbinger for gentrification and displacement. Ideas such as congestion pricing and reduced parking requirements that promote “good urbanism” are sometimes outside of the reality for working class people. There is a concern that shifting to this new way of life will make it harder for them to live in the county. Such programs and requirements could impact service providers such as building contractors, landscape services, plumbers, etc., and their workforce, and they can also impact the range of services provided by these contractors. As stated in the Transportation chapter, such policies should be evaluated to ensure equitable outcomes for business and workers who rely on vehicles for their livelihood and provide essential support services for the county residents.

Social Capital

In order for a shared sense of purpose to exist, it is not a one-way process. Communities where wealthy white residents are the norm also have to achieve integration and inclusivity. It could be argued that it is in fact more important for these communities to begin to see their communities as having a shared sense of purpose instead of only addressing racial and economic inequality at the "problem" side of the spectrum. Part of the inequality equation is the exclusivity of the wealthy, some of these doors need to start being opened to truly create a shared sense of purpose and belonging for ALL County residents. Exclusivity reinforces the racial and class divides within society.

Cultural Competence

It is vital to have practitioners who can relate to the communities they serve. In executing planning in communities of color, practitioners must lead with deference. Being able to understand cultural cues and nuance plays a large role in comprehension and meaningful engagement. If communities feel that they are not being respected or understood, real conversations will not occur.

Community Development

The County has a tremendous opportunity, with Thrive, to develop partnerships with its communities that it can leverage to rebuild trust, strengthen relationships, and celebrate everything that is great about the region. Montgomery County has had success with diversifying by implementing inclusionary zoning in the 70's and 80's. Now, it is important to do the work to protect the existing communities. Planning should seek to leverage and strengthen the existing social networks and identify opportunities to empower local actors to be directly involved in the work of community development.

Economic Empowerment

Throughout the public engagement process, it was clear that displacement is a big fear for residents with fewer means, as they are witnessing escalating prices. The vast majority of working-class people expressed that they want access to better education and economic opportunity. Most people who struggle to make 'ends meet' prioritize economic advancement as their number one priority and planning for their communities should reflect that reality.

Neighborhood Change and Displacement Risk

The Montgomery County Planning Department is engaged in important work to understand the displacement risk in the County. These types of analysis need to be leveraged to understand how to protect neighborhoods and encourage Inclusive Growth. Across the board, low-income and BIPOC residents are very worried about displacement as a result of new development.

More work needs to be put into understanding how to preserve naturally occurring affordable housing and establishing new affordable housing to ensure that Montgomery County doesn't lose the rich diversity, both racial and economic, to make it a complete community. If housing conditions continue on their trajectory, it is quite feasible that Montgomery County could require even more commuters from outside the region to staff its businesses. This dynamic would be in opposition to both the Equity and Sustainability goals of Thrive.

Conclusion

Racial equity and social inclusion are essential to our economic success as well as to our ability to produce more equitable outcomes for all our residents. Thrive Montgomery 2050 provides an assessment of the challenges that stand in our way and proposes policies and practices that can help remove these obstacles. As the demographics of our community change rapidly along dimensions of age, race and ethnicity, income and wealth, culture and language, the need to confront inequity is urgent.

ENVIRONMENTAL HEALTH AND RESILIENCE

Montgomery County has been a leader in the adoption of forward-thinking policies that emphasize land preservation for resource conservation and agriculture, protection of our streams, forests, specimen trees, wetlands, and reduction of greenhouse gas emissions.

Much of our success has resulted from the long-range vision cast in our General Plan. The “Wedges and Corridors” concept of development has focused most development along our major transportation corridors and created the large Agricultural Reserve that provides critical environmental services, such as watershed protection, habitat preservation, biodiversity conservation, and the protection of forests and open spaces that filter air and water pollution and sequester and store carbon.

However, climate change has exacerbated existing environmental challenges, and it requires us to refocus our planning framework on sustainability and resilience. This is all the more important because communities with larger populations of people of color and low-income communities are more vulnerable to the worst impacts of climate change due to past and present patterns of discrimination.

Building Resiliency and Sustainability

Thrive Montgomery builds on the “Wedges and Corridors” concept and refines and updates the corridor growth strategy to reflect Montgomery County’s status as a mature, 21st century jurisdiction. This pattern of growth is the primary way that Montgomery County can effectively address climate change.

Thrive supports the well-established “smart growth” strategy of creating dense, compact development with mixed uses, served by transportation infrastructure and design approaches that encourage walking and biking and transit use, concentrated in areas where existing infrastructure can support additional development while minimizing environmental impacts. This land use pattern can reduce driving, which will reduce emissions from the operation of internal combustion engines now and reduce demand on the power grid in the future as more of our power for both building use and transportation will be supplied by clean, renewable energy sources. These kinds of compact, mixed-use communities are also becoming more desirable places for people to live and creation of these types of communities strengthens our economic competitiveness.

Of course, not even the most forward-thinking transportation planning and growth strategies will be able to resolve every environmental challenge facing the county. Thrive Montgomery 2050 builds on the tradition of robust conservation and protection of the natural environment,

continuing to prioritize protection of air and water quality and preservation of the County's biological diversity as key elements of its environmental vision. Climate change adds new concerns to be addressed in each of these areas. In response to our growing understanding of human impacts on the environment and the role of our history in creating an inequitable society, Thrive Montgomery 2050 emphasizes three aspects of environmental stewardship and performance: mitigating and adapting to climate change, focusing on environmental justice, and protecting and improving human health.

- Climate change: Thrive Montgomery's recommendations are designed to reduce greenhouse gas emissions, help the County adapt to the effects of climate change impacts that are already evident and growing worse, and improve the County's ability to bounce back from major disruptions. The most significant proposals to address climate change include:
 - Air Quality: Most air pollution in Montgomery County is produced by the burning of fossil fuels. Rising temperatures can exacerbate the effect of this pollution by increasing ground-level ozone generation, among other things. Strategies for reducing air pollution and improving air quality overlap with Thrive's recommendations on climate change mitigation, adaptation, and resilience.
 - Water Quality, Flooding, and Drinking Water Supply: Climate change adds new concerns around water quality, flooding, and the supply of potable water. More severe storms interspersed with more frequent droughts make management of Montgomery County's watersheds imperative both to reduce flooding and to protect our water supply. Most of the drinking water for Montgomery County comes from the Potomac and Patuxent Rivers, with the Potomac River supplying a larger amount. Some properties, especially in the northern and western portions of the county, are served instead by private wells instead of public water. Protection of these water supplies depends on protecting and managing the watersheds that sustain them and the streams that drain the watersheds. Thrive Montgomery 2050's recommendations to preserve and protect the Agricultural Reserve and implement Smart Growth recommendations help to protect large watersheds to the north and west that drain to the Potomac and Patuxent Rivers and Little Seneca Lake, which serves as an emergency water reservoir when the flow in the Potomac River is low. Stormwater management and sediment and erosion control systems are especially important for managing flooding and protecting and improving water quality in the developed and developing areas of the County, especially as our climate continues to change. Due to future regional water supply uncertainties that may result from contamination events, and the potential impacts from climate change, additional off-river water supply projects are currently being studied by the Interstate Commission on the Potomac River Basin and the Metropolitan Washington Council of Governments in coordination with the Washington Suburban Sanitary Commission and the County.

More distant regional water resources such as the Chesapeake Bay are also affected by land use in our County. Runoff from the County's land eventually makes its way downstream to the Chesapeake Bay, which is a priceless natural resource of national significance. The Chesapeake Bay is the largest estuary in the United States, and has tremendous economic, environmental, and recreational value. In 1983, the Chesapeake Bay Program was founded to plan and implement programs and policies to restore Bay functions that have been impaired due to human activities throughout the Bay's

watershed. The Chesapeake Bay Watershed Agreement, signed in 2014 and amended in 2020, establishes goals and desired outcomes for restoration of the Bay and management of the watersheds that drain to it. Montgomery County is also subject to Total Maximum Daily Load limits for certain pollutants to bring surface water bodies into compliance with State water quality standards. These standards were created under requirements established in the Clean Water Act and are administered by the United States Environmental Protection Agency. The same Thrive Montgomery 2050 recommendations for protecting and enhancing watersheds, streams and aquifers that supply our vital natural ecosystems, maintain our local water quality, and supply our drinking water will also contribute to meeting the goals and outcomes for restoration of the Chesapeake Bay.

- Biological diversity: Worldwide concern is growing over the continuing loss of biological diversity, with most species extinctions resulting from habitat damage. The decline of species diversity is exacerbated by the changing climate. Most of Montgomery County’s critical habitats are either within existing parks or in the Agricultural Reserve. Thrive Montgomery 2050 focuses new growth in existing areas of development and corridors, preserving habitat in stream valley parks, regional parks, and outlying areas of the County. Recommendations for parks and forests renew our commitment to environmental stewardship, including support for biodiversity through habitat management practices such as the control of invasive species.
- Environmental justice: Thrive Montgomery 2050 recommends examining land use decisions to identify vulnerable communities that have become receiving areas for unwanted and potentially harmful land uses, and that have not received equitable investments in environmentally beneficial green infrastructure.
- Human health: Thrive Montgomery 2050 promotes policies that reflect the growing body of research demonstrating the physical and mental health benefits of reducing air pollution and extreme heat and providing facilities and opportunities for walking and biking. In addition, stronger support for active recreation can facilitate social interaction and community-building while improving physical health.

To address these issues, Thrive Montgomery prioritizes policies and practices that address climate mitigation, adaptation, and creation of community resilience. It facilitates the transition to renewable energy generation, distributed energy systems, modernization of the power grid, and energy conservation. It recommends incorporating green infrastructure into our urban areas, paying particular attention to our equity focus areas. It supports improvements in our organic waste management systems, including food waste composting and other natural solutions to address climate change. The plan also anticipates the need to improve the resilience of public and private infrastructure to withstand more severe weather and protect us from the effects of environmental degradation. These recommendations appear throughout the plan and are consistent with the County’s Climate Action Plan.

Some environmental policies which will need to be considered in the context of future master planning efforts and other County land-use decisions should include: minimizing imperviousness in new development and redevelopment and removing unnecessary impervious surfaces where feasible, protecting, enhancing, and increasing the coverage, connectivity, and health of natural

habitats such as forests, non-forest tree canopy, wetlands, and meadows through land acquisition, easements, habitat restoration, and ecosystem management, and protecting watersheds and aquifers and improving water quality and stream conditions through enhancements and retrofits such as green streets, increased tree canopy, and green stormwater management.

Key Aspects of Thrive’s Focus on Environmental Resilience

Reducing sprawl, which degrades air and water quality, is a central theme of Thrive. The chart below compares the environmental impact of different development patterns: (1) the least compact – low density sprawl, (2) a more compact footprint (typically mixed-use) and (3) the most compact form, usually associated with large cities. The data shows that a starting point for improving the environmental performance of the built environment is compact form – that is, keeping our growth footprint from spreading outward.

Thrive urges a reorientation of public and private investment around walkable, bikeable, transit-oriented development. Focused growth and a mix of uses reduces driving even in places not served by high quality transit. As shown in the chart below, people who live closest to Metrorail stations drive much less than people who live farther away. These areas, shown in dark red, are within walking distance to high-quality transit service as well as numerous services and establishments. More surprisingly, perhaps, is the fact that households in the orange areas inside the Beltway and up the I-270 corridor also generate relatively low vehicle miles traveled (VMT), even though they are not in a central business district or located next to a Metro station. People who live in these areas are not within walking distance of Metrorail and most are unlikely to feel that they can give up their cars – but most of their daily needs are just a short drive away because of a robust mix of uses in these communities. As a result, people in these areas drive more than people who live within walking distance of Metrorail but far less than people who live farther away from major centers of activity.

The intended result of Thrive’s focus on compact growth and complete communities is to reduce vehicle miles traveled (VMT) and to meet environmental goals. Even with conversions to electric cars, driving puts strains on our infrastructure and potentially on our electric grid – which will need to accommodate more building energy use as structures move away from using natural gas.

Other environmental resilience recommendations in Thrive flow from this focus on compact growth and complete communities. For example, new compact development along corridors that provides modern stormwater management allows for a continued emphasis on open space preservation elsewhere in the County. This combination of improved stormwater management through redevelopment with green infrastructure and public investment along with continued protection of stream valleys and larger watersheds in our parks and in the Agricultural Reserve creates a comprehensive approach to protecting the County’s water resources. Thrive also includes urban design recommendations that will promote site and building energy efficiency and adaptations for combatting urban heat island effect.

As noted above, parks serve an environmental function through protection of open space and natural resources. They also contribute to physical and mental health by providing facilities and opportunities for walking, biking and other forms of active recreation. Stronger support for active recreation can facilitate social interaction and community-building while improving physical health.

Relationship Between the Climate Action Plan and Thrive Montgomery 2050

Thrive Montgomery 2050 was drafted in parallel with the county’s 2021 Climate Action Plan (CAP). Thrive Montgomery 2050 is a high-level land use document that focuses on long-range planning and policies to guide the physical development of the county, while the CAP recommends specific near-term actions to eliminate greenhouse gas emissions by 2035 as called for in Council Resolution 18-974 “Emergency Climate Mobilization” adopted in December 2017, and to mitigate or and to mitigate or adapt to the effects of increased heat and flooding, high winds, and drought. Thrive Montgomery 2050 incorporates a wide range of recommendations related to climate change and its connection to land use, transportation, and parks. The Planning and Parks Departments will implement recommendations in the CAP that are within the scope of the M-NCPPC’s responsibilities. Together these plans constitute a comprehensive approach to climate change at the local level. Specific strategies, recommendations, and performance measures to implement the sustainability and resilience goals of Thrive Montgomery are contained in each chapter.

Conclusion: A Comprehensive and Coordinated Approach to a Sustainable Future

The environmental challenges facing our county are driven by many factors, some local and some that stretch far beyond our borders and control. Thrive Montgomery 2050 is a land use document and is clear eyed about what this discipline can do to mitigate the effects of climate change. Accommodating growth in compact, transit-served developments, using redevelopment and infill to upgrade the environmental performance of buildings and sites, and mixing and collocating uses in Complete Communities along with increased support for walking, biking, and transit are among the most powerful strategies at our disposal.

The approach recommended by this plan also will enable the county to preserve parks and large tracts of land in the Agricultural Reserve that provide critical environmental services, including habitat preservation, watershed and water supply protection, air and water quality improvement, and carbon sequestration and storage. This pattern of development, first established in the original “Wedges and Corridors” plan, continues to provide a strong framework for addressing climate change and fostering environmental resilience.

The interconnection of land use, transportation, climate change/sustainability, and equity require us to develop a comprehensive and coordinated approach to growth instead of the more compartmentalized way of approaching each topic. The nature of the severe and changing climate impacts that are becoming more prevalent and may grow worse will require a shared understanding among all decisionmakers of the overlap between land use, transportation, housing, parks, and the environment that is necessary for a comprehensive and well-coordinated approach to achieving our environmental sustainability and resilience goals.

Page 17: Insert a generalized land use map from the 1993 Refinement after the second paragraph under “What is the problem we are trying to solve? Focusing Growth, Connecting Communities, and Reinvigorating East County”.

Page 18: Amend the first sentence of the third paragraph under “What is the problem we are trying to solve? Focusing Growth, Connecting Communities, and Reinvigorating East County” as follows:

Moreover, the Wedges and Corridors plan [neglected to] did not fully articulate how the broader public should expect to benefit from maintaining a rural pattern over much of the county’s land area⁷.

⁷ Approximately 1/3 of Montgomery County makes up the Agricultural Reserve.

Page 19: Amend the first and second paragraph under “What policies will solve the problem? Refining – and Recommitting to a Compact Footprint” as follows:

Thrive Montgomery 2050 proposes redoubling and refining efforts to concentrate context-sensitive growth in centers of activity. Centers of activity range from large downtowns to medium-sized town centers, to rural villages and neighborhoods [and intensively developed centers of activity, or nodes, and]. This plan makes a new commitment to promoting growth along major transportation corridors to maximize the efficient use of land and create Complete Communities. These corridors [establish] create a web, connecting residents to existing and future centers of activity and Complete Communities. These corridors also either have robust transit service in place or planned or are located close to existing concentrations of jobs, services, and infrastructure in ways that lend themselves to supporting more intensive development to produce the kinds of Complete Communities described later in this plan.

The intensity of development along these corridors should be aligned with the urban, suburban, and rural context of the surrounding area and calibrated to account for existing or planned transit and other transportation infrastructure. Detailed analysis of each area will come through future planning efforts that includes extensive public engagement. Some corridors, such as Rockville Pike, even now connect several centers of activity, making these corridors appropriate for more intensive development. Other corridors will have less intensive development due to their context and level of transit service.

Page 19: Amend the second sentence of the fourth paragraph under “What policies will solve the problem? Refining – and Recommitting to a Compact Footprint” as follows:

By [identifying] describing the types of places where context-sensitive growth should be encouraged, this chapter aims to establish[es] the foundation for Complete Communities, which depend on a compact footprint to give them the coherence, focus, and mix of activities necessary to succeed.

Page 20: Insert and revise the 2050 Growth Map to reflect the Council decisions: rename Large Center #9 White Flint as North Bethesda; remove Darnestown, Villages and Neighborhood Center #5; and add a color gradient to the Limited Growth Area.

Page 22: Amend the first bullet under “Concentrate growth in centers of activity and along corridors through compact, infill development and redevelopment to maximize efficient use of land.” As follows:

- Focus future land use and public infrastructure planning in activity centers and on growth corridors so as to direct development in ways that facilitate the emergence of Complete Communities. Evaluate appropriate land uses, transportation facilities, and community design that will encourage and enable full use of centers of activity and creation of Complete

Communities. (Ec, Env, Eq)

Page 22: Amend the second bolded policy as follows:

Promote and prioritize public investment in infrastructure in activity centers and along growth corridors and leverage it to attract future private investment in a compact form.

Page 22: Amend the third bullet under “Promote and prioritize public investment in infrastructure along growth corridors and leverage it to attract future private investment in a compact form.” as follows:

- Leverage federal, state, and local incentive programs, publicly owned land and land investment opportunities for [corridor] infill development and redevelopment in activity centers and along corridors. (Ec, Env, Eq)

Page 22: Insert a fourth bullet under “Promote and prioritize public investment in infrastructure along growth corridors and leverage it to attract future private investment in a compact form.” as follows:

- Develop a policy framework to ensure that businesses owned or operated by Black, Indigenous or People of Color are accessing opportunities in new development and in redevelopment. (Ec, Eq)

Page 23: Amend the third bullet under “Preserve and enhance the Agricultural Reserve and manage it to maintain a rural pattern of development for the benefit of the entire county.” as follows:

- Improve awareness of and multi-modal access to the Agricultural Reserve for the public to experience and directly benefit from this valuable resource for locally grown food, outdoor recreation, and tourism. (Ec, Eq)

Page 24: Amend the last sentence of the first paragraph under “Compact Development to Support Vibrant, Diverse, and Sustainable Places” as follows:

If we fail to maintain effective barriers to sprawl, we will likely paint ourselves into a corner where space for farming, recreation, and resource management is exhausted along with space for additional growth.

Page 24: Amend the second paragraph under “Compact Development to Support Vibrant, Diverse, and Sustainable Places” as follows:

We must encourage compact, infill development and redevelopment to accommodate anticipated population growth in a way that supports appropriately dense, vibrant, energized communities. The strategy of concentrating context-sensitive growth within [nodes] centers of activity and along corridors will direct population and employment to locations served by infrastructure, services, and amenities – including transit – and create focused centers of activity. This focus [will] should in turn reduce the cost of public infrastructure and deliver more favorable returns on both public and private investment. Compact, infill development and redevelopment also align

with the increasing desire of residents, businesses and employers seeking walkable, transit-oriented communities, as demonstrated by transit-oriented areas across the region and country.

Page 24: Amend the last sentence of the first paragraph under “Economic Health: Compact Form as the Foundation for More Appealing Places” as follows:

The related ideas of Compact Form, Complete Communities and Design Excellence will [result in] encourage the development of places that attract both businesses and residents.

Page 24: Amend the second paragraph under “Economic Health: Compact Form as the Foundation for More Appealing Places” as follows:

Compact development footprint is an important tool in creating the kind of centers that support a strong economy. The lack of large tracts of vacant, unconstrained land does not mean that Montgomery County cannot grow its economy. However, [the focus needs to switch to thinking] we need to think differently about where growth happens and compactly developing areas that have not been considered in the past, such as surface parking lots and colocation of facilities. Even though the county is running out of greenfields to accommodate [sprawling]campus-like employment centers or new residential neighborhoods, this plan does not recommend expanding our development footprint well beyond the Corridor-Focused Growth area. Instead, it emphasizes that the current supply of redevelopable land – if developed compactly and creatively – is sufficient to attract and retain a variety of employers, especially advanced knowledge-based industries looking for vibrant centers and a highly trained, diverse workforce. It is important to note that form alone will not create more jobs. Increased density, great transit options and a regulatory environment that supports investment are all required. Other changes are needed in terms of financial incentives, tax reform and investment in infrastructure.

Page 25: Amend the first paragraph under “Racial Equity and Rebalancing the Geographic Distribution of Opportunity” as follows:

The identification of growth corridors in the East County – particularly along Route 29 and the Georgia Avenue corridor along Metrorail’s Red Line – is vital to reversing decades of no growth and ensuring that the benefits of growth are more equitably distributed across lines of geography, class, and race. These areas also offer the opportunity for greater return on investment, financially and in terms of Thrive Montgomery 2050’s goals. Previous [P]political opposition to development in the East County – most clearly expressed by the removal of the I- 95/Route 29 corridor in the 1993 Refinement of the Wedges and Corridors Plan from the areas identified as appropriate for growth – pushed public and private investment to the west. Subsequent public and private investment was focused along the I-270 corridor because this area appeared to offer the best prospects for growth and success. Meanwhile, the East County became relatively less attractive for employers and residents, feeding a cycle of stagnation.

Page 25: Amend the first paragraph under “Racial Equity and Rebalancing the Geographic Distribution of Opportunity” as follows:

The evolution of the I-270 corridor as the “favored quarter” and accompanying limits on development in the East County were not the sole – or even the most important – cause of the racial and economic divide between the eastern and western part of the county. The logic of the

avored quarter, however, was and is a significant factor in reinforcing disparities in access to investment, infrastructure, and services as well as the concentration of poverty and diminished access to opportunity. While the potential for displacement must always be considered – and [this plan calls for] monitoring and addressing dislocation caused by rising real estate values must be part of this plan– by the same token public and private investment are essential to expanding economic opportunity for people and communities that have been left behind or economically and socially isolated. By focusing investment and encouraging development along corridors in the East County, this plan will help to establish the foundation for Complete Communities [that will] and create a more prosperous and equitable future in all parts of the county.

Page 26: Amend the first paragraph under “Compact Growth and Environmental Performance: Improved Air and Water Quality with More Efficient Use of Land” as follows:

Among the most clear-cut benefits of the efficient use of land, including compact corridor-focused growth together with reinforcement of the rural pattern outside of the corridors, is to make development more environmentally sustainable in general and to reduce greenhouse gas emissions in particular. By concentrating development in a limited footprint, corridor-centered growth can facilitate[s] walking, biking, and transit use and reduce[s] emissions from motor vehicles. A compact form of development reduces driving even among people who continue to rely on cars, because trip distances are likely to decline as a wider range of needs can be met within a short distance, reducing vehicle miles traveled.

Page 27: Amend the first sentence of the second paragraph under “Compact Growth and Environmental Performance: Improved Air and Water Quality with More Efficient Use of Land” as follows:

Compact growth can also improve[s] the environmental performance of both sites and buildings, as it allows the redevelopment of areas developed prior to the adoption of modern stormwater controls and often characterized by high proportions of impervious surface cover.

Page 28: Amend the first, second, and fourth bullets under “How will we evaluate progress?” as follows:

- Amount of infill development/redevelopment in activity centers and along major corridors.
- Proportion of new population, employment and housing within a mile (or half-mile) of activity centers and priority corridors.
- Amount of public and private investment in infrastructure, services, and amenities in activity centers and along corridors, overall and by area of county.

Page 29: Amend the first bullet under “What is the problem we are trying to solve? A Mixed Record with Mixed Use” as follows:

- The separate-and-buffer approach failed to anticipate – much less meet – the demand for housing in mixed-use centers of activity. For the most part, the corridor cities neither achieved the densities nor provided for the variety of uses, building types and services necessary to maximize their value in attracting residents and workers looking for more vibrant and appealing places to both live and work.

Page 30: Amend the last sentence of the third paragraph under “What is the problem we are trying to solve? A Mixed Record with Mixed Use” as follows:

By separating uses and investing heavily in roads, we have historically made driving the only practical way for many residents and workers to meet their daily needs – including trips that should be feasible on foot, on a bicycle, or on a train or bus, including for those with disabilities and those with young children.

Page 30: Amend the second sentence of the fourth paragraph under “What is the problem we are trying to solve? A Mixed Record with Mixed Use” as follows:

Our land use policies have evolved in recent years to reflect a changing social and demographic context as well as changing preferences and planning approaches.

Page 30: Amend the third sentence of the second paragraph under “Beyond Transit-Oriented Development: Complete Communities and 15-Minute Living” as follows:

The specific mix of uses, amenities, parks, public facilities, and building types in Complete Communities vary depending on factors such as the size and location of the neighborhood or [district] community; proximity to transit, [parks and public facilities;] variation in physical features such as topography and environmental resources; and other factors unique to the history and context of each place.

Page 31: Add a footnote to “the State’s four growth tiers” to provide the following reference:

As defined by The Sustainable Growth and Agricultural Preservation Act of 2012, Senate Bill 236

Page 31: Amend the last sentence of the first bullet under “Different Ingredients for Different Communities” as follows:

- Complete community strategies can help reposition these employment centers through infill and redevelopment to incorporate a variety of housing, restaurants, retail, public facilities, and parks and public spaces along with better transit service, making them more attractive to both residents and employers.

Page 31: Amend the last sentence of the second paragraph under “Different Ingredients for Different Communities” as follows:

The recommendations in this chapter and elsewhere in the plan can help make these [neighborhoods] developing centers of activity more walkable and livable.

Page 32: Amend the last sentence of the second paragraph under “The Connection Between Complete Communities and Corridor-Focused Growth” as follows:

Specific strategies will be needed to recognize and minimize the negative impacts of gentrification on communities and businesses at risk of displacement, including the

recommendations described in the chapter on housing together with policies outside the scope of this plan, such as direct assistance to small and minority-owned businesses, Community Benefit Agreements, and housing subsidies.

Page 32: Insert a sentence after the last sentence of the second paragraph under “The Connection Between Complete Communities and Corridor-Focused Growth” as follows:

Specific strategies also will be needed to ensure that the infill and redevelopment does not have negative environmental consequences such as expanding urban heat islands and increasing stormwater run-off problems.

Page 32: Amend the third and fifth bullets under “Identify and integrate elements needed to complete centers of housing, retail, and office development and plan to make 15-minute living a reality for as many people as possible.” as follows:

- Prioritize neighborhood-level land use planning as a tool to enhance overall quality of community life and avoid reinforcing outdated land use patterns, with particular attention to preventing displacement. (Eq)
- Ensure that Complete Communities are integrated into their surroundings and supported by a public realm that encourages walking, biking and rolling, accessible for all, as well as social interaction through the configuration of sidewalks, paths, landmarks, parks, and gathering spaces. (Ec, Env, Eq)

Page 32: Insert the following two bullets under “Identify and integrate elements needed to complete centers of housing, retail, and office development and plan to make 15-minute living a reality for as many people as possible.”:

- Support the creation of neighborhood stabilization strategies for communities of color. (Eq)
- Develop strategies to ensure that the infill and redevelopment does not result in negative environmental consequences such as increased stormwater run-off, loss of tree canopy, and the expansion of heat islands. (En)

Page 33: Amend the first two bullets under “Encourage co-location and adjacency of all essential and public services, especially along growth corridors and in Complete Communities.” as follows:

- Maximize the accessibility and utility of public facilities by locating them in places that promote integration with other public and private uses and infrastructure. (Env, Eq)
- Promote active transportation improvements that prioritize walking, biking, rolling, and transit use to enhance public access to these co-located facilities, including access for seniors and those with disabilities. (Env, Eq)

Page 33: Amend the bolded policy as follows:

“Retrofit centers of activity and large-scale older facilities such as shopping centers, abandoned federal campuses, office parks, and other single-use developments to include a mixture of uses and diversity of housing types and to provide a critical mass of housing, jobs, services, and amenities necessary for vibrant, dynamic Complete Communities.”

Page 33: Amend the first and second bullets under “Retrofit centers of activity and large-scale older facilities such as shopping centers, abandoned federal campuses, office parks, and other single-use developments to include a mixture of uses and diversity of housing types and to provide a critical mass of housing, jobs, services, and amenities for vibrant, dynamic Complete Communities.” as follows:

- Ensure employment uses in economic clusters develop in a mixed-use format along with housing, retail, amenities, parks and public spaces, and transit, and ensure they are integrated into the surrounding communities in a context sensitive manner. (Ec, Env, Eq)
- Allow creation of co-located housing, discussed further in the [Affordable and Attainable Housing Chapter]Housing for All: More of Everything chapter, including for industries that employ large numbers of employees (permanent or seasonal). (Ec, Env, Eq)

Page 33: Amend the second sentence of the second paragraph under “Economic Health: Complete Communities as Magnets for a Variety of People, Businesses, and Jobs” as follows:

The central premise is that making [individual neighborhoods and districts] centers of activity, regardless of scale more complete is among the most effective ways to accomplish this goal.

Page 34: Amend the fourth paragraph under “Economic Health: Complete Communities as Magnets for a Variety of People, Businesses, and Jobs” as follows:

As previously explained, the creation of vibrant, dynamic Complete Communities that include housing, a diversity of jobs, services, amenities, parks and public spaces, and opportunities for social gathering and interaction [will]are likely to attract employment, advancing our economic performance and competitiveness. This approach will not be sufficient standing alone and it is not intended as a substitute for other elements of a comprehensive economic development strategy. In an era with limited demand for new office construction and a strong market preference for locating businesses in high-quality, mixed- use, walkable and transit-oriented areas, however, it is currently considered one of the best strategies available to local government to attract and retain employers.

Page 34: Amend the paragraph under “The Role of Complete Communities in Environmental Resilience: Community Gap-Filling as Sustainability Strategy” as follows:

Finally, Complete Communities [will also] have the potential to create long-term sustainability for both human and environmental health. A mixture of uses and forms, together with a built environment that facilitates active lifestyles, allows more trips to be completed by walking, biking, rolling, and transit, reducing vehicle miles traveled and dependence on cars while increasing physical fitness and opportunities for social interaction. Establishing Complete Communities in the corridor-focused growth areas and within centers throughout the county reduces the distance that people, particularly those within suburban and rural areas, must drive to meet their daily needs, further reducing vehicle miles traveled and greenhouse gas emissions. Likewise, the mixture of uses, co-location and adjacency of public services and amenities can improve[s] sustainability by reducing building footprints and cutting energy use. Co-location can also help[s] to maximize community use and social interaction.

Page 36: Amend the first sentence of the first paragraph under “Introduction: Why Design Matters” as follows:

Design of the built environment can strongly influence[s] our quality of life.

Page 36: Amend the last sentence of the fourth paragraph under “Introduction: Why Design Matters” as follows:

And it emphasizes [supporting] the importance of a healthy arts and culture ecosystem that can highlight new perspectives, preserve local history and traditions, deepen our understanding of others, and expand our imaginations.

Page 37: Amend the second sentence of the second paragraph under “Greenfield Regulatory Tools in a Post-Greenfield County” as follows:

We [must]should prioritize whenever possible the attributes of neighborhood and site design that strongly influence perceptions of the quality and potential of a place.

Page 38: Insert a sentence after the last sentence of the second paragraph under “Design for Cars at the Expense of People – and Adaptability” as follows:

Commercial buildings designed to accommodate single uses, while less expensive when considered in isolation, are inflexible and costly to reuse. Malls, office parks, and other large, single-use buildings are often difficult to repurpose and the high cost of adapting their layouts to meet new spatial needs due to technological shifts, demographic changes, and market preferences shrinks their useful lives and makes them less sustainable. The consequences of the limited adaptability of our building stock are evident in persistently elevated office vacancy rates accompanied by an acute shortage of housing. In the future, flexible design should allow for adaptive reuse with floor-to-ceiling heights and floor plates that can accommodate a variety of uses and changing needs.

Page 38: Amend the first paragraph under “What policies will solve the problem? Better design and more reliance on form- based tools to provide clear direction and build great places” as follows:

In order to maximize the contributions of design – along with arts and culture - toward creating strong communities with lasting value, the county [will] should pursue the following policies and practices:

Page 39: Amend the second and fifth sub-bullets under the bullet “Consider changes to codes, design guidelines, and regulatory tools as well as broader use of form-based zoning that focuses on the physical forms of buildings, streets, and spaces to ensure development across the county satisfies the following:” as follows:

- Link individual architectural projects seamlessly to their surroundings irrespective of style, discouraging walls and buffers that can separate and disconnect communities. Civic buildings and public gathering places [must]should be treated as important sites whose design reinforces community identity and a culture of inclusion and democracy. (Eq)

- Physically integrate government and private development sites into their surrounding neighborhoods such that they welcome the public and support economic development by facilitating movement and fostering interaction [of] between people and the transfer of ideas and innovation. (Ec, Env)

Page 39: Insert two sub-bullets under the bullet “Consider changes to codes, design guidelines, and regulatory tools as well as broader use of form-based zoning that focuses on the physical forms of buildings, streets, and spaces to ensure development across the county satisfies the following:” as follows:

- Encourage investment in urban design and architecture that promotes safe communities and civic pride. (Eq)
- Examine the use of Crime Prevention Through Environmental Design (CPTED) or other standards in the development of Design Guidelines to encourage safe/welcoming public spaces. (Ec, Eq)

Page 39: Amend the second bullet “Use design-based tools to create attractive places with lasting value that encourage social interaction and reinforce a sense of place and inclusion.” as follows:

- Support the development of housing by replacing [vague and subjective] concepts such as “compatibility” with clear standards for form, site layout, setbacks, architecture, and the location of parking.

Page 39: Amend the third bullet under “Use design-based tools to create attractive places with lasting value that encourage social interaction and reinforce a sense of place and inclusion.” as follows:

- Consider updating [Update]the zoning code to include basic form-based elements for all zones. Adopt context-sensitive design guidance for all master planning efforts.

Page 40: Amend the second bullet under “Support arts and cultural institutions and programming to educate, connect and build communities that celebrate our diversity and strengthen pride of place.” as follows:

- Promote public art, cultural spaces, and cultural hubs along corridors and in Complete Communities, leveraging the County’s rich cultural and socio-economic diversity. (Ec, Eq)

Page 40: Insert a bullet under “Support arts and cultural institutions and programming to educate, connect and build communities that celebrate our diversity and strengthen pride of place.” as follows:

- Promote the celebration of “Diversity Hubs” as places to reinforce inclusion. (Eq)

Page 40: Amend the second paragraph under “Great Design Creates Great Places that Draw People and Businesses” as follows:

Design and public art, through their contribution to the built environment, help to create economically successful communities. Design-based tools [will] help to create attractive buildings, streets, and public spaces that are likely to retain greater economic value over time. The thoughtful arrangement of these elements [will] can create places that become destinations for commerce and social activity and add value to their surroundings, encouraging neighboring owners to reinvest in their own properties to match and take advantage of adjacencies. Places designed with pedestrians in mind will lead to more healthy physical activity as well as human interaction, facilitating the exchange of ideas, attracting innovative companies and creative professionals. Comfortable, tree-lined streets will meet market demand for walkable places.

Page 41: Amend the third paragraph under “Great Design Creates Great Places that Draw People and Businesses” as follows:

In addition to contributing to the built environment, the entire arts-and-culture sector generates energy and creativity that spur economic growth. Affordable living, administrative, working, and presentation spaces for artists [will]can help to showcase our diversity and attract and retain cultural uses and arts-related businesses. Strategic investments in these kinds of spaces can increase the economic contribution of arts and culture over the long run by reinforcing the role of the sector in building centers for social gathering and cultural events which may in turn attract other business and investment.

Page 41: Amend the second sentence of the first paragraph under “Better Design Strengthens Community and Highlights the Benefits of Cultural Diversity” as follows:

Public spaces that encourage [Encouraging] different kinds of people to interact [in public spaces] is important to building a sense of community with shared interests and values.

Page 41: Amend the second paragraph under “Better Design Strengthens Community and Highlights the Benefits of Cultural Diversity” as follows:

Design codes that are well thought out, developed with community input, and based on physical form [will]can serve as more predictable guides for change, address community concerns [over]about accommodating growth, and illustrate hard-to-define concepts such as “character” and “compatibility.” A shift away from [these kinds of] vague and subjective standards will help make regulatory decisions more equitable by applying more objective criteria in evaluating development proposals and their relationship to their surroundings. Clear standards governing acceptable form [will] may, depending on market conditions, encourage the introduction of different housing types and neighborhood- serving retail, facilitating the creation of mixed income neighborhoods where essential services are within walking distance of most residences.

Page 42: Delete the first sentence of the third paragraph under “Better Design Strengthens Community and Highlights the Benefits of Cultural Diversity”.

Page 42: Amend the first paragraph under “Design Plays a Critical Role in Environmental Performance” as follows:

Sustainable design strategies for new construction and retrofits will enhance the environmental performance of buildings and neighborhoods. Promoting sustainability features in new public and private buildings will restrain and may reduce the ecological impact of growth. Strategies for onsite energy generation, new tree plantings in redeveloped parking lots and along streets, and state-of-the-practice stormwater management will help increase the resilience of the power grid and mitigate the negative effects of flooding and excessive heat, resulting in more adaptable development in the face of a changing climate.

Page 42: Amend the first sentence of the second paragraph under “Design Plays a Critical Role in Environmental Performance” as follows:

Encouraging adaptive reuse of existing buildings and incentivizing cost-effective retrofits of single-use sites into mixed-use projects will help reduce energy consumption and greenhouse-gas emissions.

Page 44: Amend the third paragraph under “The interdependence of transportation and land use” as follows:

Thrive Montgomery’s 2050’s focus on compact growth and infill – along with the limited availability of land for expanding rights-of-way – makes it essential that over the 30 years of the plan we [decisively reject the impulse to ensure that driving remains as easy and convenient as possible in favor of] work to make[making] walking, rolling, bicycling, and transit the most practical, safe and attractive ways of getting from one place to another. Cars – even cars equipped with autonomous driving technology - require much more space per passenger than buses and trains, and walking, rolling, and bicycling are the most spatially efficient forms of travel of all. Market preferences have shifted [dramatically] in recent decades to favor locations with transit, bike and pedestrian access over place oriented around automobile travel, and the importance of reduced reliance on driving to meet our greenhouse gas emissions goals is obvious. However, we must keep in mind the importance of roads for the delivery of goods and services, including police, fire, and emergency services, as well as the fact that until other forms of transit are more fully developed, adequate roads that are also safe for walking, rolling, and biking are necessary. In addition, roads in Montgomery County serve as evacuation routes during natural disasters and national security events, including Continuity of Government plans.

Page 45: Amend the first sentence of the fourth paragraph under “The interdependence of transportation and land use” as follows:

[Just as importantly, the addition of highways, travel lanes and grade-separated interchanges may help to relieve congestion in the short term, but] Particular characteristics of the currently planned roadway network - new highways, wide roads, and high-speed access ramps – in some locations are fundamentally at odds with efforts to design neighborhoods and districts to encourage human interaction and foster a sense of place.

Page 45: Amend the first sentence of the first paragraph under “What is the problem we are trying to solve? Successive generations of investment in automobility have created a vicious cycle” as follows:

Our dependence on driving is rooted in part in generations of efforts to facilitate the movement of as many automobiles as quickly as possible while funneling traffic to a handful of north-south arterial roadways that tie otherwise disconnected subdivisions to job and retail centers.

Page 46: Amend the first, second and third paragraphs under “Excessive dependence on cars threatens safety, erodes quality of life and reduces resilience” as follows:

The most obviously and acutely damaging consequence of this dynamic is that pedestrians, bicyclists, and drivers are killed or seriously injured with disturbing frequency. Somewhat more subtle [, but perhaps just as significant,] is the effect that automobile-oriented design has on the vitality and appeal of neighborhoods and commercial districts alike. Safe, attractive streets encourage people to get out and walk, pedal, or roll, whether simply to get some exercise, to run an errand, to go to work or school, or to reach an intermediate destination such as a bus stop or rail station. This kind of activity supports physical and mental health and facilitates the casual social interaction that build a sense of place and community. [Ugly, unsafe roadways are] Some roadways can be barriers that degrade the quality of life of everyone who lives and works near them, even if they are never involved in a traffic collision [and even if they do not personally enjoy walking, rolling or bicycling].

Although Montgomery County’s investment in transit has contributed to a slight decline in vehicle miles travelled (VMT) per capita, due to population growth overall VMT has continued increasing, which has a huge impact on the county’s efforts to reduce its greenhouse gas emissions. In 2018, 42 percent of the County’s greenhouse gas (GHG) emissions were generated by the transportation sector (on-road transportation, aviation, rail, and off-road vehicles). Motor vehicles accounted for 36 percent of emissions in 2018. Private cars accounted for approximately 75 percent of all trips taken in the county followed by buses at 10 percent, rail with 5 percent, walking at 2 percent, taxi/ride hailing services (such as Uber and Lyft) with 1 percent, and biking at less than 1 percent. [Without a significant intervention] Until a majority of the current fleet transitions to electric and other zero-emission power sources, the current pattern will continue to increase our transportation-related greenhouse gas emissions and other forms of pollution.

The 1964 hub-and-spoke model of arterial corridors radiating from Washington [, The radial pattern of automobile-centric corridors,] limited infrastructure to support alternatives to driving, and the absence of street grid connections also make our transportation network less adaptable and resilient. The radial pattern of road corridors [The hub-and-spoke model of arterial corridors] was a logical way to link suburban enclaves to jobs in and around the District of Columbia, but other important centers of activity have emerged since then. Our prosperity depends on access to Frederick, Prince George’s, Howard, and Baltimore as well as Arlington, Fairfax, and Loudoun. The lack of efficient transit connections to schools, businesses, laboratories, and other important centers of economic, intellectual, and social activity in these jurisdictions leaves us unable to take full advantage of our presence in one of the most dynamic regions in the country, if not the world. In addition to the existing Metrorail and MARC services to the District of Columbia, master plans call for new transitway connections to Prince George’s County (the Purple Line and University Boulevard BRT) and the District of Columbia (the New Hampshire Avenue BRT). However, there is a growing need to provide transitway connections to Howard and Frederick Counties, and to Northern Virginia as well.

Page 48: Amend the second paragraph under “What policies will solve the problem?” as follows:

Recent and ongoing advances in technologies and travel modes may have a dramatic impact on the nature of travel demand. These include—but are not limited to—the introduction of or expansion in electric and other zero-emission vehicles, connected and automated vehicles, delivery drones, ridehailing, bikesharing, dockless bikes and scooters, and telecommuting.

Page 49: Amend the third paragraph under “What policies will solve the problem?” as follows:

Finally, robust investment in the county’s digital infrastructure is needed to connect residents to online job opportunities, encourage continued teleworking to reduce commuting trips, dilute rush-hour traffic, enhance worker productivity and improve quality of life, increasing the county’s overall [attraction] attractiveness and competitiveness.

Page 49: Move the second and third bullets under “Develop a safe, comfortable and appealing network for walking, biking, and rolling.” to “Adapt policies to reflect the economic and environmental costs of driving alone.”

Page 49: Amend the fifth bullet under “Develop a safe, comfortable and appealing network for walking, biking, and rolling.” as follows:

- Prioritize the provision of safe, comfortable, and attractive sidewalks, bikeways, roadway crossings, micromobility infrastructure and services, and other improvements to support walking, bicycling, micromobility, and transit usage in capital budgets, development approvals and mandatory referrals. (Env)

Page 49: Amend the second bolded policy as follows:

Build a [world-class] frequent, fast, convenient, reliable, safe, and accessible transit system.

Page 49: Amend the first and third bullets under “Build a world-class transit system.” as follows:

- Build a network of rail, bus rapid transit, and local bus infrastructure and services—including demand-responsive transit service—that make transit the fastest, most convenient and most reliable way to travel to centers of economic, social and educational activity and opportunity, both within and beyond Montgomery County. (Ec, Eq, Env)
- Connect historically disadvantaged people and parts of the county to jobs, amenities, and services by prioritizing investments in increasing access to frequent and reliable [all-day] morning to late night transit service. (Eq, Env)

Page 49: Insert four bullets under “Build a world-class transit system.” as follows:

- Improve travel times and the travel costs of transit services to achieve greater parity with automotive travel. (Eq)
- In rural areas with sufficient density and along freeways and major highways consider Park & Rides, microtransit, micromobility, and bikeways to connect large geographic areas to the transit network. (Eq, Env)
- Provide for transit needs associated with transit related facilities, including but not limited to depots, substantial layover areas, zero-emission bus infrastructure and charging/power requirements, Park & Ride and similar facilities, and road design. (Eq, Env)

- Support efforts to increase Amtrak and MARC access, services, and utilization, including additional trains and infrastructure, off-peak service, and bidirectional service. (Ec, Eq, Env)

Page 49: Amend the third bolded policy as follows:

Adapt policies to reflect the economic and environmental costs of driving alone, recognizing car-dependent residents and industries will remain.

Page 49: Amend the first and second bullets under “Adapt policies to reflect the economic and environmental costs of driving alone.” as follows:

- Employ pricing mechanisms, such as congestion pricing or the collection and allocation of tolls, equitably, to support walking, rolling, bicycling, micromobility and transit. (Eq, Env)
- Manage parking efficiently and equitably by charging market rates and reducing the supply of public and private parking where appropriate. (Ec, Env)

Page 50: Amend the third bullet under “Adapt policies to reflect the economic and environmental costs of driving alone.” as follows:

- Encourage [the proliferation] increasing the share of [non-polluting] zero-emission vehicles by requiring appropriate transportation, charging, and power infrastructure, as well as upgrading government fleets. [and requiring appropriate infrastructure]. (Env)

Page 50: Insert a fourth and fifth bullet under “Adapt policies to reflect the economic and environmental costs of driving alone.” as follows:

- Consider exemptions for policies such as congestion pricing and reduced parking for low-income individuals. (Eq)
- Expand and intensify transportation demand management efforts beyond the existing Transportation Management Districts (TMD). (Ec, Env)

Page 50: Insert a fourth bullet under “Develop and extend advanced communications networks” as follows:

- Support strategies and partnerships to address the “digital divide” and bring network resources to vulnerable communities. (Eq)

Page 50: Amend the last paragraph under “Develop and extend advanced communications networks” as follows:

These proposed transportation and communication policies should be evaluated to ensure equitable impacts from policies affecting certain types of vehicles users – like congestion pricing on minorities with high auto ownership.

Page 50: Amend the first paragraph under “Walkable, bikeable, transit-connected neighborhoods and commercial districts support economic vitality” as follows:

These policies are not enough by themselves to ensure the county’s economic success, but they are [essential]significant building blocks for stronger economic performance. Better transit connections to job centers, for example, will help make the county a more attractive choice for employers by making it easier for their current and future employees to get to work. The total number of jobs within a 30-minute commute is a common measure of an area’s suitability for investment. With drive times and pass-through automobile traffic predicted to continue growing, investments in transit can significantly increase our “commute shed” and help to avoid ever-longer drives to and from work.

Page 51: Amend the last sentence of the second paragraph under “Walkable, bikeable, transit-connected neighborhoods and commercial districts support economic vitality” as follows:

This can create[is true because transit exerts a gravitational pull on real estate development by creating] incentives and opportunities to locate a variety of uses, services, and activities near station locations – and to each other.

Page 53: Amend the third sentence of the first paragraph under “Expanding alternatives to driving helps build more equitable communities” as follows:

People in these communities are less likely to own a car and lack access to high-quality transit service that operates frequently, [and]reliably, and at an accessible cost throughout the day and into the evening.

Page 53: Amend the second paragraph under “Expanding alternatives to driving helps build more equitable communities” as follows:

The [reordered]transportation priorities in this plan will help meet the county’s goal of eliminating all traffic-related fatalities and severe injuries by 2030, which is especially important in making transportation more equitable because people of color are more likely to be hurt or killed in crashes. Streets that go beyond safety to make walking, rolling, and bicycling preferred ways of getting around[will] can enhance human interaction and build social capital. Pedestrian-friendly rural, suburban, and urban centers[will enjoy the benefits of] can build a stronger sense

of place where the conditions for high levels of civic participation and a feeling of community are far easier to create and maintain.

Page 53: Amend the last sentence of the third paragraph under “Expanding alternatives to driving helps build more equitable communities” as follows:

Future communication infrastructure and technologies should be deployed equitably throughout the county, especially among low-income residents.

Page 54: Amend the first and second paragraphs under “Land use and transportation strategies that encourage walking, biking and transit use improve environmental performance” as follows:

The evolution of corridors originally planned for the convenience of drivers into multimodal streets where transportation and land use are harmonized to support [focused] development of a compact mix of uses and building types will reduce driving and make our transportation system more sustainable and resilient. In particular, filling in missing connections between streets and breaking up large blocks to create a finer-grained network of streets along our suburban corridors will be challenging[.]. [but a] A more connected street grid is perhaps the single most important step to make our streets safer, more attractive for walking, biking and rolling, and to reconnect communities divided by[overbuilt] highways. An interconnected grid system will increase choice of modes, provide multiple routes for travel, and be better equipped to handle extreme weather and other disruptions. For this reason, the addition of local street connections should be a top priority in both capital budgets and development review.

Investing in pedestrian, bicycling, and transit infrastructure will make active transportation a viable alternative to many vehicle trips and should also be a high priority in capital budgets. For many, [B]bicycling has especially strong potential as a substitute for automobile trips of less than 3 miles, which comprise about half of all trips taken in the region. Survey research demonstrates that bicyclists are much more likely to say they enjoy their commute than people who use other modes to get to work. Integrating pedestrian and bicycling infrastructure in parks and open spaces will extend the transportation network and expose more residents to nature on a daily basis, boosting mental and physical health. In addition, funding for frequent and reliable transit service should be a priority in annual operating budgets.

Page 55: Amend the sixth and eighth bullets under “How will we evaluate progress?” as follows:

- Accessibility by all modes and especially via transit to jobs and amenities
- Transportation system’s [GHG] greenhouse gas emissions

Page 57: Amend the first paragraph under “What is the problem we are trying to solve?” as follows:

Montgomery County has an insufficient supply of housing. The current supply does not meet the needs of current or future households. A significant mismatch of supply and demand exists, where demand exceeds supply, raising the price of housing for both renters and those who want to own their home. While the county’s median household income remains relatively high,

disproportionate growth in the number of households at the high and low ends of the income spectrum has created a barbell effect, with increasing numbers of low-income renters burdened by housing costs. Economic development strategies that improve incomes and employment options can help to combat this problem, but more attention and resources directed at affordable housing are also necessary. [Weak supply, raising the price of housing for both renters and those who want to own their home.] The number of households spending at least 30 percent of their income on housing has continued to grow. Housing price increases have outpaced growth in incomes, leading some people to leave the county in search of more affordable places to live. Homeownership rates have been in decline, especially for adults under the age of 35. The obstacles faced by young workers in finding housing they can afford makes it harder for employers to attract and retain the employees they need, [damaging]hurting our economic competitiveness.

Page 58: Insert at the end of the second paragraph under “What is the problem we are trying to solve?” the following sentences:

While household configurations have remained fairly stable since 1990, the percentage of households consisting of a married couple with children has fallen from 28 percent to 23 percent and the percentage of households consisting of one person living alone has increased from 22 percent to 25 percent. These trends plus an increasing population of County residents over age 65 suggests average household size is decreasing and will likely continue to fall.

Page 59: Amend the third paragraph under “What is the problem we are trying to solve?” as follows:

Despite the shrinking size of households, new single-family homes are getting larger, [and] with single-family dwellings [make]making up two-thirds of the county’s housing stock. Options to buy a starter home[or downsize] are limited. [, and] So are options to downsize. By some estimates, as many as one in three owner households are “over-housed”- that is, they have at least two more bedrooms than residents. [Because]With more than one-third of the county’s land area[is] zoned for single family housing, more than ten times the area zoned for mixed use development, our ability to provide a greater variety of housing units in desirable locations is constrained. This limits the ability of long-time residents who want to relocate to a different type of home in their neighborhoods and limits the availability of starter homes.

Page 61: Amend the fourth paragraph under “What is the problem we are trying to solve?” as follows:

The high cost and limited variety of available housing exacerbate inequality and segregation by race and economic class. Home prices vary widely in different parts of the county, closely tracking the racial and economic characteristics of neighborhoods, with [predominantly] white residents living in more expensive neighborhoods with better access to jobs, schools, and transportation options than the[African American or Latino] residents of less expensive neighborhoods, which are home to a disproportionate number of the County’s African American, Latino, and other resident of color. These inequities reinforce the legacy of racism

and both de facto and de jure segregation and continue to influence the geographic distribution of opportunities and resources, too often leading to inequitable outcomes in educational attainment, economic opportunity, and public health.

Page 62: Amend the sixth paragraph under “What is the problem we are trying to solve?” as follows:

Between 2020 and 2040, Montgomery County is expected to[need to] add 63,031 new households, both working households and non-working households with[, specifically] new residents who are seniors or persons with disabilities.

Page 64: Amend the first, second, and third paragraphs under “What policies will solve the problem?” as follows:

Montgomery County needs housing at a wide range of prices. [because t]The current crisis of housing affordability affects households at all income levels [(except the most affluent)], not just low-income households. The term affordable housing, generally used for subsidized housing, does not encompass the housing needs of middle-income households that constitute the largest segment of the county’s population who are hurt by [the] rising housing costs and limited supply. [In addition,] All non-subsidized market rate housing needs attention if Montgomery County is [ever] going to change the current trajectory of housing affordability. Montgomery County must view access to safe, affordable, and accessible housing as a basic human right. Every resident of Montgomery County should have a place to call home and no resident should be homeless.

[Expansion and diversification of our housing stock also is an essential step toward reducing racial and socioeconomic inequality.] By 2045, people of color are forecast to make up 73 percent of the county’s population, with a significant percentage of these residents earning less than \$50,000 a year. [Unless]Without economic strategies that are successful in reducing the projected percentage of households at low incomes, about half of all new dwellings will need to be rental units in multifamily buildings (including both apartment and townhome, duplex, triplex, and quadplex units) and more than one quarter will need to be for-sale units in multifamily buildings (including condominiums and other attached and semi-detached building types) in order to match the amount and types of housing to the needs of our residents. Expansion and diversification of our housing stock is an essential step toward reducing racial and socioeconomic inequality.

In order to address the county’s need to increase the amount and variety of housing, the county [will]should pursue the following policies and actions:

Page 64: Amend the second, third, fourth, and fifth bullets under “Encourage the production of more housing to better match supply with demand” as follows:

- Increase the number of income-restricted affordable housing units, especially for low-income households with particular attention to high-income areas to ensure that people who work in retail, service and other low wage-earning employment sectors have the

option not to commute. (Eq)

- As part of the commitment to the Housing First approach, develop strategies to build deeply affordable housing and provide permanent supportive housing in support of unsheltered populations and those who may be aging out of youth programs. (Eq)
- Support building code amendments that[to] reduce costs by accommodating innovative construction methods and materials including modular prefabricated housing and mass timber. (Eq, Env)
- Continue to prioritize use of public land for co-location of housing and other uses, particularly where government agencies design new facilities or dispose of real property. Consideration of increased opportunities for housing low and very low-income households should be included in the analysis of how best to leverage county assets. (Eq, Env)

Page 65: Amend the second bullet under “Plan for a wide range of housing types and sizes to meet diverse needs.” as follows:

- Support creative housing options including personal living quarters and/or micro units; “missing middle” housing types such as tiny houses, cottages, duplexes, multiplexes, and small apartment buildings; shared housing, cooperative housing, co-housing, and accessory dwelling units (ADUs), to help meet housing needs and diversify housing options throughout the County. (Ec, Eq, Env)

Page 65: Amend the first, second, and third bullets under “Promote racial and economic diversity and equity in housing in every neighborhood.” as follows:

- [Calibrate]Adjust the applicability of the Moderately Priced Dwelling Unit (MPDU) program and other affordable housing programs to provide price-regulated units appropriate for income levels ranging from deeply affordable to workforce. (Ec, Eq)
- Develop targeted strategies to minimize gentrification and displacement while promoting integration and housing choice and avoiding a concentration of poverty. (Eq)
- Refine regulatory tools and financial and other incentives with the goal of minimizing displacement and avoiding a net loss of market-rate and income-restricted affordable housing stock without [erecting]creating disincentives for the construction of additional units. (Eq)

Page 65: Insert four bullets under “Promote racial and economic diversity and equity in housing in every neighborhood.” as follows:

- Evaluate incentives and housing programs like the Moderately Priced Dwelling Unit (MPDU) program to align County housing programs, incentives, and tools with future housing needs. (Ec, Eq)
- Support and strengthen housing code regulations and tenant protections to ensure

healthy and fair housing. (Eq)

- Examine options to expand housing access through the elimination of fair housing barriers and enforcement of fair housing laws to protect residents from discrimination. (Eq)
- Evaluate methods to maintain affordability in rental housing throughout the County. (Eq, Ec)

Page 66: Amend the paragraph under “How will these policies serve the goals of Thrive Montgomery 2050?” as follows:

A healthy supply of [new] housing that is suited to meet the needs of households of different sizes, incomes, needs, and preferences is central to achieving Thrive Montgomery’s key objectives:

Page 66: Amend the first sentence of the paragraph under “Housing Supports the Workforce Needed to Grow Our Economy” as follows:

First, increasing the supply of [new] housing near transit, jobs, and amenities will improve the quality of life for everyone in the county while helping to attract and retain the broadly skilled workforce that employers need, helping to make[making] the county more economically competitive.

Page 68: Amend the second paragraph under “A Range of Housing Types Priced for a Range of Incomes Is Essential to Integration and Equity” as follows:

Adding more “Missing Middle” housing types – ranging from low to medium densities such as accessory dwelling units (ADU’s); duplexes; triplexes; quadplexes; live-work units; and clustered housing such as townhouses, courtyard dwellings and smaller apartment buildings to more neighborhoods is intended to[will] provide more choice, enhance intergenerational interaction, promote aging in place, and build social capital.

Page 68: Amend the first sentence of the third paragraph under “A Range of Housing Types Priced for a Range of Incomes Is Essential to Integration and Equity” as follows:

Missing middle housing will not necessarily be “affordable” in the same sense as price- or income- restricted units that receive public subsidies or are covered by the County’s Moderately Priced Dwelling Unit program, but it [will]can fill crucial gaps in the housing market.

Page 69: Amend the last sentence of the fourth paragraph under “A Range of Housing Types Priced for a Range of Incomes Is Essential to Integration and Equity” as follows:

We need less expensive alternatives to single-family detached dwellings because a wider variety of options accessible across the spectrum of incomes, family sizes, and lifestyles will make the housing market function more effectively for all of our residents at every stage of their lives.

Page 69: Amend the fifth paragraph under “A Range of Housing Types Priced for a Range of Incomes Is Essential to Integration and Equity” as follows:

Preservation of both naturally occurring and regulated existing affordable units will minimize gentrification and displacement as these communities see future investments in transit infrastructure, schools, and amenities. Building new affordable housing for families in existing amenity-rich neighborhoods will expand access to quality education for a wider range of students, leading to more integrated schools and helping close the achievement gap for people of color. Over time, these efforts are expected to minimize de facto segregation based on income between school districts and encourage greater social mobility. Mixed-income housing in communities lagging in investment will help mitigate the concentration of poverty and enhance access to amenities and recreational opportunities for current residents.

Page 70: Amend the first sentence of the first paragraph under “A Wider Variety of Housing Types Is Crucial to Reducing the Environmental Impact of Growth” as follows:

Third, a broader range of housing types – particularly the inclusion of multifamily buildings of varying scale depending on their location – will reinforce the benefits of Complete Communities because flexible residential zoning [will]should allow more people to live closer to work, increase the walkability of neighborhoods, and limit the development footprint on the environment.

Page 70: Amend the second and third paragraphs under “A Wider Variety of Housing Types Is Crucial to Reducing the Environmental Impact of Growth” as follows:

Historically, many people who fill critical jobs in Montgomery County, such as teachers, police and first responders, and the service workforce have lived in [had to move to] more remote parts of the County or outside[of] Montgomery County altogether, [and] driving long distances to reach their places of employment. Creating a wider range of more housing options through infill, redevelopment and adaptive reuse of existing buildings [will]should provide these workers the opportunity to live closer to their employment, which would also reduce vehicle miles traveled while using valuable land more sustainably.

Montgomery County’s naturally occurring affordable housing can also [have]play a role in mitigating [their]its environmental impact as [they]the housing ages. The rehabilitation of these facilities presents an opportunity to shepherd in environmentally sustainable practices [as they age and are rehabilitated]. Rehabilitation offers environmental benefits through adding more eco-friendly and modern features, like newer appliances and HVAC systems.

Page 71: Amend the first paragraph under “How will we evaluate progress?” as follows:

In assessing proposals related to the supply of housing and measuring the success or failure of the approaches [recommended]proposed in this plan, relevant measures may include:

Page 71: Amend the first, second, fourth, and seventh bullets under “How will we evaluate progress?” as follows:

- Rates of homeownership by race, income, age, and area
- Number of and proportion of cost-burdened households disaggregated by race, income, and age
- Rent and mortgage payments as a proportion of household income disaggregated by race, income, and age
- Racial and income diversity [within neighborhoods] across a variety of communities throughout the County

Page 80: Insert a sentence before the first sentence of the third paragraph under “Conclusion”, as follows:

This plan seeks to ensure that we are prepared to face multiple futures.

Page 80: Amend the second paragraph under “Montgomery County has a lot going for it yet there’s room for improvement” as follows:

The federal government’s presence has given us a foundation of good jobs and a concentration of public investment in life sciences and information technology that provide enviable opportunities. But [T]the stability and reliability of the base of employment tied to government should not make us complacent. Policies and investments need to capitalize on those opportunities and ensure that Montgomery County is a strong competitor with a diverse economy that brings our residents good paying jobs. Because land is scarce, there is less room for error and discipline is needed in how land is used, and design excellence [is]can be fostered to respond to market forces and attract both businesses and residents to call Montgomery County home.

Page 81: Insert a paragraph after “How Thrive Montgomery 2050 will be Implemented” as follows:

Thrive Montgomery 2050, as the County’s General Plan, is a guidebook, not a roadmap. It lays out an overarching vision for the future of the county. Its policies and practices are not self- implementing. Instead, the General Plan’s role in land use is to guide future decision-making and actions so that its policies become a reality on the ground. Some of these actions we know are needed now, others will become clear as conditions, opportunities, challenges, and technologies change over time. Thrive Montgomery’s vision of compact growth, complete communities, and integrated design arts and culture serve as an umbrella under which tactical tools such as master plans, regulations, codes, and future development will be the building blocks for a more equitable, sustainable, compact, and walkable Montgomery County where all residents can thrive.

Page 81: Amend the second paragraph under “Cooperation among public and private sectors in implementation” as follows:

The Planning and Parks Departments will lead much of the work, but full implementation of Thrive 2050's recommendations will require collaboration or approval of other government bodies and public input. For example, updating the zoning code will require coordination with Department of Permitting Services, while changes to street design standards require coordination with the Department of Transportation and the State Highway Administration. Agencies such as the Arts and Humanities Council [will lead]can embark on the creation of a new cultural plan, and the Department of Recreation, working with the Parks Department, will help expand opportunities for physical activity. The County Council will be asked to review and approve many of these efforts in both land use and budget decisions.

Page 82: Amend the third sentence of the first paragraph under “The Role of the Public and Private Sectors” as follows:

Future growth will need to be focused in a compact footprint through private sector-led real estate projects.

Page 82: Amend the second paragraph under “The Role of the Public and Private Sectors” as follows:

Of course, growth requires improvements and additions to public infrastructure and services. Public infrastructure is provided mainly through the county's Capital Improvements Program (CIP), but the private sector makes important contributions pursuant to the county's Adequate Public Facilities Ordinance and impact tax law, which require property developers to build, dedicate, or provide money for parks, roads, schools, and affordable housing. These rules are the mechanism by which new development at its inception generates revenue for the public sector to fund infrastructure improvements. New sources of funding and more effective use of county assets, such as public land and right-of-way, also may be needed. The combination of such public and private investments is the most reliable long-term strategy for creating built environments likely to attract[attracting] new residents, businesses, and a skilled workforce to the County[high-quality Complete Communities]. The anticipated outcome [will be]is an economically competitive and sustainable county with a strong tax base and broadly shared opportunities.

Page 82: Insert two sections after the second paragraph under “The Role of the Public and Private Sectors” as follows:

Compliance with Maryland State Requirements for Planning

Maryland law requires local jurisdictions and agencies to meet specific standards and requirements for the exercise of planning authority delegated by the state. Thrive Montgomery 2050 complies with multiple state laws that govern requirements for comprehensive/general plans by local jurisdictions. For further details, please refer to Appendix A: Compliance with State Law Requirements.

Tools to Implement the General Plan

Thrive Montgomery 2050 sets a high-level policy framework to guide the future land use. While non-government entities will play a role in its implementation, the public sector—Montgomery Planning, Montgomery Parks, the Montgomery County government, and other government agencies—will all play critical roles in implementing the plan. The following section describes the tools the public sector can use to implement the plan’s policies over the coming decades.

Master Plans

Master plans (or area master plans or sector plans) are long-term planning documents for a specific place or geographic area of the county. All master plans are amendments to the General Plan. They provide detailed land use and zoning recommendations for specific areas of the county. They also address transportation, the natural environment, urban design, historic resources, affordable housing, economic development, public facilities, and implementation techniques. Many of Thrive Montgomery 2050’s policies and practices cannot be implemented with a one-size-fits-all approach. Area master plans will help refine and implement them at a scale tailored to specific neighborhoods.

Functional Plans

Functional plans are master plans addressing a system, such as traffic circulation or green infrastructure, or a policy, such as agricultural preservation or housing. A functional master plan amends the General Plan and may include recommendations on land use and zoning. The Master Plan of Highways and Transitways, the Energized Public Spaces Functional Master Plan, and the Master Plan for Historic Preservation are functional plans that do not include land use or zoning recommendations; however, the Preservation of Agriculture & Rural Open Space Functional Master Plan does. New and revised functional master plans can help refine and implement Thrive Montgomery 2050 recommendations that affect county-wide systems and/or policies.

Montgomery County Code Chapter 59 – Zoning Ordinance

The division of a locality into zones is done for the purpose of regulating the use of private land. All land in Montgomery County is zoned. Within each zone, the Zoning Ordinance allows certain uses by right and allows others conditionally with approval by the Hearing Examiner. The Ordinance also excludes or limits certain uses from each zone. For each zone, the text of the Ordinance specifies the uses allowed, the density of development, the bulk of buildings, the required open space, the necessary off-street parking, and other prerequisites to obtaining permission to develop. The County Council, acting as the District Council (which has the legal oversight authority over land use), makes the final decision on changes to the Ordinance and changes to a property’s zone.

The Montgomery County Zoning Ordinance is maintained as Chapter 59 of the Montgomery County Code. Updates to the Ordinance are proposed as zoning text amendments and must be adopted by the County Council. Implementing Thrive Montgomery 2050 policies will likely require changes to the zoning code.

Other Regulations

In addition to Chapter 59, other chapters in the Montgomery County Code include regulations governing land use and development in the county. Chapter 50 of the County Code contains the subdivision regulations, which govern the legal division and subsequent transfer of land to ensure new developments are coordinated with other existing and planned developments. Chapter 50 also includes the Adequate Public Facilities Ordinance which ensures transportation and public-school facilities are planned and in place to serve new development.

Capital Improvements Program (CIP)

The implementation of Thrive Montgomery 2050 will require major public investments in infrastructure over many years. The Capital Improvements Program (CIP) is the mechanism by which the County plans for and funds major infrastructure projects, including new and renovated schools, streets, and parks. The County adopts a new six-year CIP on even

numbered years. The General Plan, master plans, functional plans, and the Growth and Infrastructure Policy are important planning tools for informing which projects are prioritized in the CIP. These plans provide a link between the needs for specific projects and county-wide or neighborhood development needs.

Facilities Plans

Thrive Montgomery 2050 includes guidance that applies specifically to the design, placement, and funding of public facilities. Future planning for public facilities, including County government facilities, park facilities, public schools, and Montgomery College, should reflect this guidance and direction in order to ensure they are compatible with and help implement the goals of Thrive Montgomery 2050.

Other Funding Sources

Given constraints on the amount of money the county can borrow, Thrive Montgomery 2050 recommends consideration of new sources that could fund the provision of more community amenities. The Plan recommends, for example, exploring the creation of alternative funding tools to support the acquisition and development of parks in urban areas.

Other Resources

Other county plans with tactical guidance such as the Climate Action Plan (CAP) and Economic Development Strategic Plan are key resources beyond master plans to implement the vision of Thrive Montgomery 2050.

Page 83: Move the section titled “Relationship between Thrive Montgomery 2050 and the Climate Action Plan” prior to the section titled “Modifications to other plans, policies, and rules”.

Page 83: Amend the section titled “Modifications to other plans, policies, and rules” as follows:

As already stated, Thrive Montgomery 2050 is a broad policy document and does not, in and of itself, change land uses, zoning or transportation. Key to implementing Thrive Montgomery 2050, Montgomery County will need to undertake a variety of future actions. These actions will guide the priorities for future work programs of the Planning Department, the Parks Department, and other government agencies over the next several years. The “Action List of Resources”, a supplementary document to the Thrive Montgomery 2050 plan that includes a list of actions and plan resources, should be revisited after the plan is adopted. [are not specified in detail in this document but will be fleshed out in future work programs for the Planning Department and other agencies. Some future actions may include, but are not limited to:

- Reviews of existing policies, regulations, and programs;
- Studies and new master, functional, or facility plans to delve more deeply into the topics addressed in the policies, collect and analyze data, and identify detailed strategies for decision making and implementation;
- Development of tools and templates to support master planning, regulatory review and other planning processes; and
- Changes to agency governance and practices that shape how decisions are made.]

Page 83: Amend the second sentence of the paragraph under “Relationship between Thrive Montgomery 2050 and the Climate Action Plan” as follows:

Thrive Montgomery 2050 addresses generally where and how land will be conserved or developed for housing, office buildings, parks, agriculture, recreation, transportation, and other types of public and private infrastructure - decisions that have a major influence on greenhouse gas emissions, carbon sequestration, and adaptation to climate change.

Page 84: Amend the last paragraph under “Measuring Progress – Indicators” as follows:

The indicators, along with the [metrics]measures provided in the preceding chapters, will be further refined over time. The supplementary document “Action List of Resources”, that includes a list of actions and plan resources should be revisited [that will be developed and reviewed]after Thrive is adopted, evaluating the proposed list of actions and associated timeframes. [should]It should also include a section on indicators and metrics, using the measures of progress included at the end of each chapter to develop specific metrics. The section on indicators and metrics should include[providing] detailed information on how the metric or indicator [will be]is measured, the agency responsible for collecting the associated data, [and how frequently]the frequency the metric or indicator will be publicly reviewed and reported, and the frequency indicators and metrics will be evaluated to monitor their relevancy and use. An overall assessment of plan progress should be conducted on a regular basis.

Page 84: After the “CONCLUSION”, insert “APPENDIX A” and “APPENDIX B” as follows:

APPENDIX A: Compliance with State Law Requirements

Maryland law requires local jurisdictions and agencies to meet specific standards and requirements for the exercise of planning authority delegated by the state. In Montgomery County, these requirements are usually met through new master plans, which amend the General Plan. In some cases, state planning requirements are met through the adoption of county regulations or guidelines, which are summarized below and are incorporated by reference.

12 Visions of the State Planning Act

Maryland’s 2009 Planning Visions law created 12 “visions” to guide sound growth and development policy. The visions address quality of life and sustainability; public participation; growth areas; community design; infrastructure; transportation; housing; economic development; environmental protection; resource conservation and stewardship, and implementation.

Thrive Montgomery 2050’s goals and policies are consistent with and support these visions:

1. Quality of Life and Sustainability

Thrive Montgomery 2050 recommends policies and practices designed to improve the quality of life of the county’s residents by making the distribution of public services and amenities more equitable; improving housing affordability; and broadening access to economic, educational, social, recreational, and open space opportunities. The Plan also emphasizes sustainability and protection of natural resources coupled with environmental resilience and adaptation to climate change.

2. Public Participation

The Plan has been developed with broad and deep engagement with neighborhood organizations, businesses, cultural groups, religious institutions and other stakeholders. The role of land use, transportation and park planning in building civic capacity and social capital is among its central themes.

3. Growth Areas

Thrive Montgomery 2050 proposes that almost all new residential and non-residential development should be located in existing and planned population and business centers near existing and planned transit such as the Metro rail stations and the bus rapid transit (BRT) corridors. All of these places are within the county’s Priority Funding Areas.

4. Community Design

The Plan emphasizes the importance of design excellence in creating Complete Communities that are attractive and lovable, foster social engagement, build a stronger sense of community, and create social and economic value.

5. Infrastructure

The Plan concentrates future growth in transit accessible places where infrastructure to support current and planned growth is either already available or can be provided in an efficient, sustainable, and equitable manner. It recommends continuing support of agriculture and protecting environmental resources such as forests and streams.

6. Transportation

A safe, efficient, and multimodal transportation system with transit as the predominant mode of travel is key to creating economically resilient, equitable, and sustainable communities. The Plan emphasizes walking, biking, rolling and other non-motorized modes of travel with emphasis on moving people rather than vehicles. The plan's recommendations for reducing travel by car are critical to meeting the county's goal of eliminating greenhouse gas emissions by 2035.

7. Housing

The Plan emphasizes the need to produce more housing of all types and sizes, especially near transit, for a range of incomes to deal with the housing affordability crisis. It recommends a range of tools and mechanisms such as rezoning for a wider variety of residential building types and adopting innovative financing and construction techniques to increase housing choices for a diverse and aging population.

8. Economic Development

The Plan is based on the idea that a compact form of development with a mix of uses and forms and high quality parks and public spaces supported by infrastructure designed to make walking, rolling, and riding transit attractive and convenient is the best way to make communities attractive to employers who need highly educated workers and want to take advantage of public and private health care and technology related assets in the county and within the Washington region.

9. Environmental Protection

The Plan emphasizes the role of "smart urbanism" incorporating a compact form of development, preservation of land for agriculture and conservation and natural resources, a strong park system, and reduced reliance on driving is the most effective way to make population growth and economic activity more sustainable. The Plan includes ambitious recommendations designed to reduce vehicle miles traveled, encourage more energy efficient buildings, and a variety of other steps to cut greenhouse gas emissions, protect water quality, and enhance tree cover and other environmental resources.

10. Resource Conservation

The Plan's recommendations on Complete Communities; compact development; heavier reliance on walking, rolling, and transit with reductions in vehicular travel; stewardship of parks and land conservation; and other environmental management strategies such as stream restoration will help protect and conserve the county's waterways, forests, farmland, and other natural resources.

11. Stewardship

Thrive Montgomery 2050 provides policy guidance to be implemented by numerous public and private entities. Successful implementation will require sustained support from government agencies, businesses, community-based organizations, and residents.

12. Implementation

Thrive Montgomery 2050 emphasizes the importance of indicators to track progress and evaluate how new ideas and proposals will help achieve the Plan’s objectives. It discusses the roles of public agencies, the private sector, and the community in implementing the Plan’s ideas. It provides high level guidance on funding sources that will be tapped to support capital investments as well as the need to identify new funding sources and financing strategies. It also describes the policy and regulatory tools available for implementation.

Conformance to Section 1-406 (a) and (b) of the Land Use Article

Maryland’s Land Use Article Sections 406(a) and (b) require certain elements be included within the general plan, but do not mandate a specific format. As such, local governments have addressed these required elements in a manner that fits the needs of their community and the resources available to respond to the issues explored during the planning process.

Development Regulations Element

The plan does not include new “development regulations” because it is policy driven, with objectives, policies, and proposed practices. Once these elements are supported through the adoption of the Plan, changes to development regulations may coincide with new area master plans or functional plans. Such regulatory changes are part of the legislative process, so participation will again be afforded to the public. This concept is recognized in many parts of the Plan with several policies and practices suggesting future changes and refinements to code, guidelines and other regulatory tools.

Housing Element

Thrive Montgomery 2050 includes a housing element in the Chapter titled Housing for All: More of Everything. The passage of HB-1045 in 2019 requires all comprehensive plans adopted after June 1, 2020, to have a housing element. As part of this element, several of the policies and practices in Thrive Montgomery 2050 address the need for low-income and workforce housing. The Montgomery County Housing Needs Assessment (July 2020) provides an analysis of current demographic, economic and housing market conditions in the County, and a detailed household and housing demand forecast for the County out to 2045. The Housing Needs Assessment was used to develop several of the policies and proposed practices related to housing in Thrive Montgomery 2050 and is adopted by reference into the Plan.

Transportation Element

The Transportation and Communication Network: Connecting People, Places and Ideas chapter addresses the transportation element as required in the Land Use Article.

Senate Bill 236 -Sustainable Growth and Agricultural Preservation Act of 2012 (SB 236)

Senate Bill 236 (SB 236) requires local jurisdictions to map and adopt specified growth tier designations to limit the proliferation of onsite sewage disposal systems and protect and conserve agricultural and other open space land.

The law stipulates the creation of four tiers of land use categories to identify where major and minor residential subdivisions may be located in a jurisdiction and what type of sewerage system will serve them. It includes a four-tier classification for all areas within a jurisdiction:

- Tier I - Areas currently served by sewerage systems.
- Tier II - Growth areas planned to be served by sewerage systems.
- Tier III - Areas not planned to be served by sewerage systems. These are areas where growth on septic systems can occur.
- Tier IV - Areas planned for preservation and conservation.

Montgomery County implemented SB 236 by adopting a Tiers Map through an amendment to the County's subdivision regulations (codified at Chapter 50, §50.4.3 of the County Code). The official map displaying the County's Growth Tier areas is located on the Planning Department's website and is incorporated by reference into Thrive Montgomery 2050.

The Agricultural Stewardship Act of 2006 – House Bill 2 (HB 2)

House Bill 2 (HB 2) requires counties certified under the Maryland Agricultural Land Preservation Foundation to receive funding for farmland preservation to establish Priority Preservation Areas in their comprehensive plans and manage them according to certain criteria. In Montgomery County, the requirements of HB 2 are met through the Functional Master Plan for the Preservation of Agriculture and Rural Open Space.

Economic Growth, Resource Protection, and Planning Act of 1992, as amended Sensitive Areas Element

The 1992 Economic Growth, Resource Protection, and Planning Act required local jurisdictions to adopt a “sensitive areas” element designed to protect sensitive areas from the adverse effects of development. Sensitive areas include streams and their buffers, 100-year floodplains, habitats of threatened and endangered species, steep slopes, wetlands, and other areas in need of special protection.

In Montgomery County, the sensitive areas element was satisfied by the Planning Board's adoption of the Guidelines for Environmental Management of Development in Montgomery County (July 2021). The Guidelines include goals, objectives, principles, policies and standards designed to protect sensitive areas from the adverse effects of development; they provide detailed criteria and methods for regulatory review of development in sensitive areas and are included by reference into the Plan.

House Bill 1141 Land Use Planning – Local Government Planning, 2006, (HB 1141) Water Resources Element

Local jurisdictions are also required to include a water resources planning element in their comprehensive plans. This element ensures that drinking water and other water resources will be adequate and suitable receiving waters and land areas will be available to meet stormwater management and wastewater treatment and disposal needs of existing and future development. Montgomery County's Water Resources Functional Plan, which was approved by the County Council in July of 2010, and adopted by the full Commission in September 2010. The Plan examines land use, growth, and stormwater management in the context of adequate drinking water supplies, wastewater treatment capacity, water quality regulatory requirements, and inter-jurisdictional commitments, and is included by reference into the Plan.

Mineral Resources Element

HB 1141 also requires local jurisdictions to include a mineral resources element in their comprehensive plans if current geological information is available.

There are currently only two remaining mineral extraction operations in the county: The Aggregate Industries Travilah Quarry near Rockville; and the Tri-State Stone quarry on Seven Locks Road near River Road. The Travilah Quarry is zoned Heavy Industrial (IH), covers over 320 acres and is over 400 feet deep in places. It produces much of the aggregate used in construction for the National Capital Region. The Tri-State Stone quarry is a 21.5-acre operation that produces natural stone (mica-schist quartzite) products for residential construction. Both quarries still have significant reserves and are expected to be in operation for some years to come.

When the quarries are depleted or otherwise closed, the sites will be reclaimed for other uses. In the case of the Travilah Quarry, studies have long been underway by the Interstate Commission on the Potomac River Basin, the Washington Suburban Sanitary Commission, the Metropolitan Washington Council of Governments, DC Water, and the Washington Aqueduct to use the open pit as an emergency water supply reservoir.

The Potomac Master Plan recommends that should redevelopment of the area of the quarry that is not needed for the reservoir be proposed prior to another master plan amendment, an advisory group will be formed to provide the opportunity for public review.

The Tri-State Stone quarry is located in a residential development, is zoned R-200, and is a legal non-conforming use as the quarry and building supply operation predate implementation of the zone. Like similar nearby mines that were eventually closed and redeveloped as residential areas, the Tri- State quarry will also be evaluated for reclamation and redevelopment when it closes.

Given the dwindling of commercially viable mineral deposits throughout the county, the preferred use of land in the Agricultural Reserve for agriculture, and the importance of the two large sole-source aquifers in the county, new operations to extract mineral resources are not currently expected. All existing or new mining operations will continue to be guided by master plans and other applicable law.

APPENDIX B: Glossary

Accessory Dwelling Unit (ADU): A residential unit on the same lot as an existing single-family dwelling and used as a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping. It can be within the main structure of the house, an addition to the main structure, or a separate structure on the same lot.

Active transportation: Non-motorized forms of transportation, such as walking, biking and rolling via wheelchair, scooter, or other conveyance.

Affordable housing: Housing that is either built under a government regulation or a binding

agreement that requires the unit to be affordable to households at or below specified income levels or is available at market prices that achieve the same result. The moderately-priced dwelling unit (MPDU) program's income requirements typically set the price of units at levels affordable to households earning 65 percent of area median income (AMI) for garden apartments, and 70 percent (AMI) for high-rise apartments.

Agricultural Reserve: A designated area of Montgomery County planned and zoned primarily for agricultural uses that includes the majority of the county's remaining working farms and certain other non-farm land uses.

Attainable housing: Housing that is both affordable to households at a range of income levels and suitable for needs of these households. Implicit in the concept of attainable housing is the idea that a range of housing options (type, size, tenure, cost) exists in the local market.

Area median income (AMI): The midpoint of a region's income distribution – half of households in a region earn more than the median and half earn less than the median. For housing policy, income thresholds set relative to the area median income—such as 50% of the area median income—identify households eligible to live in income-restricted housing units and the affordability of housing units to low-income households.

Biophilic design: The practice of designing the built environment with a focus on connecting people with nature.

Built environment: Any manmade building, structure, or other intervention that alters the natural landscape for the purpose of serving or accommodating human activity or need. It includes cities, buildings, urban spaces, infrastructure, roads, parks, and any ancillary features that serve these structures.

Bus rapid transit (BRT): A fixed-guideway transit system where buses operate in dedicated lanes, either physically or through signing and marking, distinct from general purpose lanes used by automobiles. BRT systems also typically include off-board fare collection systems and advanced transit information systems.

Capital Improvement Program (CIP): A six-year comprehensive statement of the objectives with cost estimates and proposed construction schedules for capital projects and programs for all agencies for which the county sets tax rates or approves budgets or programs. Examples include the construction of public schools, street maintenance, and parks improvements.

Central Business Districts (CBDs): downtowns or major commercial centers. Montgomery County has four areas officially designated in the County Code as Central Business Districts: Bethesda; Friendship Heights; Silver Spring; and Wheaton.

Civic capacity: The capacity of individuals in a democracy to become active citizens and to work together to solve collective problems and of communities to encourage such a participation in their members.

Climate Action Plan: In July 2019, Montgomery County launched a planning process to develop prioritized actions and strategies to meet the county's greenhouse gas emissions reduction goals. The county released a draft Climate Action Plan in 2020.

Climate change: A change in global or regional climate patterns, particularly the change apparent from the late 20th century onwards attributable largely to increased levels of atmospheric carbon dioxide produced by the use of fossil fuels.

Co-housing: Semi-communal housing consisting of a cluster of private homes and a shared community space (such as for cooking or laundry facilities).

Co-location: Locating more than one public facility in one place. For example, locating a library and a park on the same property or next to each other.

Commercial centers: A broad grouping of areas of high commercial activity with a concentration of jobs, retail, housing, transit and other ancillary uses and support services. It includes Central Business Districts, downtowns, and town centers.

Compact form of development: The practice of consolidating development of the built environment in ways that place buildings and infrastructure close together to reduce walking, biking, or driving distances and to make efficient use of land. According to Growing Cooler, The Evidence on Urban Development and Climate Change, "The term "compact development" does not imply high-rise or even uniformly high density, but rather higher average "blended" densities. Compact development also features a mix of land uses, development of strong population and employment centers, interconnection of streets, and the design of structures and spaces at a human scale."

Concentration of poverty: Neighborhoods where a high proportion of residents live below the federal poverty threshold.

Conditional use: A conditional use, previously known as a "special exception," is a use that is not permitted as a matter of right in the zone where it is located but may be allowed subject to a review process administered by a hearing examiner.

Congestion pricing: Congestion pricing (also called decongestion pricing) is a mechanism to reduce traffic congestion by charging a fee for vehicles entering a certain area, usually a commercial center, during rush hours. In addition to reducing traffic through shifting some of the traffic to non-rush hours, it also helps improve air quality and other modes of travel such as walking and bicycling.

Connectivity: The number of ways and variety of options to reach multiple destinations. There are many different ways to define connectivity for land use purposes. For example, subdivisions with dead end streets may have poor connectivity with surrounding land uses. A grid street pattern often provides more options to connect with destinations within or outside a neighborhood or commercial center. Connectivity also implies non-physical means

(telephone, internet, social media, etc.) to connect with others.

Cooperative housing (or co-op housing): An alternative to the traditional method of homeownership. In cooperative housing, the residents own a part of a corporation that owns and manages the building.

Corridor: An uninterrupted area of developed or undeveloped land paralleling a transportation route (such as a street, highway, or rail) or the land within one-quarter mile of both sides of designated high-volume transportation facilities, such as arterial roads. If the designated transportation facility is a limited access highway, the corridor extends one-quarter mile from the interchanges.

Cost-burdened household: A household that spends 30% or more of its income on housing costs.

Density: A measure of the amount of development on a property. Density is often expressed as the number of residential units per acre of land (or another unit of measure), or the total amount of residential or commercial square footage on a property. When expressed as the ratio of residential or commercial square footage to square footage of lot area, it is called Floor Area Ratio (FAR).

Design guidelines: A set of guidelines intended to influence the design of buildings, landscapes and other parts of the built environment to achieve a desired level of quality for the physical environment. They typically include statements of intent and objectives supported by graphic illustrations.

Disadvantaged People: Places that are affected most by economic, health and environmental burdens, including low-incomes, poverty, high unemployment, lack of access to jobs and quality education, and increased risk of health problems.

Downtowns: Downtowns are Montgomery County's highest density areas including Central Business Districts and urban centers. They are envisioned to have dense, transit-oriented development and a walkable street grid (existing or planned). These areas are envisioned to share several of the following characteristics: identified as Central Business Districts and/or major employment centers; high levels of existing or anticipated pedestrian and bicyclist activity ; high levels of transit service; street grid with high levels of connectivity; continuous building frontage along streets, with minimal curb cuts; and mostly below ground or structured parking.

Duplex: A residential structure that typically resembles a single housing unit but contains two dwelling units. It can be arranged as two units next to each other sharing a common wall, or one unit above the other.

Employment centers: Areas with a high concentration of jobs.

Equity: just and fair inclusion into a society where all can participate and prosper. The goal

of equity is to create conditions that allow all to reach their full potential. Equity and equality are often confused, but equality only achieves fairness if everyone starts from the same place and needs the same help. Equality may be defined as treating every individual in the same manner irrespective of needs and requirements.

Equity Focus Areas: Equity Focus Areas are parts of Montgomery County that may experience the highest inequities in access to community amenities and other resources to support a good quality of life.

Functional master plan: A master plan addressing either a county-wide system, such as circulation or green infrastructure, or a policy, such as agricultural preservation or housing. A functional master plan amends the General Plan but does not make land use or zoning recommendations.

Green infrastructure: The interconnected network of natural areas (forests, 100-year floodplains, wetlands, meadows, and streams and their buffers) and conservation parks that comprise natural ecosystems and provide environmental services.

Greenfield development: Development on undeveloped land or land previously used for agriculture or left to evolve naturally.

Greenhouse gas (GHG) emissions: Gases that trap heat in the atmosphere, such as carbon dioxide, methane, nitrous oxide, and fluorinated gases.

Growth and Infrastructure Policy: A set of rules and guidelines governing the obligations of private developers to contribute toward the cost and construction of public facilities such as roads and schools needed to accommodate new growth.

High-Quality Transit: Includes rail and bus rapid transit service that is reliable, frequent, fast and comfortable. Generally, the transit service should be so frequent that passengers do not need to consult a schedule.

Housing First: Housing First is a homeless assistance approach that prioritizes providing permanent housing to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life. This approach is guided by the belief that people need basic necessities like food and a place to live before attending to anything less critical, such as getting a job, budgeting properly, or attending to substance use issues.

Housing Initiative Fund (HIF): Administered by the County's Department of Housing and Community Affairs, funding is used to provide loans to support production of new affordable housing, acquisition and preservation of existing affordable housing, and subsidies to make housing affordable to very low-, low-, and moderate-income tenants. Funding is also used to support homeownership programs. The fund receives revenue from a variety of sources including taxes, proceeds from bonds, and loan repayments.

Impervious surfaces: Any surface that prevents or significantly impedes the infiltration of water into the underlying soil, including any structure, building, patio, road, sidewalk, driveway, parking surface, compacted gravel, pavement, asphalt, concrete, stone, brick, tile, swimming pool, or artificial turf.

Infrastructure: The built facilities, generally publicly funded, required to serve a community's development and operational needs. Infrastructure includes roads, water supply and sewer systems, schools, health care facilities, libraries, parks and recreation, and other services.

Land use: The use of any pieces of land through buildings or open land for activities including housing; retail; commerce; manufacturing; roads; parking; parks and recreation; and institutional uses such as schools, healthcare and all other human activities.

Land use plan: The land use element of an approved and adopted general, master, sector, or functional plan.

Mandatory Referral: The Maryland State law and review process that requires all county, state and federal agencies and public utilities to refer any land use changes/improvements and infrastructure projects in Montgomery and Prince George's counties to the M-NCPPC for advisory review and approval.

Master plans: Master plans (or area master plans, or sector plans) are long-term planning documents that provide detailed and specific land use and zoning recommendations for a specific place or geography of the county. They also address transportation, the natural environment, urban design, historic resources, public facilities, and implementation techniques. All master plans are amendments to the General Plan.

Mass timber: Specialized wood building construction using engineered wood products created through lamination and compression of multiple layers to create solid panels of wood that are used as structural elements to frame a building's walls, floors, and roofs.

Missing middle housing: The term missing middle housing encompasses a variety of housing types that range from low- to medium densities such as duplexes; triplexes; quadplexes, live-work units; and clustered housing such as townhouses, courtyard dwellings and smaller apartment buildings.

Mixed-income housing: Housing units affordable to a broad range of income levels.

Mixed-use development: A development that typically contains residential and commercial uses in the same building or within a small area. For example, a residential building with ground floor retail is a typical mixed-use development.

Moderately Priced Dwelling Unit (MPDU): Montgomery County's inclusionary zoning program that requires a minimum of 12.5-15 percent of new units in a development to be affordable to renter's households earning up to 65 percent of area median income for garden-style apartments and up to 70 percent for high-rise apartments and for-sale affordable units

for households earning 70% or less of area median income.

Montgomery County Zoning Ordinance: Chapter 59 of the Montgomery County Code, which contains the zoning controls to regulate the use and development of all private property in the county. It generally defines permitted uses, maximum building floor area or the maximum number of units permissible on each property, and maximum building heights, minimum setbacks, open space and other requirements to shape all buildings and related improvements.

Multifamily housing: A building containing three or more dwelling units on a single lot.

Naturally occurring affordable housing: Market-rate residential units that are affordable to low and middle-income households without public subsidies. It generally refers to rental housing but can include ownership properties as well.

Public space: Open area or building space available for use and enjoyment by the public.

Public realm: Any open space or built environment that is open to the public for access and enjoyment. Typically, the public realm includes roads, sidewalks, streetscapes, and public spaces. An expanded definition of public realm includes all that is visible from a public space. For example, building facades of private buildings as they line the streets or surround a public plaza are part of the experience of walking through the street or the plaza. A neon sign on a private building becomes part of the perception of the overall space.

Public-private partnership: A cooperative arrangement between at least one public and one private sector entity to carry out a project or initiative.

Purple Line: A 16-mile rapid transit line extending from Bethesda, MD, (Montgomery County) to New Carrollton, MD, (Prince George’s County). The Purple Line will connect directly to the Metrorail Red, Green, and Orange Lines.

Race: A social construct that artificially divides people into distinct groups based on characteristics such as physical appearance (including color), ancestral heritage, cultural affiliation, cultural history, ethnic classification, and the social, economic, and political needs of a society at a given period. This definition is cited directly from Montgomery County Bill 27-19 (lines 49-53).

Rail or Rail transit: In Montgomery County rail transit includes Metrorail, the Purple Line, and Maryland Area Regional Commuter (MARC) train service.

Redlining: Redlining in the context of land use refers to discriminatory real estate practices designed to prevent African American or other groups from obtaining mortgage loans in certain neighborhoods. In 1935, the Federal Home Loan Bank Board (FHLBB) asked the Home Owners’ Loan Corporation (HOLC) to look at 239 cities and create “residential security maps” to indicate the level of security for real estate investments in each surveyed city. On the maps, the newest areas— those considered desirable for lending purposes—were outlined in green and known as “Type A.” These were typically affluent suburbs on the

outskirts of cities. “Type B” neighborhoods, outlined in blue, were considered “Still Desirable,” whereas older “Type C” were labeled “Declining” and outlined in yellow. “Type D” neighborhoods were outlined in red and were considered the riskiest for mortgage support. These neighborhoods tended to be the older districts in the center of cities; often they were also African American neighborhoods.

Right-of-way: The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another. In this document, this term generally describes the land available for roads, sidewalks, utility lines, and transit infrastructure.

Shared housing: A housing unit where two or more people live and share rent or mortgage, utilities, and other housing related costs.

Single-family home (or dwelling): A single-family home or dwelling unit is one primary residence on a recorded piece of land. A single-family detached home is a stand-alone structure that does not share any walls with another housing unit. A duplex has two side-by-side units with a shared party wall. Duplexes are considered semi-detached single-family units. Townhouses are considered attached single-family homes.

Social capital: the combination of trust, interpersonal relationships, a sense of belonging, shared norms and values, respect and appreciation for diversity, sense of mutual obligation and reciprocity, and other factors that contribute to the willingness and ability of members of a community to cooperate and communicate with each other effectively to achieve shared objectives.

Social justice: Equitable access to wealth, opportunity, and privileges. It encompasses the idea that no individual and group should have a disproportionately higher share of political and economic power than all other individuals and groups leading to a just society.

Sprawl: A pattern of low-density suburban development that is highly dependent upon the automobile as the main form of travel and is considered the source of today’s traffic congestion, environmental degradation and other issues associated with the growth of suburbs since at least World War II.

Stormwater management: The collection, conveyance, storage, treatment, and disposal of stormwater runoff to prevent accelerated channel erosion, increased flood damage, and degradation of water quality.

Streetscape: The improvements within and adjoining a street right-of-way that influence our perception of streets. It includes the width of the roadway, street trees and landscaping, sidewalk/pavement, street lighting, and other street furniture.

Sustainability: the practice of meeting the economic, social, and environmental needs of the present without compromising the ability to meet the needs of the future.

Town centers: Town centers are similar to downtowns but generally feature less intense

development and cover a smaller geographic area. They typically have high- to moderate-intensity residential development, including multi-family buildings and townhouses, and retail (existing or planned). Town centers share the following characteristics: a regional or neighborhood-serving retail node with housing and other uses; medium to high levels of pedestrian and bicyclist activity; medium levels of existing or planned transit service; a street grid that ties into the surrounding streets; continuous building frontage along streets, with some curb cuts; a mix of structured and underground parking as well as surface parking lots.

Transfer of Development Rights (TDR): A zoning mechanism that, in Montgomery County, grants property owners in the Agricultural Reserve one development right for each five acres of land. These development rights can be sold (transferred) to landowners or developers who can use them to develop at a higher density in designated areas elsewhere in the county.

Transit: In Thrive Montgomery 2050, transit, or public transit, means a public transportation system for moving passengers by rail, buses, and shuttles.

Transit-oriented Development (TOD): A mixed-use development within walking distance (up to one-half mile) of a transit stop. TODs typically have sufficient development density to support frequent transit service and a mix of residential, retail, office, and public uses in a walkable environment, making it convenient for residents and employees to travel by transit, bicycle, or foot.

Transportation networks: A set of transportation facilities including highways and roads, rail lines, transit facilities, trails, and bike paths that together form the transportation system of a jurisdiction or a region.

Tree canopy: The layer of leaves, branches, and stems of trees that cover the ground when viewed from above and that can be measured as a percentage of a land area shaded by trees.

Triplex: A residential structure that contains three units.

Urbanism: The best characteristics of cities and centers of human settlements including a compact building form; shorter distances between destinations; a mix of uses such as a mix of living and work places in a variety of buildings types in close proximity to each other; and streets that are safe for walking, biking and other forms of travel without being dominated by vehicles.

Urban design: The process of giving form, shape, and character to the arrangement of buildings on specific sites, in whole neighborhoods, or throughout a community. Urban design blends architecture, landscaping, and city planning concepts to make an urban area accessible, attractive, and functional.

Vehicle miles traveled (VMT): The amount of travel for all vehicles in a geographic region over a given period.

Walkable Urban Places (WalkUPs)

WalkUPS are high-density places, walkable places with multiple modes of transportation and the integration of many different real estate products in once place. A 2019 study by the Center for Real Estate and Urban Analysis, using the Brookings methodology as a guide, defines WalkUPS as urban places with more than 1.4 million square feet of office and/or more than 340,000 square feet of retail in pedestrian friendly walkable environment with a Walk Score® of 70 or greater.

Wedges and Corridors: The planning framework underlying the 1964 General Plan for Montgomery and Prince George’s counties. The concept was created in 1960 for the entire Washington, DC, region. The corridors were the major interstate highways radiating out of Washington, DC, which was envisioned to be the major employment center of the region. Each corridor was meant to have a string of cities (corridor cities) designed to accommodate most future residential. The wedges were the triangular-shaped pieces of land between the corridors.

Zone: A land classification under the Montgomery County Zoning Ordinance intended to regulate the land uses and buildings allowed in each zone. Certain uses are permitted by right and others as conditional uses. Any use not expressly allowed is prohibited. A zone also regulates building height, setback open space and other requirements.

Zoning: The practice of classifying different areas and properties in a jurisdiction into zones for the purpose of regulating the use and development of private land. Each zone specifies the allowed uses within each zone, the maximum size and bulk of buildings, the minimum required front, side and back yards, the minimum off-street parking, and other prerequisites to obtaining permission to build on a property.

Zoning Ordinance: see Montgomery County Zoning Ordinance.

General

All illustrations and tables included in the Plan will be revised to reflect the District Council changes to the Planning, Housing and Economic Development Committee Draft Thrive Montgomery 2050 (October 2021). The text and graphics will be revised as necessary to achieve and improve clarity and consistency, to update factual information, and to convey the actions of the District Council. Graphics and tables will be revised and re-numbered, where necessary, to be consistent with the text and titles.

This is a correct copy of Council action.



 Judy Rupp,
 Clerk of the Council

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M-NCPPC No. 22-45

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission (the “Commission”) is a body politic and corporate agency of the State of Maryland established in 1927 pursuant to the Annotated Code of Maryland, Land Use Article, at Section 15-101; and

WHEREAS, the Commission is empowered under the Land Use Article at Section 20-305 to adopt **Uniform Standards for Mandatory Referral** pertaining to the review and approval of the location and construction of certain public facilities situated within the Maryland-Washington Regional District (the “Regional District”) under certain circumstances as specified therein; and

WHEREAS, upon a duly advertised public hearing held on July 7, 2022, the Commission’s Montgomery County Planning Board approved and adopted the Uniform Standards for Mandatory Referral Review (“the Montgomery County Standards”) to be given effect as of the date of this Resolution, for that portion of the Regional District lying situate within Montgomery County only; and

WHEREAS, a true and correct copy of the Montgomery County Standards is annexed to this Resolution as Exhibit A; and

WHEREAS, the Commission desires to ratify and adopt the Montgomery County Standards, as provided by this Resolution; and

WHEREAS, the Commission desires for the Planning Board to implement the standards within its County jurisdiction to ensure the orderly administration of the law.

NOW, THEREFORE, BE IT RESOLVED, that The Maryland-National Capital Park and Planning Commission does hereby ratify and adopt the Uniform Standards for Mandatory Referral Review for Montgomery County as annexed hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that, within Montgomery County, the Montgomery County Planning Board shall effectuate the said Montgomery County Standards in accordance with their terms; and

BE IT FURTHER RESOLVED, that, as soon as practicable, the appropriate Commission officials are hereby authorized, and shall cause, the publication of a notice of the action so taken by this Resolution, as required under Section 20-305(b) of the Land Use Article of the Annotated Code of Maryland.

Reviewed and Attested as to Legal Sufficiency

 12/6/2022

EXHIBIT A

MONTGOMERY PLANNING

MANDATORY REFERRAL REVIEW

UNIFORM STANDARDS

Adopted: April 2001
Effective: October 2001
Updated: February 2002
Updated: June 2003
Updated: March 2004
Updated: January 2008
Updated: December 2022



Office of the General Counsel

The Maryland-National Capital Park and Planning Commission

2425 Reedie Drive - 14th Floor

Wheaton, Maryland 20902

301-495-4646

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Section I: Introduction

In 1927, the Maryland General Assembly created The Maryland-National Capital Park and Planning Commission to acquire land and implement plans for a system of parks and conservation areas, determine the location of highways and roadways, exercise control of the subdivision of land, and implement zoning regulations throughout Montgomery and Prince George's Counties. Division II of the Land Use Article of the Maryland Code provides the basic planning and zoning authority for the Commission and divides it into two separate Planning Boards for the respective counties. Through planning and regulatory review, the County Planning Boards work to manage physical growth, plan communities, and protect and steward natural, cultural, and historical resources.

Mandatory Referral review, as set forth in Subtitle 3 of the Land Use Article, is an advisory process intended to afford quality community planning and development advice to the public sector. At the same time, it supports transparency in government by allowing for a more thorough planning review of proposed development activities by public agencies than the financial review of capital improvement funding provided by the County Council.

The submission requirements for a complete Mandatory Referral application are determined by the Planning Department's Division of Intake and Regulatory Coordination (IRC) as part of the pre-submission process. A complete application is required in order to begin the review process.

Section II: Levels of Review (Determined through Pre-Submission Review)

To determine the appropriate level of review, the Planning Staff ("Staff") will consider the land use, character, intensity, scale, and nature of the program. When the applicant consults with Staff to determine the appropriate level of review, it should be early enough in the project development process to allow Staff to advise the applicant as to when a project should be submitted for review and provide relevant assistance.

Public Use versus Private Use. In certain cases, both Mandatory Referral AND regulatory land use processes will apply. Although governmental entities must comply with the Mandatory Referral process for those activities set forth in the Land Use Article, the fact that a public entity owns the property on which the activity will occur does not exempt any private entity that uses or occupies such property from local zoning or subdivision ordinances/regulations. The public entity must submit to Mandatory Referral review for subject activities, and the private concern must submit to the relevant regulatory processes which would ordinarily apply to private entities (*e.g.*, sketch plan, site plan, etc.). Any regulatory processes required of the private entity may satisfy the intent and requirements of these Uniform Standards in the event the requirements overlap (in Staff's sole discretion). Substantive procedural duplication is to be avoided.

Administrative Review by Staff for Minor Projects. This type of review will normally be conducted for small additions or alterations to existing facilities that do not create any significant impact on the surrounding community, parkland, or natural resources, and are otherwise in compliance with applicable laws and regulations. No Planning Board hearing will be required for projects approved through administrative review procedures. A letter from the Planning Director with applicable comments and recommendations will be sent to the applicant at the conclusion of the process (within 60 days of acceptance of a complete application, unless extended by the applicant).

Planning Board Review. This type of review will be conducted for projects that warrant more than Staff-level review. The Planning Board must conduct its review within 60 days of acceptance of a complete application unless the applicant consents to a longer review period. A failure to act within 60 days will be deemed a Planning Board approval. If the 60-day mark falls within the month of August, during which the Planning Board is on recess, the project will be scheduled for the first Planning Board hearing in September and the applicable deadline automatically extended until that hearing date.

Forest Conservation Plan Concurrent Review. The Planning Board’s authority to approve any related forest conservation plans is final pursuant to the Montgomery County Forest Conservation Law, which also provides that sediment control permits for public projects subject to Mandatory Referral “must not be issued . . . until a final forest conservation plan, if required, is approved . . .” The Planning Board will notice and act upon forest conservation plans that are required as part of Mandatory Referral applications. Staff will package and present such forest conservation plans together with the associated Mandatory Referral to facilitate timely review.

Full Commission Review. In the event an application is required to be reviewed by the Full Commission (the Montgomery and Prince George’s Planning Boards sitting together constitute The Maryland-National Capital Park and Planning Commission - the “Full Commission”), the respective Mandatory Referral application shall be filed in the jurisdiction in which said project is located, and subsequently presented to the respective Planning Board for analysis and recommendation to the Full Commission, which shall review and act upon that recommendation at the next available hearing date.

Park Facility and/or Park Development Plan processes meet the intent and requirements of these Uniform Standards.

Section III: Pre-submission Coordination

Multiple Reviews. Many public projects are complex, with multiple stages in development and implementation – from change in use of an existing facility or site selection for a new facility to eventual design and construction. Each stage in the life of a project raises different issues for the community, many of which are unknown at the earlier stages. Therefore, some proposed projects may require a Mandatory Referral review at the early planning stage and another Mandatory Referral review later as the

proposed project moves into the implementation stage. For example, a proposal may be reviewed by the Planning Board initially as a condition of site selection during which the Board will focus on master or sector plan conformance. All site selection, acquisition, or disposition actions, even if they are consistent with the relevant master plan(s), must then be submitted again for Mandatory Referral review for the design of buildings and site improvements before they are finalized. The Mandatory Referral review for each stage will require submission materials appropriate for the corresponding type of review.

Required Pre-Submission Meeting. An application will not be accepted as complete without proof of the applicant's attendance at the pre-submission meeting with Staff. Staff will provide the applicant with an application checklist which will identify the necessary submission requirements.

Staff will advise the applicant to seek community input before formally submitting the project for review. This may include requiring the applicant send appropriate, adequate, and timely public notice to adjoining and confronting property owners as well as nearby civic associations. Staff will assist in the process as needed, including establishing review benchmarks.

Coordination Agreement. Agencies that must submit multiple projects for Mandatory Referral review may enter into a coordination agreement with the Department. The coordination agreement allows Staff to review a description of upcoming projects and provides the applicant the opportunity to receive guidance on which projects qualify for an exemption, administrative review, or Board review.

Section IV: Submission Requirements

All the necessary information from the public body must be included in each submission so that the resulting comments are thorough, comprehensive, and appropriately address all issues and regulatory requirements prior to implementation. Applicants must consult with Staff to determine what exhibits and other application materials will be needed in order to submit a complete application allowing adequate review. The plans and documents submitted for Mandatory Referral should be at a scale sufficient to determine the compatibility, character, scope, quality, and scale of a project.

1. Written narrative or Statement of Justification of the proposal generally describing the project location, access, surrounding land uses and other existing conditions, proposed uses, scale and size of proposed structures, conformance with all applicable plans and explanations of any deviations, and other significant features of the proposal including, but not limited to:
 - a. Consistency with all applicable master plans, functional plans, and related design guidelines and explanations of any deviations;
 - b. Consistency with the intent and requirements of the applicable zone(s);

- c. A Pedestrian and Bicycle Safety Impact Statement that includes an analysis of the effect of the project on pedestrian and bicyclist access and safety, specifically relating to the County's Vision Zero Initiative and the approved Complete Streets Design Guide, and the identification of any capital and/or operating modifications that may be required to promote and maximize safe pedestrian and bicyclist access on the project site and in the surrounding area;
- d. Whether the proposed typical roadway section meets the applicable County statutory and design standards. If not, any variation(s) and the reason(s) therefor must be described;
- e. Whether the project is consistent with and supports Countywide policies, including but not limited to the Climate Action Plan, the Vision Zero Action Plan, and the County's equity and resilience goals and requirements;
- f. The status of any Historic Work Permit application if the project is located on or within an historic site or district designated on the Master Plan for Historic Preservation or on the Locational Atlas and Index of Historic Sites;
- g. For state- or federally-funded projects, indicate the status of any comments by the Maryland Historical Trust and a statement of compliance with any applicable federal laws or regulations. If historic properties would be impacted, explain the proposed measures to be undertaken to limit, avoid, and/or minimize these impacts and what mitigation will be undertaken;
- h. A description of the potential impacts to any site located on the Planning Board's Burial Sites Inventory. If impacts are anticipated, include information on what efforts have been made to limit, avoid, and/or minimize these impacts and what mitigation will be undertaken;
- i. Phasing schedule or plan, if applicable;
- j. A description of the manner in which any land intended for common or quasi-public use, but not proposed to be in public ownership, will be held, owned, and maintained in perpetuity for the indicated purposes;
- k. Funding sources for the project: public and/or private;
- l. A description of the potential impacts to public parkland or land owned by M-NCPPC or Montgomery County, as applicable, and an explanation of what efforts have been made to minimize these impacts and what mitigation will be undertaken: and

- m. For all projects involving buildings or other structures, a statement whether or not the proposed project will seek any relevant or applicable environmental certification(s) and an explanation of said efforts.
2. General location map showing the relationship of the subject property to existing and proposed surrounding development, land uses and zoning, park property, the relevant traffic network, public amenities, community facilities, and historical properties (County and National Registers). For transportation projects, a second map should be submitted showing the subject project and all other future transportation projects currently planned or programmed in the site vicinity.
 3. Site plan describing the location of all new and existing uses and structures, the size of the subject property, existing land uses of the subject and surrounding properties, park property lines, location of historically-designated properties, location of any burial sites of which the applicant has actual or constructive notice, proposed limits of disturbance and quantitative assessment of the disturbed area, location and areas of all existing and proposed public and private open spaces, number of existing and proposed parking spaces, calculations of building coverage, number and type of dwelling units, square footage, height and number of stories of all buildings, and proposed signage.
 4. Utilities and Right-of-Way map reflecting the location of tract boundaries, any utility or pipelines traversing the site, easements, and rights-of-way. All proposed permanent easements and right-of-way takings on park property must be quantified.
 5. Pedestrian and vehicular circulation plan identifying existing roadway(s), site ingress and egress, loading and service operations, sidewalks, trails (including equestrian), bikeways, transit facilities, and all on- and off-site connections to those facilities. In accordance with the applicable Complete Streets Design Guide standards and any applicable circulation plans, indicate paving widths and the location of any anticipated median breaks. Show accessible routes along the property frontage, existing and proposed signage, striped crosswalks, accessible sidewalk ramps, and accessible pedestrian push buttons and signal heads. If pedestrian crossing infrastructure, including but not limited to accessible pedestrian signals, striped crosswalks, and accessible sidewalk ramps are not provided on all legs of signalized intersection(s), indicate where these deficiencies exist and why accessible pedestrian infrastructure is not being provided.
 6. Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) plan that has been reviewed and approved by Staff, depicting existing wooded areas, rock outcroppings, streams, stream buffers, major drainage courses, wetlands, wetland buffers, ultimate 100 year flood plain(s), stream use designations, environmentally-sensitive areas, existing improvements, and the identification of any rare, threatened, or endangered species. A NRI/FSD plan review is performed separately from the Mandatory Referral process and, absent re-

certification, an approved NRI/FSD is **valid for two years only**. If the approved NRI/FSD plan is more than two years old, it will not be accepted as part of the Mandatory Referral application and a current approved NRI/FSD plan must be submitted for Staff review before the application is considered complete.

7. Special Protection Area Map, Water Quality Plan or Letter from the County Department of Permitting Services exempting the project from the Water Quality Plan review process if the project is located within a designated Special Protection Area (see www.montgomeryplanning.org for Special Protection Area maps). If the Planning Board is reviewing a Mandatory Referral more than once, the first submission should include a completed Preliminary Water Quality Plan and the final submission should include a Final Water Quality Plan. If the Planning Board reviews a Mandatory Referral only once, the submission should include a combined Preliminary and Final Water Quality Plan. Preparation of these plans requires a pre-application meeting with the County Departments of Permitting Services and Environmental Protection and M-NCPPC.
8. Appropriate Forest Conservation Plan based upon an approved NRI/FSD. If a prior Mandatory Referral action on a project did not have an approved FCP, then any subsequent Mandatory Referral review must have an approved FCP at the time of the Board review and action, if required.
9. Topographic map depicting the general physical characteristics of the site or sites with contours at an interval no greater than 5 feet, slopes of 25% and greater, and slopes between 15% and 25% that are associated with erodible soils.
10. Approved Stormwater Management Concept Plan(s) including runoff computations and pre-and post-development conditions, off-site drainage areas, and any comments which may have been received by the Department of Permitting Services.
11. Landscape and lighting plan delineating areas of existing vegetation to be retained, new and supplemental planting, paving, seating, street furniture, and lighting. Show existing trees that are proposed to be removed and protection for those trees that are to remain within the limits of disturbance. Include a plant schedule indicating the proposed plant material.
12. Overall concept development plan if the proposed project or phase is a portion of a larger development plan.
13. Statement of compliance with Montgomery County's Noise Ordinance, Section 31 (B) of the County Code, and consistency with the Pl. Board's Noise Guidelines.
14. Architectural schematics, elevations, and sections of all buildings.
15. Transportation impact statement for projects which generate new person trips conducted in accordance with the Department's Local Area Transportation

Review Guidelines, describing the effect, if any, on local transportation system adequacy and the proposed means of addressing any unmitigated impacts on affected facilities, Growth and Infrastructure Policy standards, specific traffic improvements, etc.

16. School-capacity analysis reflecting the current student enrollment, prior enrollment caps, and proposed capacity increases.
17. Safe-fall zone plan for telecommunications towers/monopoles identifying the height of the tower and any safety hazards in proximity to adjoining properties.
18. Lighting study conducted in accordance with the Department's Local Area Transportation Review Guidelines describing the adequacy of street lighting.

All relevant forms, guidance documents, and checklists related to Mandatory Referral can be found on the Planning Department website.

Section V: Mandatory Referral Hearing and Notification

The Planning Board will conduct a hearing to receive community comments during one of its regularly scheduled sessions. Staff will notify the area civic, homeowners, and/or renters associations registered with the Planning Department and located within one half-mile of the site, as well as adjoining and adjacent property owners, when the project is accepted as a complete application and the 60-day review clock starts. The notice will generally include, but may not necessarily be limited to, the project name, applicant, location, a brief description, Staff contact, and a tentative date of the Planning Board hearing at which public testimony will be taken. A final notice of the hearing will be published in the Planning Board's weekly agenda, accompanied by the Staff Report.

Interagency coordination and public notification conducted pursuant to other laws and regulations is expected but will not be accepted in lieu of appropriate community outreach for Mandatory Referral review, as determined by Staff.

The applicant's representative(s) must attend the hearing.

Section VI: Planning Board Consideration

During the Mandatory Referral hearing at the Planning Board's regularly scheduled meeting, the Board will review the proposal and may seek clarifications from Staff and the applicant, and hear any relevant testimony from the community. The Planning Board will consider all relevant land use and planning aspects of the proposal including, but not limited to, the following:

1. whether the proposal is consistent with the County's General Plan, functional plans, the approved and adopted area master plan or sector

plan and any associated design guidelines, and any other public plans, guidance documents, or programs for the area;

2. whether the proposal is consistent with the intent and the requirements of the zone in which it is located;
3. whether the nature of the proposed site and development, including but not limited to its size, shape, scale, height, arrangement, design of structure(s), massing, setback(s), site layout, and location(s) of parking is compatible with the surrounding neighborhood and properties;
4. whether the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;
5. whether the proposal has an approved NRI/FSD and a preliminary SWM Concept Plan, and meets the requirements of the Forest Conservation law (Chapters 19 and 22A of the Montgomery County Code);
6. whether a Preliminary or a Final Water Quality Plan has been reviewed by the Planning Board if the project is located in a Special Protection Area. In addition, for a Water Quality Plan on public property, the Board must determine if the plan meets any additional applicable standards for Special Protection Areas;
7. whether or not the site would be needed for park use if the proposal is for disposition of a surplus public school or other publicly-owned property; and
8. whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan or other plans and policies for the area, or has discernible negative impacts on the surrounding neighborhood, the transportation network, the environment, historic resources (including burial sites), or other resources.

Section VII: The Planning Board Decision

Based on the Staff Report, public comments and input, the applicant's rationale, and the findings and considerations described herein, the Planning Board will approve (with comments, as appropriate) or disapprove Mandatory Referral applications. Following the Planning Board's review, the Chair of the Planning Board will send a letter containing the Board's decision and its rationale to the head of the applicant public agency. If there is a companion Forest Conservation Plan, the Planning Board may approve, approve with conditions, or deny the Forest Conservation Plan, which might then require the Mandatory Referral to be amended and resubmitted.

There is no judicial review of Mandatory Referral matters.

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AUDIT COMMITTEE ACTIVITY REPORT

FISCAL YEAR 2022 (July 1, 2021 – June 30, 2022)

Report Date: November 16, 2022

INTRODUCTION

The Audit Committee (AC or Committee) operates independently from the management of the Maryland-National Capital Park and Planning Commission (M-NCPPC or Commission). The AC serves as a forum, in which auditors and other interested parties may identify and discuss concerns related to financial reporting and internal controls.

The Annotated Code of Maryland, Land Use Article, Subtitle 4 Audit Committee, §15-401-§15-405, governs the establishment and function of the Audit Committee (e.g. membership, terms, qualifications, and powers).

During FY22, the AC consisted of four (4) voting members:

- Dorothy Bailey, Vice-Chair, Prince George’s County Planning Board, Audit Committee Chair
- Partap Verma, Vice Chair, Montgomery County Planning Board
- Benjamin Williams¹ Public Member, Prince George’s County
- Erin White² Public Member, Montgomery County

The Commission Chair serves as a nonvoting member of the Audit Committee. For FY22, Chair Elizabeth Hewlett served on the AC July 1, 2021 – January 14, 2022 and Chair Casey Anderson served on the AC January 15, 2022 – June 30, 2022.

Commission Practice No. 1-31, *Organization and Functions of the Audit Committee and Office of the Inspector General*, provides additional guidance on the Committee’s requirements. The Practice requires the AC to submit the following annual reports:

- A written report that addresses how the Committee discharged its duties and met its responsibilities.
- Evaluation of the adequacy of internal controls; the agency’s adherence to financial regulations/policies; and any other significant concerns/complaints that were filed with or identified by the Audit Committee.
- A summary of significant audit findings as prepared by the Inspector General.

This Annual Report is being submitted to satisfy these requirements.

¹ On January 6, 2022, Mr. Benjamin Williams was re-appointed for a two-year term as Prince George’s County AC public member expiring on September 30, 2023.

² On March 17, 2022, Ms. Erin White was appointed a two-year term as Montgomery County’s AC Public Member, expiring on September 30, 2023. Ms. White replaced Ms. Lori Depies, upon completion of her term.

DISCHARGE OF DUTIES

External Auditors

The Audit Committee is responsible for appointment, compensation, retention, and oversight of the work of any external auditor engaged for the purpose of performing independent audit services, reviews or attest services.

Each fiscal year, the Office of the Secretary-Treasurer submits an Annual Comprehensive Financial Report (ACFR), in accordance with the Land Use Article of the Annotated Code of Maryland. In conjunction with the ACFR, State statute requires an annual audit by independent certified public accountants.

The Department of Finance issued a competitive procurement for the Commission's external auditing services in January 2021. The Commission, with agreement from the AC, selected the accounting firm of SB & Company to complete the FY22 external review. The AC meets with the external auditor for pre-audit planning and audit closeout.

Office of the Inspector General

The Audit Committee must select and appoint the Inspector General. The AC re-appointed Ms. Renee Kenney, Inspector General on December 20, 2021, for a 4-year term, expiring December 2025.

On June 08, 2021, the AC formally approved the FY22 Fiscal Work Plan submitted by the Inspector General. The Work Plan included performance audits, fraud, waste, and abuse investigations, management advisories, and follow-up reviews.

The Audit Committee held the following meetings in FY22 with the Inspector General to discuss significant audit findings/recommendations:

- September 14, 2021
- June 14, 2022

In addition, the Audit Committee and the Inspector General received training on Maryland's Open Meeting Act on March 8, 2022. The training was provided by General Counsel's Office.

SIGNIFICANT AUDIT FINDINGS

The Office of the Inspector General's FY22 Annual Report includes an overview of OIG operations, and a summary of all issued audit and investigative reports. Per the OIG's FY22 Annual Report, four Audit Reports included major audit concerns. A major audit concern identifies a deficiency in the design or operation of an internal control procedure(s) which adversely affects an operating unit's ability to safeguard assets,

comply with laws and regulations, and ensure transactions are properly executed and reported.

- 1) Take Home Vehicles – Thirty-three (33) employees have been assigned a take home vehicle on an ongoing basis. The OIG determined 3 employees did not have an authorized vehicle assignment form and 12 employees were not consistently maintaining vehicle mileage logs. Management concurred with the audit recommendations and took immediate steps to resolve.

The OIG completed audit follow-up testing in June 2022. Two of the three audit recommendations were resolved. A recommendation to “Ensure Vehicle Mileage Logs are Properly Maintained” was partially resolved. An updated mileage log has been developed and promulgated, compliance testing to be completed in FY23.

- 2) Southern Area Aquatics and Recreational Complex (SAARC) – The OIG concluded facility management did not have adequate oversight of controlled (<\$10,000) and capital (>\$10,000) assets. This was identified as “major” due to the significant lack of oversight. Approximately 9 months before the start of the audit, OIG completed a pre-opening walk-through of the facility with management. During the walk-through management was advised to document all controlled assets. At the time of audit, controlled asset forms were not completed for existing controlled assets. In addition, no asset tags were secured for any of SAARC’s assets (controlled or capital). Management concurred with the audit findings and provided the OIG with an action plan to resolve all identified issues.

The OIG completed audit follow-up testing in July 2022, both audit recommendations have been resolved.

- 3) Montgomery County Maintenance Yards – The audit covered 25 maintenance facilities within Montgomery County. The OIG determined 15 facilities were not maintaining controlled asset listings and 23 facilities were not completing annual physical inventories. Management concurred with the findings. Management stated deficiencies were due in part to a change in management coupled by staff shortages due to COVID alternating schedules. Management committed to establishing a working group to address the findings. OIG follow-up testing will be completed in FY23.

- 4) Enterprise Project Plan – Commission-Wide Information Technology Projects – (CWIT) - Commission-wide IT projects are funded through an internal service fund. The Commission’s IT Council provides administrative oversight of CWIT projects. The OIG determined, monthly project reporting to the IT Council did not contain essential information to support effective and fiduciary decision making. The Office of the Chief Information Officer concurred with the recommendation and is working with IT Council to improve the presentation of information. OIG follow-up testing is scheduled for October 2022.

The Audit Committee receives a copy of all audit and investigative reports issued by the Office of the Inspector General. High risk audit recommendations, with management responses are reviewed in the quarterly Audit Committee meetings. No additional significant audit concerns have been brought to the attention of the Audit Committee.

SUMMARY

Based on our review of the Commission's Annual Comprehensive Financial Report, SB and Company's Audit Report and all reports and memorandums issued by the Office of the Inspector General, the Audit Committee deems the Commission's internal controls and adherence to financial regulations and internal policies acceptable. The Commission's internal control systems and processes appear to reduce operational and compliance risk, while also ensuring heightened fiduciary oversight of Commission funds.

CONCLUSION

The Audit Committee would like to thank the Chair Hewlett, Chair Anderson, Chair Shapiro, Commissioners, Officers, management, staff, and the Office of the Inspector General for their continued efforts to strengthen public accountability and to improve the effectiveness, productivity, and efficiency of Commission operations.

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OFFICE OF THE INSPECTOR GENERAL

MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

ANNUAL REPORT

Fiscal Year 2022

Renee M. Kenney, CPA, CIG, CIA, CISA

Inspector General

FY 22

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Message From the Inspector General

Renee M. Kenney, CPA, CIG, CIA, CISA

I am pleased to present the Maryland-National Capital Park and Planning Commission (Commission) Office of the Inspector General's (OIG) Annual Report on the activities and accomplishments of the OIG from July 1, 2021 through June 30, 2022 (FY22).

The Commission is a complex and dynamic bi-county agency, with 9 Offices and Departments¹. The OIG's work demonstrates our commitment to promoting accountability, efficiency, and effectiveness in Commission programs and operations. The OIG strives to keep Commission management fully informed about opportunities for improvement in Commission activities and corrective action responses.

Each spring the OIG presents a fiscal work plan to the Audit Committee for approval. The work plan is based on numerous interviews with Commission leadership, coupled with the completion of various risk assessment exercises. In FY22, the OIG completed 9 Performance Audits, 6 Fraud, Waste, and Abuse investigations, 6 Limited Investigations/Management Advisories, and 10 Follow-Up Reviews, exceeding the expectations in the approved work plan. The OIG's work resulted in 35 audit recommendations, all agreed upon by Commission management.

In addition to audit work, OIG personnel completed 6 internal training sessions to Commission Departments. The training provided guidance on internal controls and fraud, waste, and abuse prevention.

The OIG's current staffing level (Inspector General and four Investigators/Auditors) dictates the number of audits and investigations that can be completed. I am excited to report, the OIG was approved for two new positions in FY23, Deputy Inspector General and an additional Investigator/Auditor. The increased workforce will allow the OIG to better serve the Commission and Prince George's County and Montgomery County constituents.

I would like to thank the Commission's leadership for their support and confidence in the contributions of the OIG. I am honored to report, on December 20, 2021, the Audit Committee re-appointed me to serve as the Inspector General of the Commission through December 2025.



Renee M. Kenney
July 25, 2022

¹ Prince George's County Department of Parks and Recreation, Prince George's Planning Office, Montgomery County Parks, Montgomery County Planning Department, Department of Finance, Department of Human Resources and Management, General Counsel's Office, Office of the Chief Information Officer, and Office of the Inspector General.

Office and Staffing

OFFICE OF THE INSPECTOR GENERAL PERSONNEL

- Renee M. Kenney, CPA, CIG, CIA, CISA, Inspector General
- Natalie Beckwith, CIG, CFE, CICA, Assistant Inspector General
- Robert Feeley, CGFM, CFE, CAA, CICA, Assistant Inspector General
- Wanda King, Assistant Inspector General
- Aaron Smith, Staff Auditor

PROFESSIONAL CREDENTIALS

OIG personnel maintain relevant certifications and are members of many prestigious professional audit and accounting associations. Auditing certifications demonstrate a technical capability that is recognized internationally. The professional associations providing the certifications have rigorous standards and minimum requirements that include comprehensive written exams for technical knowledge and skills and verified education and experience requirements. The certifications also carry stringent ethical standards.

CERTIFICATIONS	
CPA	Certified Public Accountant
CIG	Certified Inspector General
CIA	Certified Internal Auditor
CISA	Certified Information System Auditor
CFE	Certified Fraud Examiner
CGFM	Certified Government Finance Manager
CAA	Certified Acquisition Auditor
CICA	Certified Internal Control Auditor

ADVANCED EDUCATION	
Renee M. Kenney	Master of Science, Accounting
Natalie Beckwith	Master of Public Administration
Robert Feeley	Master of Business Administration
Wanda King	Master of Business Administration

GOVERNANCE

AUDIT COMMITTEE AND OFFICE OF THE INSPECTOR GENERAL

The Audit Committee and Office of the Inspector General were established to assist the Commission on corporate governance and independent oversight of the agency's financial reporting processes.

The Annotated Code of Maryland defines the authority and purpose of the Audit Committee (§15-401 – §15-405) and the Office of the Inspector General (§15-501 – §15-508).

Commission Practice 1-31, *Organization and Functions of the Audit Committee and Office of the Inspector General* establishes the regulations outlining the responsibilities of the Audit Committee (AC) and OIG.

The AC consists of four (4) voting members:

- Ms. Dorothy Baily, Vice-Chair, Prince George's County Planning Board, Audit Committee Chair
- Mr. Partap Verma, Vice-Chair, Montgomery County Planning Board
- Mr. Benjamin Williams², Public Member, Prince George's County
- Ms. Erin White³, Public Member, Montgomery County

Ms. Elizabeth Hewlett and Mr. Casey Anderson, Commission Chair⁴ served as an ex-officio nonvoting member of the Audit Committee in FY22

AUDIT STANDARDS

Performance Audits are completed per *Government Auditing Standards*. Fraud, Waste, and Abuse investigations are completed per *Principles and Standards for Offices Of Inspector General*.

² On January 6, 2022, Mr. Benjamin Williams was re-appointed for a two-year term as Prince George's County AC Public Member expiring September 30, 2023.

³ On March 17, 2022, Ms. Erin White was appointed a two-year term as Montgomery County's AC Public Member, expiring September 30, 2023. Ms. White replaced Ms. Lori Depies, upon completion of her term.

⁴ Each January, the appointment of Commission Chair alternates between the two Planning Board Chairs. In FY22, Chair Elizabeth Hewlett served on the Audit Committee July 1, 2021 – January 14, 2022. Chair Casey Anderson served on the Audit Committee January 15, 2022 – June 30, 2022.

GOVERNANCE

PEER REVIEW

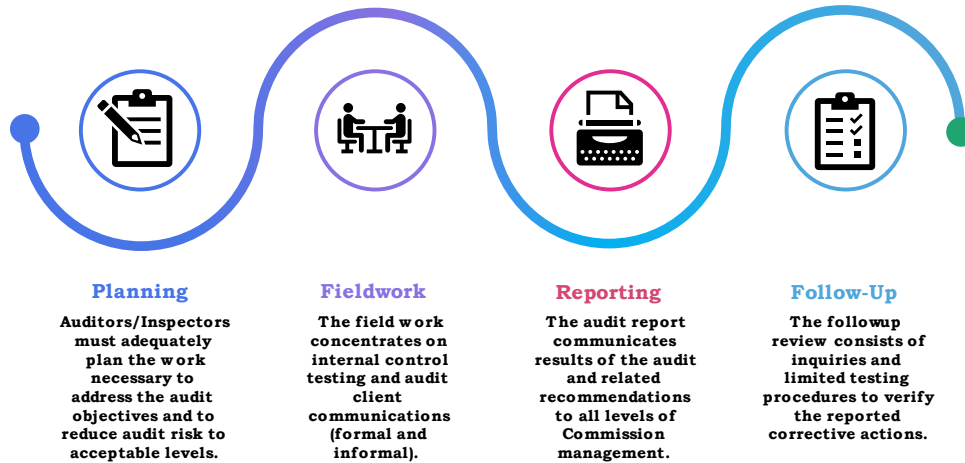
Due to the COVID-19 pandemic, completion of peer reviews for many audit organizations, including the OIG, were delayed. In April 2022, the Association of Government Local Auditors completed a peer review for the OIG covering FY18 – FY20. Per their report, “...it is our opinion that the **Maryland-National Capital Park and Planning Commission Office of the Inspector General internal quality control system was adequately designed and operating effectively to provide reasonable assurance of compliance with *Government Auditing Standards* and applicable legal and regulatory requirements for audits during the period of July 1, 2017, through June 30, 2020.**”

Note: The OIG anticipates the completion of a peer review in September 2023 covering the period of July 1, 2021 – June 30, 2023.

AUDITS

AUDIT PROCESS

AUDIT PROCESS



Planning – Auditors/Inspectors must adequately plan the work necessary to address the audit objectives. For each performance audit, the OIG holds an opening meeting with key stakeholders to obtain an understanding of the nature of the program under audit and the potential use that will be made of the audit results. During the opening meeting, the OIG and audit client discuss audit risk, audit objectives, and expectations.

Fieldwork – The fieldworks concentrate on internal control testing and audit client communications.

Reporting - The audit report communicates results of the audit and related recommendations. Commission management is provided an opportunity to respond to all audit findings and recommendations.

Follow-Up Review – The OIG follows up on all high and medium risk audit recommendations to ensure identified risks and issues were effectively resolved.

AUDITS

PERFORMANCE AUDITS

The OIG completed 9 performance audits in FY22, covering 6 processes/programs and 3 facilities.

Process audits included:

- 1) Take Home Vehicles
- 2) Exempt Overtime
- 3) Sick Leave Bank
- 4) ACH and Direct Deposit Procedures
- 5) Montgomery County Maintenance Yards – Controlled Assets
- 6) Enterprise Project Plan - Commission-Wide Information Technology (CWIT) Projects

Facility audit programs are comprehensive and cover high-risk business processes such as petty cash, purchase cards, cash receipts, timekeeping, procurements, expense reimbursements, facility bookings, vehicle usage, and capital and controlled assets. In FY22, the OIG completed the following facility audits:

- 1) Southern Area Aquatics and Recreational Complex (SAARC)
- 2) Good Luck Community Center
- 3) Cabin John Ice Rink

FY22 Performance Audit Reports contained 19 audit recommendations. Commission management concurred with all recommendations and provided reasonable responses to reduce identified risk and resolve audit findings.

Appendix A contains a summary of each performance audit.

MAJOR AUDIT CONCERNS

Four Audit Reports identified major audit concerns. A major audit concern identifies a deficiency in the design or operation of an internal control procedure(s) which adversely affects an operating unit's ability to safeguard assets, comply with laws and regulations, and ensure transactions are properly executed and reported.

- 1) Take Home Vehicles – Thirty-three (33) employees have been assigned a take home vehicle on an ongoing basis. The OIG determined 3 employees did not have an authorized vehicle assignment form and 12 employees were not consistently maintaining vehicle mileage logs. Management concurred with the audit recommendations and took immediate steps to resolve.

AUDITS

The OIG completed audit follow-up testing in June 2022. Two of the three audit recommendations were resolved. A recommendation to “Ensure Vehicle Mileage Logs are Properly Maintained” was partially resolved. An updated mileage log has been developed and promulgated, compliance testing to be completed in FY23.

- 2) SAARC – The OIG concluded facility management did not have adequate oversight of controlled (<\$10,000) and capital (>\$10,000) assets. This was identified as “major” due to the lack of oversight. Approximately 9 months before the start of the audit, OIG completed a pre-opening walk-through of the facility with management. During the walk-through management was advised to document all controlled assets. At the time of audit, controlled asset forms were not completed for existing controlled assets. In addition, no asset tags were secured for any of SAARC’s assets (controlled or capital). Management concurred with the audit findings and provided the OIG with an action plan to resolve all identified issues.

The OIG completed audit follow-up testing in July 2022, both audit recommendations have been resolved.

- 3) Montgomery County Maintenance Yards – The audit covered 25 maintenance facilities within Montgomery County. The OIG determined 15 facilities were not maintaining controlled asset listings and 23 facilities were not completing annual physical inventories. Management concurred with the findings. Management stated deficiencies were due in part to a change in management coupled by staff shortages due to COVID alternating schedules. Management committed to establishing a working group to address the findings. OIG follow-up testing will be completed in FY23.
- 4) Enterprise Project Plan – Commission-Wide Information Technology Projects – (CWIT) - Commission-wide IT projects are funded through an internal service fund. The Commission’s IT Council provides administrative oversight of CWIT projects. The OIG determined, monthly project reporting to the IT Council did not contain essential information to support effective and fiduciary decision making. The Office of the Chief Information Officer concurred with the recommendation and is working with IT Council to improve the presentation of information. OIG follow-up testing is scheduled for September 2022.

FOLLOW-UP REVIEWS

In FY22 the OIG completed 10 Follow-Up Reviews. The 10 Reviews included assessment and testing of 33 audit recommendations. The OIG concluded management resolved 24 of the 33 recommendations, and 9 were partially resolved as some degree of progress was made, but it was not yet complete.

INVESTIGATIONS

FRAUD, WASTE, AND ABUSE INVESTIGATIONS

The OIG completed 6 Fraud, Waste and Abuse (FWA) investigations in FY22. A summary of each can be found in **Appendix B**, FY22 Investigations. FWA investigations are conducted in accordance with *Principles and Standards for Offices of Inspector General*. The OIG provided Commission management with 16 recommendations to strengthen internal controls over the processes under investigation.

Four (4) the 6 investigations included a conclusion of fraud, waste, or abuse. A summary of each is provided below. In all cases, Department management, Corporate Human Resources, and General Counsel's Office were notified to ensure appropriate, subsequent action was taken.

Note: Personal identifying information, including the name of the facility is not disclosed to protect the identity of the target.

- 1) Personal Use of Commission Facility – The OIG concluded a Commission employee willfully misrepresented information to the OIG. The employee used his/her authority and position and facilitated an unauthorized non-Commission basketball practice at a Commission facility. The employee also violated the Department's approved post Covid re-opening plan. The employee's actions supported a conclusion of **fraud** and **abuse**.
- 2) Falsification of Timecards – The OIG concluded a Commission employee falsified his/her timecard. The employee was working a second job during scheduled work hours. The OIG calculated 364.5 of overlap hours. Commission wages received during overlapping hours equaled \$13,627.67. The actions support a conclusion of **fraud**.
- 3) Unauthorized Activities During Scheduled Work Hours/Lack of Managerial Oversight - The OIG concluded a Commission employee violated Commission Practice 6-13, *Electronics Communications Policy* by viewing images of a sexual orientation on Commission equipment. The OIG also determined a Commission manager failed to provide adequate oversight of his/her direct reports. His/her lack of oversight resulted in the misrepresentation of time worked. In addition, the manager failed to ensure an annual inventory of materials was completed and failed to physically secure areas he/she was responsible for. The manager's actions supported a conclusion of **waste**.
- 4) Conflict of Interest – The OIG concluded a Commission employee violated Commission Practice 2-24 *Ethics* and Commission Practice 4-10, *Purchasing Policy*. The employee used his/her position at the Commission to further the private interests of his/her company. The actions of the employee did not result in

INVESTIGATIONS

any additional costs to the Commission as hourly wages paid to individuals associated with the employee's company were fixed. His/her actions supported a conclusion of **fraud** and **abuse**.

Appendix C contains a definition of fraud, waste, and abuse.

LIMITED INVESTIGATIONS

The OIG issued six (6) Memorandum's of Limited Investigation. A Memorandum of Limited Investigation describes specific issues or complaints received and the outcomes of the limited procedures undertaken during a preliminary inquiry. Based on the information available to the OIG, the OIG determined a FWA investigation was not warranted.

- Use of Exercise Equipment – Wheaton Maintenance Facility
- MC Parks – Bank Fraud
- Enterprise Golf Course – Gratis Play
- Commissioner – Conflict of Interest Inquiry
- Lobbying Disclosures
- Norwood Dog Park – Due Process

MANAGEMENT ADVISORIES

Per State statute, the OIG is authorized to complete management advisories. The OIG completed 1 management advisory in FY22.

At the request of the Executive Director and Corporate Human Resource Director, the OIG completed a review of the Commission's processes and procedures for providing supplemental life insurance benefits to Commission employees. The process is administered in the Commission's Employee Health & Benefits Office (Benefits).

During the review, the OIG identified 4 major concerns:

1. **Incomplete Reconciliation of Life Insurance Enrollment** - Benefits failed to ensure all employees who enrolled in life insurance via Employee Self Service (ESS) in the fall of 2019 were provided the required Evidence of Insurability Form (EOI) form. The form is necessary for enrollment. Some of these employees were charged life insurance deductions/premiums through payroll but were not actually covered by the insurer.
2. **Lack of Oversight of Life Insurance Enrollment Process** - Benefits did not adequately communicate to the Department of Human Resources Management (DHRM) management an internal decision to remove life insurance enrollment from ESS, thus reverting back to manual processing.
3. **Incomplete Standard Operating Procedures** - Benefits did not have documented standard operating procedures for the issuance, tracking, and monitoring of EOI forms.
4. **Low Enrollment in Basic Life Insurance** - Benefits did not adequately communicate to DHRM management the Commission's basic life insurance enrollment statistics. The OIG identified 671 eligible full-time employees that were not enrolled in basic life and AD&D insurance, as of pay date June 11, 2021. That is 31% of the eligible population.

DHRM management has taken steps to mitigate the identified concerns. Most significantly was the change in enrollment procedures. Effective January 1, 2022, if you are a benefit eligible employee Basic Life Insurance and Accidental Death & Dismemberment coverage becomes an automatic benefit.

APPENDIX A

FY22 PERFORMANCE AUDITS

Audit Number	Report Title/Status	Findings	Recommendation	Assigned Risk
<p>CW-002-2022</p>	<p>Enterprise Project Plan – Commission Wide Information Technology (CWIT) Projects</p> <p>Scheduled for OIG follow-up in September 2022.</p>	<p>1. Enhance CWIT Project Status Reports</p>	<p>CWIT reporting to IT Council should be enhanced. The OIG recommends the following:</p> <ul style="list-style-type: none"> • Provide updates on <u>all</u> active projects (i.e., all activity codes on CWIT Schedule). Updates (i.e., reports) should reconcile to CWIT schedule. • Provide a fluid summary of actual, encumbered, and estimated completion costs for each active CWIT project. • Communicate key project dates such as RFP issuance, project kickoff, status of assigned action items (e.g., legal review), estimated project completion date, etc. 	<p>High</p>

APPENDIX A

FY22 PERFORMANCE AUDITS

		<p>2. Modify Current Focus of IT Council</p>	<p>IT Council should focus on:</p> <ul style="list-style-type: none"> • Development of an IT Strategic Plan. The Plan should address Commission wide projects, as well as Departmental projects. Shared communications support synergies as well as provide additional protections against IT breaches. • Ensuring Commission Information Technology policies and standards are aligned with the overall agency vision, mission and goals. IT Council should increase strategic director while limiting operational oversight of projects. • Development of a documented system for prioritization. This will allow Commission leadership to identify necessary resources (fiscal and personnel) to achieve the IT Strategic Plan. 	<p>High</p>
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APPENDIX A

FY22 PERFORMANCE AUDITS

		3. Maintain CWIT Schedule	The Department of Finance produces the CWIT schedule out of Infor. They are not responsible for data integrity. Roles and responsibilities, within the OCIO, should be assigned to ensure CWIT schedule is reviewed, amended and reconciled on a periodic basis.	Low
CW-003-2022	ACH and Direct Deposit Scheduled for OIG follow-up in February 2023.	1. Document Operating Policies and Procedures	Management should develop standard operating policies and procedures manual(s) for its business functions.	High
		2. Strengthen Forensic Attributes	We recommend Corporate Business Services & Finance Administration develop a matrix that identifies all administrative users within Infor, including their primary and secondary job responsibilities. Management should develop policies and procedures to ensure changes to ACH and Direct Deposit	Medium

APPENDIX A

FY22 PERFORMANCE AUDITS

			records are captured (e.g., “Data Change Report”).	
CW-004-2022	Take Home Vehicles Recommendations #1 and #3 are resolved. Recommendation #2 is partially resolved.	1. Obtain Vehicle Assignment Forms	Management should ensure only employees having a completed, authorized/signed VAF are allowed to have a take home Commission vehicle in accordance with Commission Practice 6-10.	High
		2. Ensure Vehicle Mileage Logs are Properly Maintained	Management should ensure Vehicle Mileage Logs are properly maintained.	High
		3. Develop a Standard Commission-Wide Vehicle Mileage Log	The Secretary-Treasurer should develop and issue a standard Commission-Wide vehicle mileage log as required by Commission Practice 6-10.	Medium
CW-005-2022	Exempt OT Scheduled for OIG follow-up in October 2022.	1. Ensure Timecards are Properly Approved	We recommend Commission management ensure all timecards for exempt employees that receive overtime are approved by a Department Head.	High

APPENDIX A

FY22 PERFORMANCE AUDITS

			Further, in instances where Department Head approval is not practical, the OIG recommends that management consider policy enhancements that promotes proficiency of operations without circumventing the approval process.	
CW-009-2022	Sick Leave Bank Audit recommendation has been resolved.	1. Verify Enrollment Eligibility	We recommend Health and Benefits management review eligibility criteria for employees who enrolled in the Program through ESS in 2021.	Low
PGC-001-2022	Southern Area Aquatics and Recreational Complex (SAARC) Facility Audit Both audit recommendations have been resolved.	1. Strengthen Managerial Oversight of Capital and Controlled Assets	<ul style="list-style-type: none"> • Capital Assets: <ul style="list-style-type: none"> ○ We recommend that SAARC management ensure all capital assets are reflected on the Department of Finance's Capital Asset Register. ○ We recommend that SAARC management ensure asset tags are secured and affixed to capital assets where possible. If affixing a property tag is not practical, then the tag should be maintained on site with a copy of the purchase order. 	High

APPENDIX A

FY22 PERFORMANCE AUDITS

			<ul style="list-style-type: none">• Controlled Assets:<ul style="list-style-type: none">○ We recommend SAARC management develop and implement procedures to ensure all controlled assets are identified, tracked, and monitored:<ul style="list-style-type: none">a. Procedures should include steps to ensure assets entered into service are appropriately authorized by management and adequate supporting documentation (e.g., approved Form 164) is kept on file. Procedures should also document the requirement that an asset tag be affixed to all controlled assets where possible.○ We recommend that a full and comprehensive controlled asset inventory count be performed at the Complex to ensure that all cataloged	
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APPENDIX A

FY22 PERFORMANCE AUDITS

			items are onsite and accounted for.	
		2. Maintain Documentation for all Authorized Drivers	SAARC management should ensure that drivers complete the required defensive driving course and that their accompanying release forms are maintained. As well, those forms should be forwarded to the Office of Risk Management.	Medium
PGC-007-2022	Good Luck Road Community Center	No audit Recommendations		
MC-001-2022	Maintenance Yards – Controlled Assets OIG follow-up testing to be completed in FY23.	1. Maintain Current Controlled Asset Listings	Management should ensure current, accurate and complete controlled asset listings are maintained at each facility in accordance with Administrative Procedure 04-01.	High
		2. Perform Annual Physical Inventories	Parks management should ensure full physical inventories are conducted on a yearly basis at each maintenance facility and trade shop.	High
		3. Ensure Controlled Asset Listings Include Motorized and Non-Motorized Assets	Facilities' controlled asset listings must include all controlled assets maintained at their facility. This includes motorized assets tracked in FASTER and non-motorized assets entered into	High

APPENDIX A

FY22 PERFORMANCE AUDITS

			EAM. Annual inventories should verify the existence of all assets on the controlled asset listing.	
		4. Incorporate Asset Management into Succession Planning	Prior to retiring or being reassigned, a facility manager/supervisor should provide all available controlled asset information to the new manager/supervisor. Management may want to consider the development of a succession checklist that includes key business processes such as asset management, petty cash, procurement card, etc.	Medium
		5. Finalize Parks SOP for Controlled Assets	Standard Operating Procedures for tracking, recording, and inventorying controlled assets should be completed.	Medium
MC-003-2022	Cabin John Ice Rink OIG follow-up testing to be completed in FY23.	1. Strengthen Tracking Procedures for Controlled Asset Inventory	Management should develop and implement procedures to ensure all controlled assets are identified, tracked, and monitored.	Medium
		2. Maintain Complete Documentation to Support Rental Permits	Management should ensure complete documentation for all rental permits is maintained at the facility to	Medium

APPENDIX A

FY22 PERFORMANCE AUDITS

			support evidence of signatures, discounts and fee waiver approvals.	
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APPENDIX B

FY22 INVESTIGATIONS

Upon the completion of an investigation, opportunities for strengthening internal controls maybe identified. The following table contains a summary of the internal control deficiencies and corresponding recommendations identified by the Office of the Inspector General. **Commission management agreed with all recommendations and provided acceptable responses to resolve.**

Note: The table is being issued as a separate document due to the presence of personally identifiable information and other confidential information.

APPENDIX C

FRAUD, WASTE, AND ABUSE DEFINITION

Per Commission Practice 3-31, Fraud, Waste, and Abuse is Defined as:

- Fraud: “Means an intentional act or attempt to obtain something of value from the M-NCPPC or another person through willful misrepresentation. Fraud includes a willful false representation of a material fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which causes the Commission to act, or fail to act, to the detriment of the Commission’s interest.”

- Waste: “Means an inappropriate act or omission by an employee with control over, or access to, M-NCPPC property or funds that unreasonably deprives the M-NCPPC of value. Waste includes mismanagement or other unintentional conduct that is deficient or improper when compared to conduct a prudent person would consider necessary to preserve the value of M-NCPPC property or funds under the same facts and circumstances.”

- Abuse: “Means an employee’s intentional or reckless misconduct or misuse of authority or position:
 - (I) Involving M-NCPPC property or funds that is improper or deficient when compared to conduct a prudent person would consider reasonable under the same facts and circumstances; or
 - (II) For the purpose of furthering improperly the private interests of the employee, a family member, or a close personal or business associate. Abuse also includes theft or misappropriation of commission property or funds; and destruction or alteration of official records and any intentional breach of a legal or equitable duty, Commission policy or violation of federal or state laws that causes harm to the Commission.”

So What Plans Apply to This Place, Anyway?



Nick Finio, Ph.D.
Associate Director
National Center for Smart Growth
UMD College Park



with

Gerrit Knaap, Ph.D., Lew Hopkins, Ph.D., and Cyrus Chimento

NPC '22 - San Diego

The NCSG

- Research Center, School of Architecture, Preservation and Planning at UMD
- Mission:
 - create a more sustainable, vibrant and enhanced quality of life for communities across the globe
- We operate as a research and consulting shop for governments, foundations and more
- Context for this project: a deliverable for a \$2m TOD planning grant from the Federal Transit Administration for a local light rail corridor, the Purple Line



Part I

Information Systems of Plans



Definitions

Plans: Documents that communicate intent, aspirations or visions, and possible actions in the face of uncertainty.

Regulations: Rights, incentives, or constraints that are legally enforceable.

Assumptions

1. Plans are information.
2. Plans are made by many different actors, at different times, and of different scopes.
3. Plans are used by autonomous actors as signals to coordinate actions.

Tools Gap


more

Making plans → modeling, forecasting, and evaluating change in development patterns.

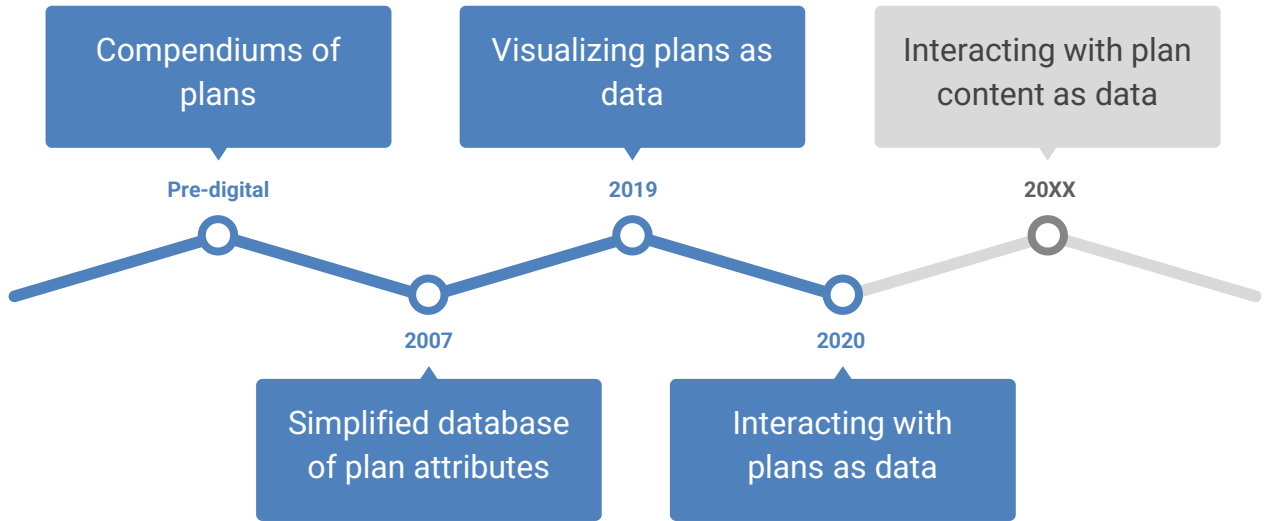
vs.

fewer



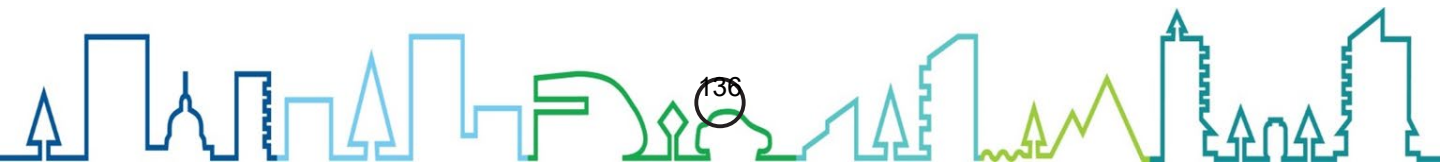
Using plans → allow access to plans and treat plans as data.

Information Systems of Plans



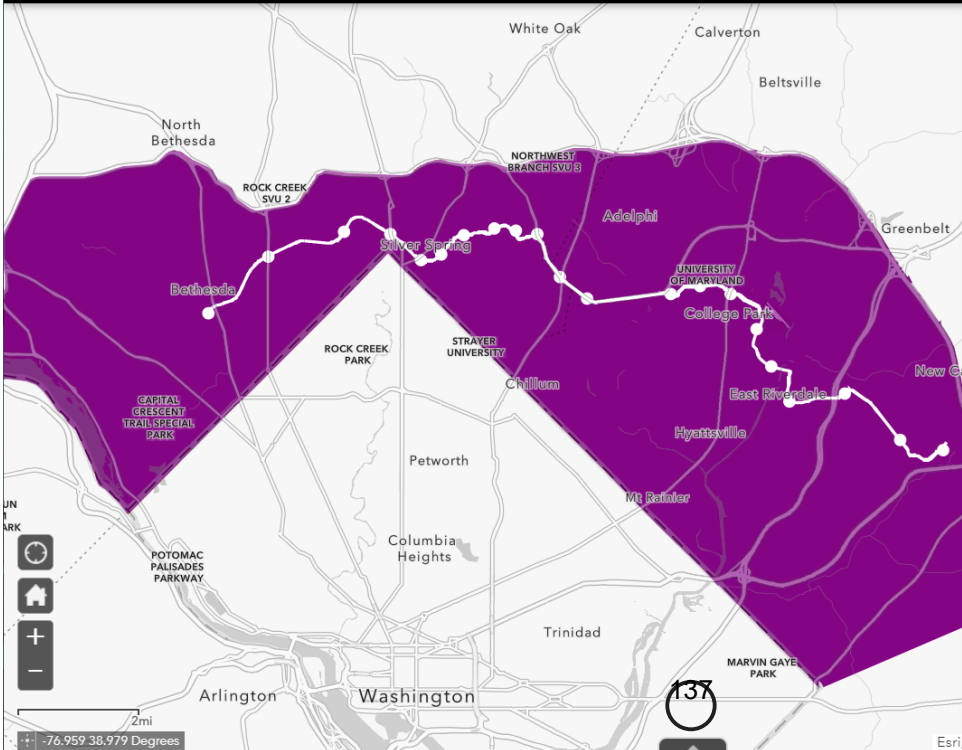
Part II

Building the Plans and Regulations Information Tool (PaRIT)



PURPLE LINE CORRIDOR REGULATIONS

Show me plans.



Information

[START HERE](#) with a quick tutorial.

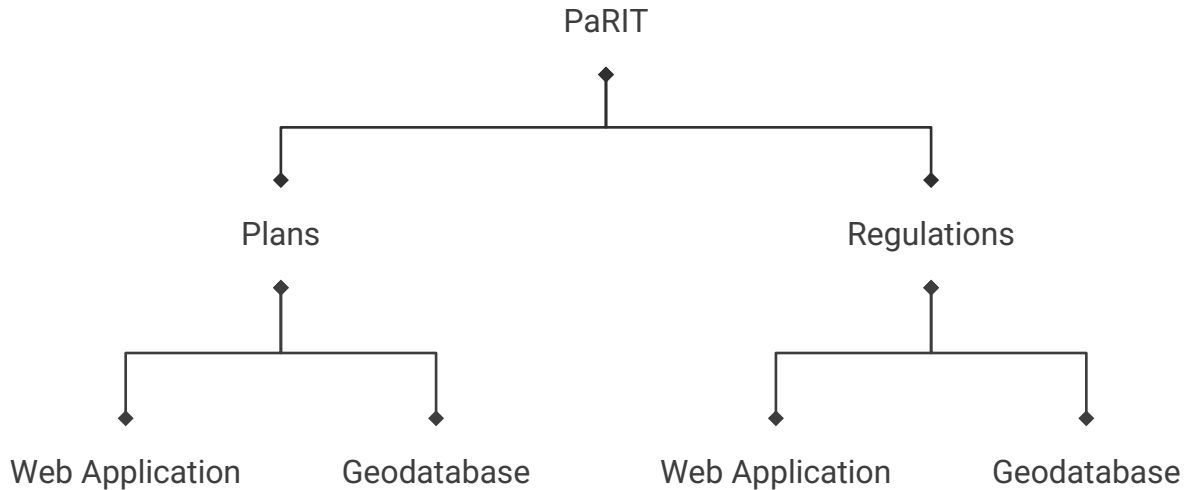
The purpose of this tool is to help achieve the goals of the Purple Line Corridor Coalition:

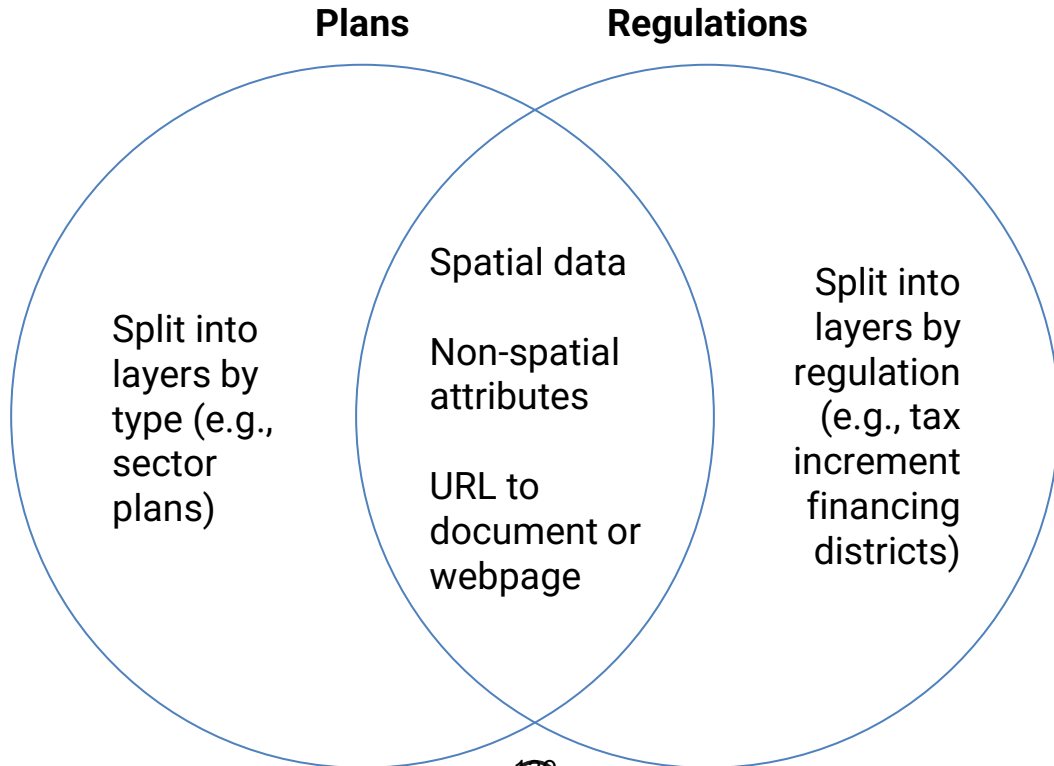
1. Housing choices for all.
2. Support and grow local businesses.
3. Build a thriving labor market.
4. Support vibrant communities.

Important Links:

- [Learn more](#): Explore the user documentation's tutorials, use cases, and details about tool features, data attribute definitions, and assumptions.
- [Give us feedback](#): Tell us about how you're using the tool, and what we can do to make it better.
- [Get in touch](#): This tool is a project of the [National Center for Smart Growth](#), the administrative home of the [Purple Line Corridor Coalition](#).

Plans and Regulations Information Tool





Data

We focused on including governmental and interest group plans and government regulations, especially regulations and incentives that vary spatially.

Table 1. Data layers contained in each individual interface and layers common among both interfaces.

Plans Layers	Regulations Layers
Critical Infrastructure Plans	Arts & Entertainment Districts
Educational Facility Plans	Communities of Opportunity
General Plans	Difficult Development Areas
Housing Plans	Enterprise Zones
Master Plans	Mainstreet Areas
Regional Plans	Mixed Use Town Center Development (MUTC) Zones
Sector Plans	Desired Growth and Investment (DGI) Areas
Social & Economic Plans	Parking Districts
Transit District Development Plans	School Impact Areas
Transportation Plans	Transportation Policy Areas

PaRIT interface has GIS capabilities

Spatial query

- Select plans or regulations that apply to one or more locations.
 - What regulations affect my address?
 - What plans apply within one mile of each Purple Line station in Montgomery County?

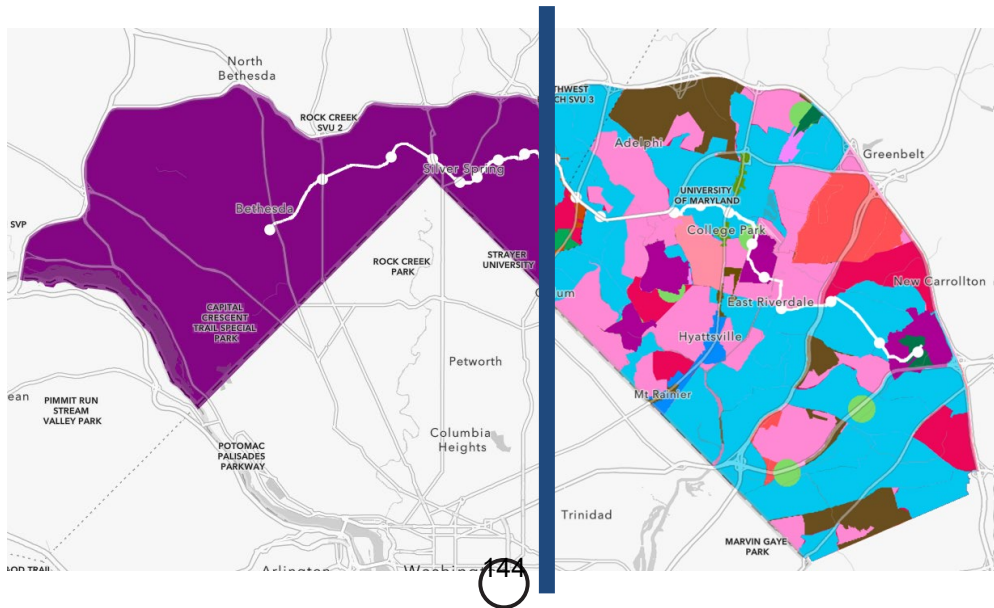
PaRIT interface has GIS capabilities

Filter

- Select plans or regulations based on their attributes.
 - What transportation plans were adopted after 2010?
 - What regulations are currently being revised?

PaRIT Interface has GIS capabilities

- **Map display of overlapping data layers**



PaRIT interface has GIS capabilities

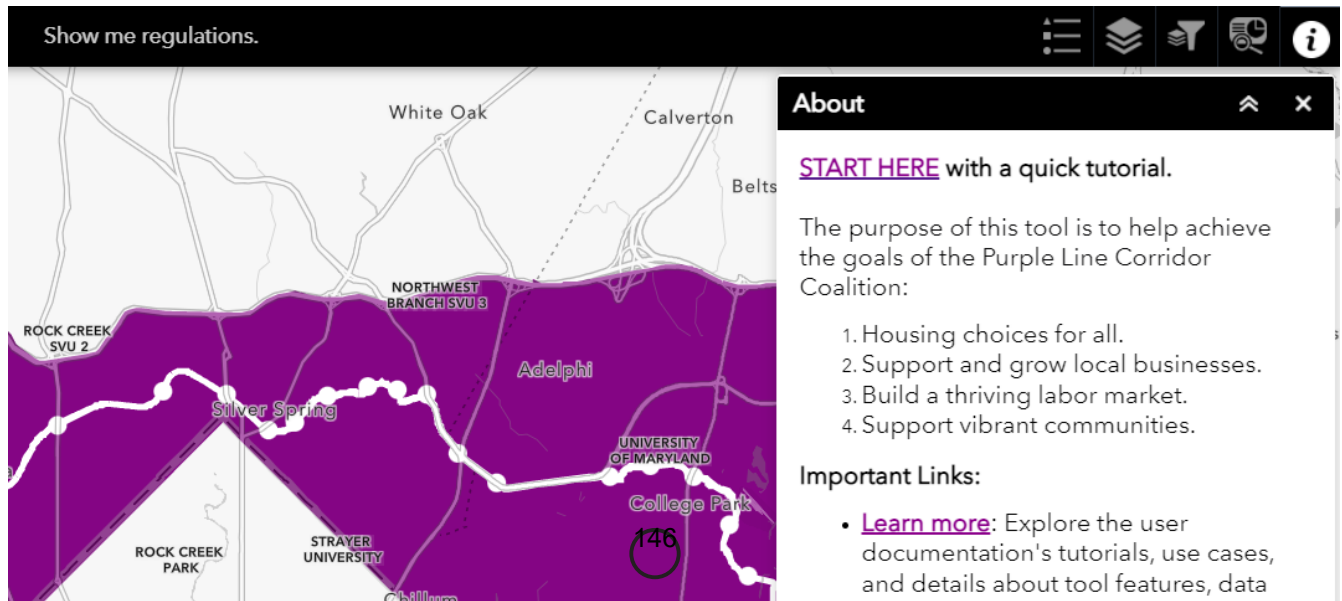
Combined

- Select plans based on location, layer, and attributes.
 - What sector plans are currently being created within one mile of Purple Line stations?

Switch between interfaces.



Legend
Toggle layers
Filter
Spatial Query
Intro



The screenshot shows a web application interface. At the top, a black bar contains the text "Show me regulations." and a set of navigation icons: a list icon, a layers icon, a funnel icon, a search icon, and an information icon. Below this is a map of a region with a purple shaded area representing regulations. The map includes labels for "White Oak", "Calverton", "Belts", "ROCK CREEK SVU 2", "NORTHWEST BRANCH SVU 3", "Silver Spring", "Adelphi", "UNIVERSITY OF MARYLAND", "College Park", "ROCK CREEK PARK", "STRAYER UNIVERSITY", and "Chillum". A circled number "146" is visible on the map. To the right of the map is an "About" panel with a close button (X) and an expand button (upward arrow). The panel contains the following text:

About

[START HERE](#) with a quick tutorial.

The purpose of this tool is to help achieve the goals of the Purple Line Corridor Coalition:

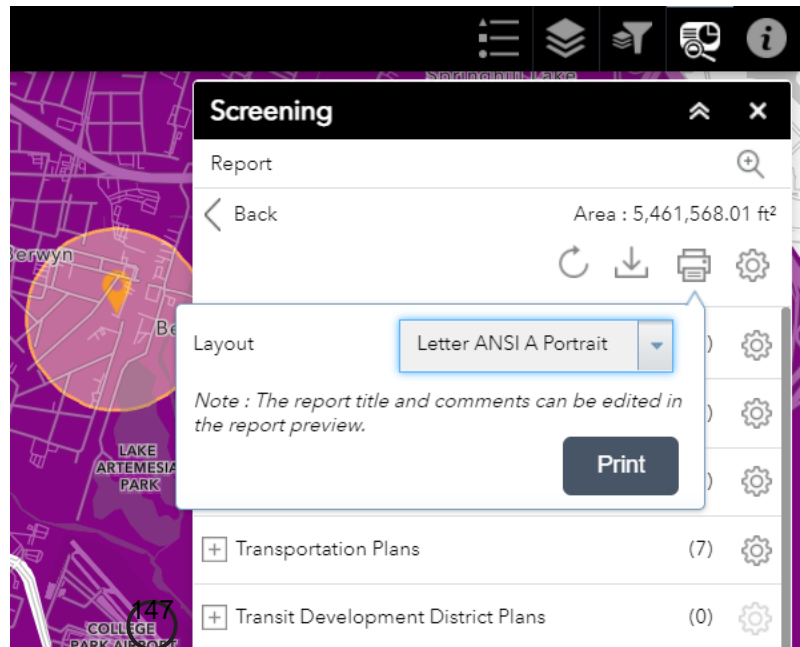
1. Housing choices for all.
2. Support and grow local businesses.
3. Build a thriving labor market.
4. Support vibrant communities.

Important Links:

- [Learn more](#): Explore the user documentation's tutorials, use cases, and details about tool features, data

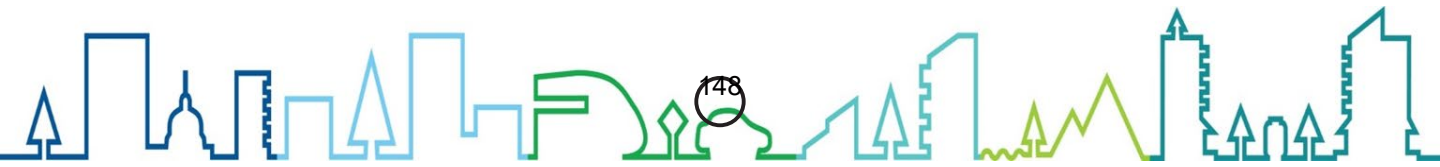
Reporting and Display

- **Reports**
- **Data export**
 - CSV
 - Shapefile
 - Geodatabase



Part III

PaRIT in the Purple Line Corridor



Purple Line Corridor Coalition Goals

1. Housing choices for all.
2. Support and grow local businesses.
3. Build a thriving labor market.
4. Support vibrant communities.



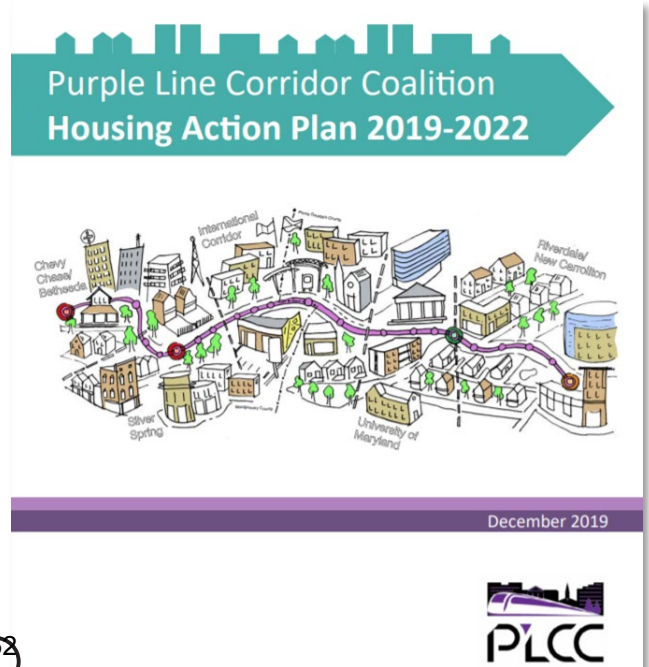
The purpose of PaRIT is to provide **easy access** to plans and regulations pertinent to the task of building an equitable and sustainable transit oriented corridor.

Use Cases

- Real Estate Development
- Affordable Housing Opportunities
- Planning Staff Report
- Community Advocacy
- Planning Fieldwork
- Business Expansion

Use Cases: Housing Action Plan

The Coalition commissioned the plan to identify strategies to ensure housing stability for people living in the corridor prior to construction of the Purple Line.



Use Cases: Housing Action Plan

Existing Housing
Plans and
Regulations

Community
Engagement



Housing Action
Plan
Recommendations

Use Cases: Capital Trails Coalition

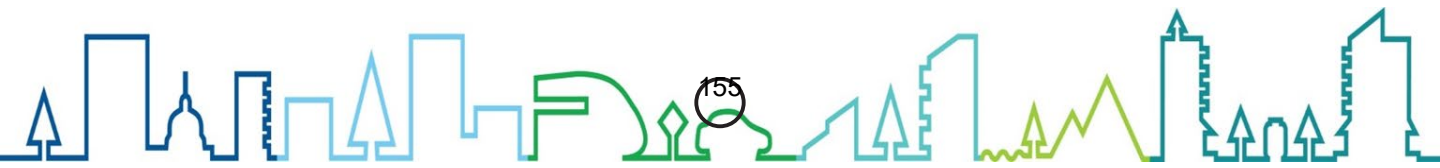
The Coalition developed a proposed network of over 800 miles, spanning six jurisdictions.

One criterion for inclusion was that each trail be identified in an existing plan.



Part IV

Responses to PaRIT



+

Δ

- Cross-jurisdictional
 - Ease of access
 - Comprehensive-ish
- Atypical workflow
 - More diverse data
 - What is (or should be) PaRIT's bias?
 - **Bonus:** it's hard to get users!

What's next?

6-18 months: Continuous improvement of PaRIT based on user feedback.

1-2 years: Spread and scale PaRIT beyond the Purple Line corridor example.

2+ years: Progress Information Systems of Plans by pioneering tools that work with plan content.



umdsmartgrowth.org/tools

www.purplelinecorridor.org

Nick Finio | nfinio@umd.edu

Cyrus Chimento | cyruschimento@gmail.com

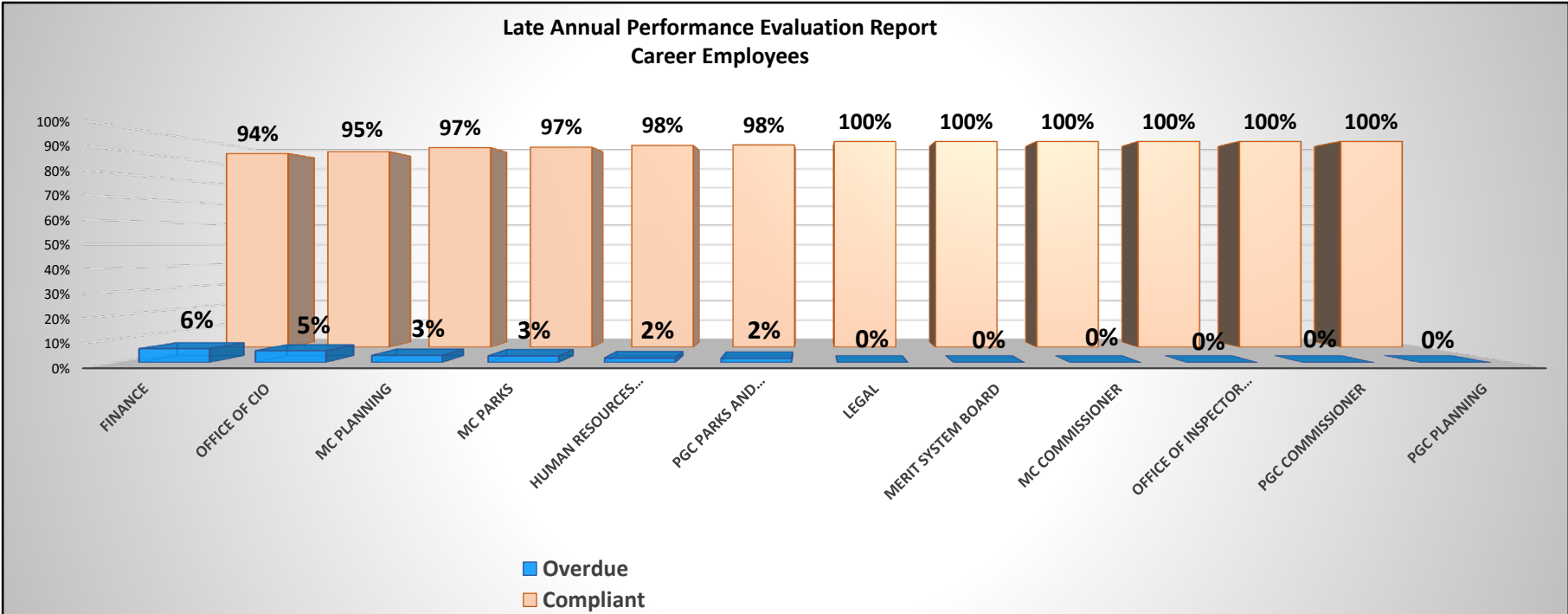
Lew Hopkins | ldhopkins@sbcglobal.net

Gerrit Knaap | gknaap@umd.edu

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 EMPLOYEE PERFORMANCE EVALUATIONS NOT COMPLETED BY DUE DATE
 BY DEPARTMENT AS OF NOVEMBER 2022**

	<u>31 - 60 DAYS</u>		<u>61 - 90 DAYS</u>		<u>91 + DAYS</u>		<u>DEPARTMENT TOTALS</u>	
	Oct-22	Nov-22	Oct-22	Nov-22	Oct-22	Nov-22	Oct-22	Nov-22
CHAIRMAN, MONTGOMERY COUNTY	0	0	0	0	0	0	0	0
CHARIMAN, PRINCE GEORGE'S COUNTY	0	0	0	0	0	0	0	0
OFFICE OF CIO	1	1	0	0	1	0	2	1
OFFICE OF INSPECTOR GENERAL	0	0	0	0	0	0	0	0
EXECUTIVE COMMITTEE/CHAIRS	0	0	0	0	0	0	0	0
DEPT. OF HUMAN RESOURCES & MGT.	1	1	0	0	0	0	1	1
LEGAL DEPARTMENT	1	0	0	0	0	0	1	0
FINANCE DEPARTMENT	0	2	0	0	0	0	0	2
PRINCE GEORGE'S PLANNING	1	0	0	0	0	0	1	0
PRINCE GEORGE'S PARKS & RECREATION	15	14	3	2	0	0	18	16
MONTGOMERY COUNTY PARKS	7	15	3	3	0	0	10	18
MONTGOMERY COUNTY PLANNING	1	4	0	0	0	0	1	4
DEPARTMENT TOTAL BY DAYS LATE	27	37	6	5	1	0		
COMMISSION-WIDE TOTAL							34	42

**DEPARTMENTS HAVE BEEN NOTIFIED OF LATE EVALUATIONS.



*Data as of November 30, 2022

Employee Count Department	Evaluation Status		Total Employees
	Overdue	Compliant	
Finance	2	32	34
Human Resources and Mgt	1	51	52
Legal		20	20
MC Commissioner		2	2
MC Parks	18	658	676
MC Planning	4	129	133
Merit System Board		1	1
Office of CIO	1	19	20
Office of Inspector General		5	5
PGC Commissioner		7	7
PGC Parks and Recreation	16	965	981
PGC Planning		164	164
Total Employees	42	2,053	2,095



Office of the General Counsel
Maryland-National Capital Park and Planning Commission

Reply To

December 5, 2022

Debra S. Borden
General Counsel
6611 Kenilworth Avenue, Suite 200
Riverdale, Maryland 20737
(301) 454-1670 • (301) 454-1674 fax

MEMORANDUM

TO: The Maryland-National Capital Park and Planning Commission
FROM: Debra S. Borden
General Counsel
RE: Litigation Report for November 2022 – FY 2023

Please find the attached litigation report we have prepared for your meeting scheduled on Wednesday, December November 21, 2022. As always, please do not hesitate to call me in advance if you would like me to provide a substantive briefing on any of the cases reported.

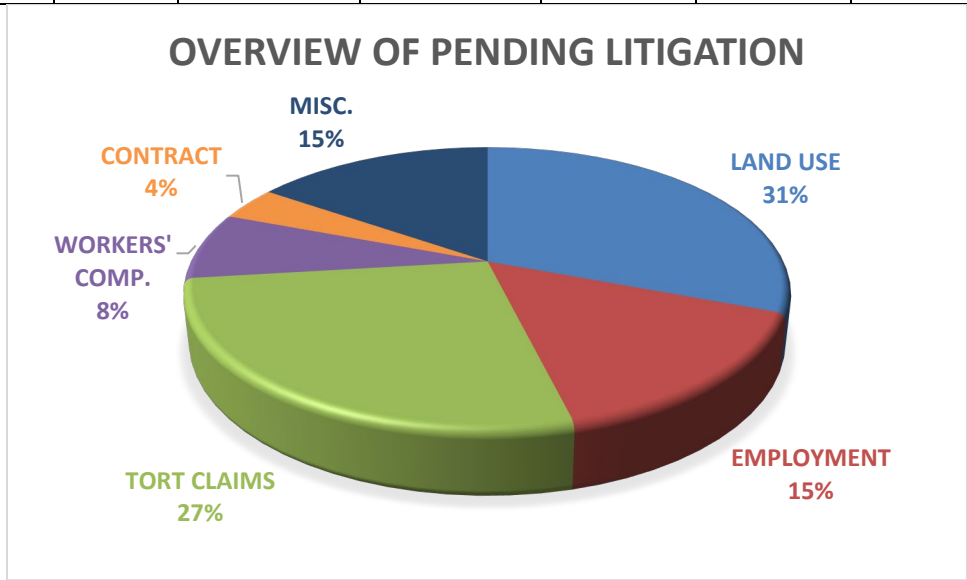
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November 2022 Composition of Pending Litigation

(Sorted by Subject Matter and Forum)

	STATE TRIAL COURT	MARYLAND COSA	MARYLAND COURT OF APPEALS	FEDERAL TRIAL COURT	FEDERAL APPEALS COURT	U.S. SUPREME COURT	SUBJECT MATTER TOTALS
ADMIN APPEAL: LAND USE	6	1	1				8
ADMIN APPEAL: OTHER							
BANKRUPTCY							
CIVIL ENFORCEMENT							
CONTRACT DISPUTE	1						1
DEBT COLLECTION							
EMPLOYMENT DISPUTE	1	1		2			4
LAND USE DISPUTE							
MISCELLANEOUS	4						4
PROPERTY DISPUTE							
TORT CLAIM	7						7
WORKERS' COMPENSATION	2						2
PER FORUM TOTALS	20	2	1	2			25



November 2022 Litigation Activity Summary

	COUNT FOR MONTH			COUNT FOR FISCAL YEAR 2023			
	Pending Oct. 2022	New Cases	Resolved Cases	Pending Prior F/Y	New Cases F/YTD**	Resolved Cases F/YTD**	Pending Current Month
Admin Appeal: Land Use (AALU)	9		1	7	5	4	8
Admin Appeal: Other (AAO)							
Bankruptcy (B)							
Civil Enforcement (CE)							
Contract Disputes (CD)	1			7			1
Debt Collection (D)							
Employment Disputes (ED)	3	1		5	1	2	4
Land Use Disputes (LD)							
Miscellaneous (M)	3	1		2	2	1	4
Property Disputes (PD)							
Tort Claims (T)	8		1	9	1	2	7
Workers' Compensation (WC)	2	1	1	2	1	1	2
Totals	26	3	3	26	7	3	26

**INDEX OF YTD NEW CASES
(7/1/2022 TO 6/30/23)**

A. <u>New Trial Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Commission v. Joseph Cleveland-Cooper (Defendant was not served until August 2022 did not appear on report prior)	MC	Misc.	April 2020
Antawan Williams, et al. v. Prince George's County Planning Board (Did not appear on report prior)	PG	AALU	July 2022
Wilmington Savings Fund Society v. Tomel Burke, Jr., et al. (Commission recently served.)	PG	Misc.	Aug. 2022
English-Figaro v. Planning Board of Prince George's County	PG	AALU	Aug. 2022
Fairwood Community Association, Inc. v. Prince George's County Planning Board	PG	AALU	Aug. 2022
Stewart v. Dorsey, et al.	MC	Tort	Sept. 2022
Commission v. Lindsey	PG	Misc.	Sept. 2022
In the Matter of James Montville	PG	WC	Nov. 2022
In the Matter of Danielle Jones-Dawson	PG	ED	Nov. 2022

B. <u>New Appellate Court Cases.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Aug. 2022

**INDEX OF YTD RESOLVED CASES
(7/1/2022 TO 6/30/2023)**

A. <u>Trial Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Village of Friendship Heights v. Montgomery County Planning Board	MC	AALU	Aug. 2022
Tolson v. Commission	PG	ED	Aug. 2022
Alexander v. Proctor	PG	Tort	Sept. 2022
Melito v. Commission	PG	ED	Sept. 2022
Snyder v. Commission	PG	Tort	Sept. 2022
Commission v. Joseph Cleveland-Cooper	MC	Misc.	Sept. 2022
Stewart v. Dorsey	MC	Tort	Oct. 2022
McGill v. Commission	PG	WC	Oct. 2022
B. <u>Appellate Court Cases Resolved.</u>	<u>Unit</u>	<u>Subject Matter</u>	<u>Month</u>
Heard v. Commission	PG	AALU	Aug. 2022
6525 Belcrest Road, LLC v. Dewey, et al.	PG	AALU	Oct. 2022

Disposition of FY23 Closed Cases Sorted by Department		
CLIENT	PRINCIPAL CAUSE OF ACTION IN DISPUTE	DISPOSITION
Employees Retirement System		
Finance Department		
Department of Human Resources & Management		
Montgomery County Department of Parks		
Snyder v. State of Maryland, et al.	Tort suit for injuries allegedly sustained when tennis player allegedly tripped in hole of divider net and broke clavicle.	08/15/2022 – Stipulation of Dismissal filed. 9/12/2022 Case dismissed. Parties reached a settlement.
Stewart v. Dorsey, et al.	Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.	10/16/2022 – Case settled for \$4,000. Joint stipulation of dismissal to be filed.
Montgomery County Park Police		
Commission v. Joseph Cleveland-Cooper	Forfeiture for cash of \$3,043.00	9/29/2022 – Court ordered monies forfeited.
Montgomery County Planning Board		
Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board	Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.	08/02/2022 - Planning Board's Approval of Site Plan Affirmed. Petition for Judicial Review Denied.
Village of Friendship Heights v. Montgomery County Planning Board	Judicial Review of the Montgomery County Planning Board's approval of Sketch Plan 320220010-5500 Wisconsin Avenue.	08/24/2022 - Order of Court. Affirmed ruling of Planning Board.
Prince George's County Department of Parks and Recreation		
Melito v. Commission	Plaintiff seeks to secure administrative meeting or hearing on termination, former employee claims were denied.	09/15/2022 - Case dismissed pending implementation of contingencies allowing for appeal to Merit Board.

McGill v. Commission	Judicial review of Workers' Compensation Commission decision dated July 19, 2021, which determined claimant had not sustained an increase in permanent partial disability and denied further treatment.	10/26/2022 – Case settled and remanded to WCC for approval of settlement.
Prince George's County Planning Board		
Heard v. Commission	Appeal of decision affirming Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.	08/05/2022 – Judgment of the Circuit Court for Prince George's County affirmed.
6525 Belcrest Road, LLC v. Dewey, L.C., et al.	Declaratory Judgment Action filed over a dispute involving a parking parcel. Plaintiff contended that Defendants misconstrued prior approvals of the Planning Board regarding the need for parking in a manner that will harm their interests. Plaintiff sought to enjoin the Planning Board from approving a Detailed Site Plan.	10/25/2022 – Order of Court of Special Appeals affirming decision of Circuit Court that upheld Planning Board.
Prince George's Park Police		
Tolson v. Commission	Show Cause Action under the LEOBR regarding mandatory COVID vaccination requirements for police officers.	08/08/2022 Show Cause Hearing held. Application for Show Cause Order denied.
Alexander v. Proctor	Officer Proctor deployed his Commission issued pepper spray when an unknown individual was observed wearing police-type gear and approaching our police substation. The individual failed/refused to stop, leading to the Officer deploying his pepper spray to stop and subsequently arrest the individual. Mr. Alexander (the individual) asserted that the stop was without Reasonable Articulate Suspicion/Probable Cause and therefore was unlawful and the amount of force used was excessive.	9/29/2022 – Joint Stipulation of Dismissal filed. Parties settled matter at mediation.
Office of Internal Audit		

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DISTRICT COURT FOR MONTGOMERY COUNTY, MARYLAND

Stewart v. Dorsey, et al.

Case No. D-06-CV-22-013649 (Tort)

Lead Counsel: Rupert

Other Counsel:

Abstract: Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.

Status: Case settled. Awaiting Notice of Dismissal.

Docket:

06/13/2022	Complaint filed
10/16/2022	Case settled. Joint stipulation of dismissal to be filed.

DISTRICT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Chambers v. Commission

Case No. 050200212652020 (Tort)

Lead Counsel: Rupert

Other Counsel:

Abstract: Injuries resulting from a motor vehicle incident. Vehicle operated by Commission employee.

Status: In discovery.

Docket:

09/08/2020	Complaint filed
06/06/2022	Commission served
06/27/2022	Notice of Intent to Defend filed
07/19/2022	Motion to continue granted.
01/19/2023	Trial

Commission v. Conwell

Case No. 050200086402022 (Misc.)

Lead Counsel: Rupert
Other Counsel:

Abstract: Subrogation action to recover losses for damage(s) to Commission property.

Status: Defendant has contacted Commission to arrange payment plan. Summons renewal filed.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.

Commission v. Faulk

Case No. 050200086392022 (Misc.)

Lead Counsel: Rupert
Other Counsel:

Abstract: Subrogation action to recover losses for damage(s) to Commission property.

Status: Summons renewal filed.

Docket:

04/25/2022	Complaint filed
10/18/2022	Request for summons renewal filed.

Commission v. Lindsey

Case No. 05020018374-2022 (Misc.)

Lead Counsel: Johnson
Other Counsel:

Abstract: Action to recover losses for damage(s) to Commission property.

Status: Trial pending.

Docket:

09/12/2022	Complaint filed
12/06/2022	Trial

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

HMF Paving Contractors Inc. v. Maryland-National Park and Planning Commission

Case No. 483255-V (CD)

Lead Counsel: Rupert
Other Counsel: Mills (CCRC)

Abstract: Dispute over whether an allowance should be made, and additional monies paid by the Commission to the contractor regarding the measurement (and relative cost) of the retaining wall at Greenbriar Local Park.

Status: Amended Complaint for Judicial Review filed.

Docket:

08/25/2020	Complaint filed
11/01/2020	Commission served
11/25/2020	Motion to Dismiss
12/28/2020	Opposition to Motion to Dismiss
03/12/2021	Consent motion to postpone hearing and stay case.
03/15/2021	Order of Court. Matter stayed for 90 days.
10/20/2021	Order of Court. Matter stayed until January 10, 2022.
01/24/2022	Pre-Trial hearing statement filed
02/01/2022	Motion to Continue
02/18/2022	Order of Court. Motion Moot. Case has been placed on the Stay Docket.
08/05/2022	Amend Complaint/Petition for Judicial Review
09/06/2022	Notices of Intention to Participate filed by Commission and the CCRC
10/04/2022	Administrative Record received by Court
11/01/2022	Joint Stipulation for Extension of Time

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

Antawan Williams, et al. v. Prince George's County Planning Board

Case No. CAL 22-19650 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-21056.

Status: Respondents Memorandum De December 23, 2022.

Docket:

07/06/2022	Petition filed
07/27/2022	Notice mailed. Response to Petition and Certificate of Compliance filed

08/05/2022	Respondent/Applicant Notice to Participate filed
09/19/2022	Record and Transcript filed
09/29/2022	Notice of Record Issued
10/31/2022	Petitioners' Memorandum in Support of Petition for Judicial Review
11/10/2022	Petitioners' Motion to Stay
11/10/2022	Petitioner's Motion to Add to Record
11/28/2022	Respondent Opposition to Motion to Stay

Brown v. City of Bowie, et al.
Case No. CAL19-35931 (Tort)

Lead Counsel: Rupert
Other Counsel:

Abstract: Injuries resulting from an event at Trap and Skeet location owned by the Commission. Defendants include the individual who discharged a weapon, a volunteer assigned to the group that day and Shooting Stars Shotgun Sports, LLC, an entity that provides shooting instructors at that location.

Status: Awaiting trial.

Docket:

11/15/2019	Complaint filed
01/27/2020	Defendant City of Bowie's Motion to Dismiss or in the Alternative for Summary Judgment
02/05/2020	Summons reissued for Commission
02/13/2020	Opposition to City of Bowie's Motion to Dismiss
02/26/2020	Defendant Daughtery's answer filed
03/13/2020	Commission served
04/08/2020	Commission's Answer filed
05/15/2020	Motions Hearing on City's Motion to Dismiss – continued due to pandemic
9/18/2020	Amended Complaint and Jury Trial
9/21/2020	Second Amended Complaint
9/24/2020	Hearing on Defendant City of Bowie's Motion to Dismiss and/or Summary Judgment. Motion to Dismiss is denied. Motion for Summary Judgment is granted based upon governmental immunity.
10/28/2020	Third Amended Complaint filed
12/08/2020	Answer to Complaint by Defendant Knode
02/16/2022	Status Conference Held
06/21/2023	Trial

English-Figaro v. Planning Board of Prince George's County
Case No. CAL 22-25639 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.

Status: Awaiting Petitioners' Memorandum. Parties in settlement discussions.

Docket:

08/26/2022	Petition filed
08/31/2022	Amended Petition filed
09/19/2022	Notice mailed. Response to Petition and Certificate of Compliance filed.

09/29/2022	Motion to Consolidate with Fairwood Community Association, Inc. v. Prince George's County Planning Board – CAL 22-26146
10/03/2022	Voluntary Partial Dismissal
11/10/2022	Record and Transcript filed
11/15/2022	Notice of Record Issued.

Fairwood Community Association, Inc. v. Prince George's County Planning Board

Case No. CAL 22-26146 (AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Petition for Judicial Review of Planning Board's approval of Preliminary Plan of Subdivision 4-2104.

Status: Awaiting Petitioners' Memorandum. Parties in settlement discussions.
Docket:

08/29/2022	Petition filed
09/21/2022	Notice mailed. Response to Petition and Certificate of Compliance filed.
10/18/2022	Response to Petition for Judicial Review.
11/10/2022	Record and Transcript filed.
11/15/2022	Notice of Record Issued.

Fricklas v. The Planning Board of Prince George's County

Case No. CAL 22-23156(AALU)

Lead Counsel: Warner
Other Counsel: Coleman

Abstract: Challenge to the Planning Board's approval of Preliminary Plan of Subdivision 4-21052 (Suffrage Point).

Status: Awaiting Petitioners' Memorandum/Decision on Motion

Docket:

08/06/2022	Petition for Judicial Review filed.
09/02/2022	Notice Mailed. Certificate of Compliance filed
09/14/2022	Response to Petition, Amended Certificate of Compliance, and Motion to Dismiss filed
9/27/2022	#466 Werrlein WSSC Motion to Dismiss filed
10/26/2022	Record and Transcript filed
11/15/2022	Notice of Record Issued.

Getnet v. Maryland-National Capital Park and Planning Commission

Case No. CAL 20-13268(Tort)

Lead Counsel: Rupert
Other Counsel: Johnson

Abstract: Tort suit for injuries allegedly sustained when visitor fell through decking at a historic property not owned by the Commission.

Status: Case settled. Awaiting Notice of Dismissal.

Docket:

07/06/2020	Complaint filed
07/29/2020	Commission served
08/20/2020	Motion to Dismiss filed
09/10/2020	Amended Complaint
09/11/2020	Opposition to Motion to Dismiss
09/22/2020	Amended Complaint
10/09/2020	Answer filed.
11/02/2020	2 nd Amended Complaint filed
11/06/2020	Defendant Montgomery County's Motion to Dismiss 2 nd Amended Complaint
12/03/2020	Case dismissed as to Montgomery County only
03/04/2021	3 rd Amended Complaint filed
04/19/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Crossclaim against Defendants/Cross-Defendants filed
05/19/2021	Robert Stillman Associates Answer to 3 rd Amended Complaint and Crossclaim
05/19/2021	Bell Architects Answer to 3 rd Amended Complaint and Crossclaim
10/15/2021	Defendant Bell Architects, PC and Robert Silman Associates Motion to Dismiss Plaintiff's Third Amended Complaint
11/01/2021	Plaintiff's Opposition to Motion to Dismiss 3 rd Amended Complaint.
11/04/2021	Defendant/Cross-Plaintiff, Kadcon Corporation's Opposition to Defendants/Cross-Defendants, Bell Architects, PC, and Robert Silman Associates, PLLC's, Motion to Dismiss Plaintiff's Third Amended Complaint and Kadcon Corporation's Crossclaim, Request for Hearing and Supporting Memorandum
12/10/2021	Defendant Bell Architects, PC and Robert Silman Associates PLLC's Motion for Leave to file Reply Memorandum in Support of Motion to Dismiss Plaintiff's Third Amended Complaint
12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Motion for Leave to file Reply Memorandum in Support of Motion to Dismiss Kadcon Corporation's Crossclaim
12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Reply to Kadcon Corporation's Opposition to the Pending Motion to Dismiss

12/10/2021	Defendants Bell Architects, PC and Robert Silman Associates PLLC's Reply to Plaintiff's Opposition to the Pending Motion to Dismiss
02/24/2022	Order of Court modifying scheduling order and setting trial for April 5, 2023.
04/08/2022	Motions Hearing
04/13/2022	Motion to Dismiss denied. Motion for Leave to File Reply Memorandum moot. Motion to Dismiss Third Amended Complaint denied.

Jackson v. Prince George's County Sports & Learning Complex

Case No. CAL19-21516 (Tort)

Lead Counsel: Harvin
Other Counsel:

Abstract: Injury to a minor allegedly related to use of equipment at the Sports & Learning Complex.

Status: Case settled. Awaiting Notice of Dismissal.

Docket:

07/15/2019	Complaint filed
01/22/2020	Commission accepted service
01/27/2020	Complaint to be amended to reflect Commission as party.
02/04/2020	Amended Complaint filed
03/18/2020	Commission served
04/08/2020	Commission's answer filed.
08/09/2022	Case settled.
08/16/2022	Order of Court. Parties reached a tentative settlement, subject to administrative approval by defendant, M-NCPPC.

In the Matter of Danielle Jones-Dawson

Case No. C-16-CV-22-000675 (ED)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Merit Board decision dated October 20, 2022, terminating employment due to non-compliance of Notice 21-07, COVID-19 Vaccination Requirements.

Status: Petition filed.

Docket:

11/20/22	Petition for Judicial Review filed
----------	------------------------------------

King v. Commission
Case No. CAL 19-30096 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of an order from the Workers' Compensation Commission denying authorization for neck surgery.

Status: Awaiting trial.

Docket:

09/23/2019	Petition for Judicial Review filed
10/03/2019	Commission filed Response to Petition.
02/07/2022	Joint Motion for Continuance
03/18/2022	Order of Court. Trial continued
03/02/2023	Trial

In the Matter of James Montville
Case No. C-16-CV-22-000489 (WC)

Lead Counsel: Foster
Other Counsel:

Abstract: Claimant seeks judicial review of Workers' Compensation Commission decision dated October 3, 2022, which determined that he has a 12% permanent partial disability. Claimant was seeking an award that was much higher.

Status: Case settled in principle. Awaiting WCC approval.

Docket:

11/03/2022	Petition for Judicial Review filed
------------	------------------------------------

Robinson, et al. v. Prince George's County Planning Board, et al.
Case No. CAL 21-13945(AALU)

Lead Counsel: Warner
Other Counsel:

Abstract: In relation to the development of a public K–8 middle school, Petitioners are challenging the Planning Board's decision to affirm the Planning Director's approval of a tree conservation plan, a revision of that tree conservation plan, and variances to the Woodland Conservation Ordinance that allowed removal of specimen trees. There is no statutory right to judicial review, and the petitioners cited no legal authority to petition the circuit court for judicial review. As a result, this may ultimately become a petition for a writ of mandamus under the administrative mandamus provisions of the Maryland Rules (7-401 to 7-403).

Status: Hearing Date Scheduled

Docket:

11/12/2021	Petition filed
01/05/2022	Commission's Motion to Dismiss filed
01/05/2022	Response to Petition filed by Planning Board
01/05/2022	Motion to Dismiss filed by Planning Board
01/06/2022	Response to Petition filed by Board of Education
01/21/2022	Opposition to Motion to Dismiss
01/27/2022	Memorandum in Support of Petition for Judicial Review
01/31/2022	Motion to Strike Petitioner's Memorandum in Support of Petition for Judicial Review
01/31/2022	Planning Board's Reply to Petitioners' Opposition to Respondent's Motion to Dismiss
02/14/2022	Opposition to Motion to Strike
02/14/2022	Petitioner's Motion to Supplement the Record
02/14/2022	Amended Memorandum in Support of Petition for Judicial Review
02/25/2022	Planning Board's Memorandum
03/16/2022	Reply Memorandum filed.
06/30/2022	Motions hearing held and taken under advisement
07/18/2022	Order of Court. Planning Board's Motion to Dismiss denied. Motion to Supplement the Record granted.
12/07/2022	Virtual Hearing Date.

Trumblefield v. Prince George's County, et al.

Case No. CAL 22-12298 (Tort)

Lead Counsel: Rupert
Other Counsel:

Abstract: Tort suit for injuries allegedly sustained while attending a graduation ceremony at Show Pace Arena.

Status: In discovery.

Docket:

04/11/2022	Complaint filed
04/27/2022	Commission served
05/09/2022	Stipulation/Line of Dismissal as to Prince George's County only
05/20/2022	Commission's Answer filed
11/14/2023	ADR
01/24/2024	Trial

Walters v. Commission

Case No. CAL22-01761 (Tort)

Lead Counsel: Johnson
Other Counsel: Rupert

Abstract: Tort suit for injuries allegedly sustained when minor was playing on playground equipment at Melwood Hills Community Park.

Status: In discovery. Commission's motion to dismiss denied.

Docket:

01/19/2022	Complaint filed
03/25/2022	Commission served
04/06/2022	Commission's answer filed
10/20/2022	Motion to Dismiss filed
11/03/2022	Opposition to Motion to Dismiss
11/16/2022	Order Denying Motion to Dismiss
11/18/2022	Order Motion to Dismiss is hereby Moot
05/09/2023	ADR
07/06/2023	Trial

Wilmington Savings Fund Society v. Tomel Burke, Jr., et al.

Case No. CAE20-11813 (Misc.)

Lead Counsel: Rupert
Other Counsel:

Abstract: Lawsuit to quiet title and extinguish the Commission's lien on property owned by Tomel Burke, judgment Debtor. Commission has yet to be properly served.

Status: Commission served.

Docket:

04/24/2020	Complaint filed
04/05/2022	Motion for Default as to Commission filed
04/19/2022	Commission's Opposition to Plaintiff's Motion for Default
05/09/2022	Order of Court. Motion for Default as to Commission denied.
11/18/2022	Complaint received

Wolf, et al. v. Planning Board of Prince George's County

Case No. CAL20-14895 (AALU)

Lead Counsel: Warner
Other Counsel:

Abstract: Judicial Review of the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-18001 (Magruder Pointe).

Status: Awaiting ruling.

Docket:

08/19/2020	Petition for Judicial Review filed.
09/29/2020	Notice of Intent to Participate
09/29/2020	Motion to Dismiss filed by Werrlein WSSC, LLC
10/13/2020	City of Hyattsville's Notice of Intent to Participate
10/19/2020	Response to Petition for Judicial Review
10/19/2020	Planning Board's Motion to Dismiss filed
10/27/2020	City of Hyattsville's Opposition to Motion to Dismiss filed
11/30/2020	Motion to Consolidate with cases CAL19-21492, City of Hyattsville v. Prince George's County District Council and CAL19-22819 Eisen v. Prince George's County District Council
12/28/2020	Opposition to Motion to Dismiss
03/03/2021	Motions hearing held. Taken under advisement.
06/15/2022	Order of Court. Motion to Dismiss denied.
06/20/2022	Memorandum in support of the Petition for Judicial Review filed
08/12/2022	Oral Arguments held.

MARYLAND COURT OF SPECIAL APPEALS

Friends of Ten Mile Creek, et al. v. Montgomery County Planning Board

Case No. CSA-REG-1094-2022 (AALU)

(Originally filed under 487649-V in Montgomery County)

Lead Counsel: Mills
Other Counsel:

Abstract: Appeal of decision affirming the Montgomery County Planning Board's approval of Site Plan 820200160 – Creekside at Cabin Branch.

Status: Appeal filed.

Docket:

08/30/2022	Appeal filed
08/31/2022	Notice of Appeal issued by COSA
10/06/2022	Order to Proceed

Izadjoo v. Maryland-National Capital Park and Planning Commission

Case No. CSA-REG 1795-2021 (ED)

(Originally filed under 486280-V in Montgomery County)

Lead Counsel: Johnson
Other Counsel:

Abstract: Izadjoo appeals the decision of the Circuit Court affirming the decision of the Merit System Board denying appeal of his request for reclassification.

Status: Awaiting ruling.

Docket:

01/14/2022	Notice of Appeal to Court of Special Appeals
03/29/2022	Briefing Notice issued
05/19/2022	Appellant's Brief and Record Extract filed
06/17/2022	Commission's Brief filed
07/11/2022	Case to be decided without a hearing

MARYLAND COURT OF APPEALS

Heard v. Maryland-National Capital Park and Planning Commission

Case No. COA-PET-0214-2022 (AALU)

(Originally filed under CAL 20-14095 in Prince George's County, CSA-REG-1563-2021)

Lead Counsel: Warner
Other Counsel:

Abstract: Petition for Writ of Certiorari of the Court of Special Appeals decision affirming the Circuit Court's ruling that affirmed the Prince George's County Planning Board's approval of Preliminary Plan of Subdivision 4-05068 and denial of March 31, 2020, request for document under the Maryland Public Information Act.

Status: Petition denied.

Docket:

09/05/2022	Petition for Writ of Certiorari
09/21/2022	Respondent Answer
11/22/2022	Petition Denied

U.S. DISTRICT COURT OF MARYLAND

Evans v. Commission, et al.

8:19-cv-02651 MJM (ED)

Lead Counsel: Levan
Other Counsel: Foster

Abstract: Plaintiff, police lieutenant, filed a complaint against the Commission and four individual defendants, alleging discrimination, retaliation and assorted negligence and constitutional violations.

Status: In discovery.
Docket:

09/11/2019	Complaint filed
10/23/2019	Notice of Intent to file Motion for More Definite Statement filed by Defendants Commission, McSwain, and Riley
10/24/2019	Notice of Intent to file Motion for More Definite Statement filed by J. Creed on behalf of Defendant Murphy
10/28/2019	Notice of Intent to File a Motion for More Definite Statement filed by attorney C. Bruce on behalf of Defendant Uhrig
11/26/2019	Status Report filed by Plaintiff agreeing to file Amended Complaint specifying against whom each claim is asserted and dates of alleged events.
12/10/2019	Amended Complaint filed.
12/23/2019	Notice of Intent to file a Motion to Dismiss filed by all defendants
01/09/2020	Order granting Plaintiff leave to file Amended Complaint
01/16/2020	Second Amended Complaint filed
02/14/2020	Joint Motion to Dismiss filed by all Defendants
03/20/2020	Opposition to Motion to Dismiss
03/20/2020	Motion for Leave to file Third Amended Complaint
03/20/2020	Third Amended Complaint
04/17/2020	Plaintiff's Reply to Defendants' joint Opposition to Plaintiff's Motion for Leave to file Third Amended Complaint.
05/07/2020	Order granting Motion for Leave to File Third Amended Complaint; denying as moot Defendants' Joint Motion to Dismiss; granting defendants leave to renew their Joint Motion to Dismiss by May 22, 2020.
06/05/2020	Joint Motion to Dismiss for Failure to State a Claim filed by Commission, McSwain, Murphy, Riley and Uhrig.
07/10/2020	Motion for Leave to File Excess Pages
07/16/2020	Order granting in part and denying in part Motion for Leave to file Excess Pages and directing the Plaintiff to file a brief by 7/23/2020
07/23/2020	Response in Opposition to Joint Motion to Dismiss for Failure to State a Claim

08/06/2020	Response to Motion for Leave to file Excess Pages.
08/06/2020	Reply to Opposition to Joint Motion to Dismiss.
11/13/2020	Defendants' Motion to Dismiss granted in part. Counts 4, 5, part of 6 and 7 -10, part of 11, and 12 dismissed. Counts, 1 -3, part of 6 and 11, 13 -15 will proceed at this stage. Defendants to file an answer to remaining claims.
11/27/2020	Answer filed.
01/11/2021	Order – Case referred to Magistrate Judge Timothy J. Sullivan generally and to Magistrate Judge Jillyn K. Schulze for mediation
01/15/2021	Joint Consent to Proceed before Magistrate
01/28/2021	Order of Court re mediation week of May 17, 2021.
07/26/2021	Commission's Motion for Protective Order.
08/09/2021	Plaintiff's Opposition to Motion for Protective Order.
08/23/2021	Commission's Reply to Opposition for Protective Order.
10/05/2021	Informal Discovery Dispute Resolution Conference was held with the Judge to resolve issues raised in the Motion for Protective Order and Opposition. An Order was issued resolving several matters and requiring additional disclosure of information and/or documents
01/14/2022	Notice of Intent to file a Motion for Summary Judgment filed by Defendants Murphy, Uhrig, McSwain, and Commission.
02/17/2022	Order of Court re scheduling order. Motion for Summary Judgment due April 8, 2022.
04/08/2022	Defendants' Joint Motion to Seal Exhibits Related to Defendants' Motion for Summary Judgment
04/08/2022	Defendants' Joint Motion for Summary Judgment and Supporting Memorandum of Law
04/20/2022	Response in Opposition to Motion to Seal Exhibits
05/03/2022	Reply to Response to Motion to Seal
06/09/2022	Consent Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/10/2022	Order of Court granting Consent Motion
06/14/2022	Second Motion for Extension of Time to file Response to Defendants' Joint Motion for Summary Judgment
06/14/2022	Order granting Second Motion for Extension of Time to File Response to Defendants' Joint Motion for Summary Judgment
07/15/2022	Plaintiff's Motion for Leave to File Excess Pages
07/15/2022	Opposition to Motion for Summary Judgment
07/18/2022	Defendants' Response in Opposition to Motion for Leave to File Excess Pages
07/18/2022	Plaintiff's Reply to Response in Opposition to Motion for Leave to File Excess Pages
07/19/2022	Order granting in part and denying in part Plaintiff's Motion for Leave to File in Excess of 35 pages.
07/21/2022	Defendant' Motion for Leave to File Excess Pages
07/21/2022	Order granting Defendants' Motion for Leave to File in Excess of 20 pages
07/25/2022	Defendants' Response to Motion to Seal Opposition to Motion for Summary Judgment

07/26/2022	Defendants Response in Opposition to Motion for Summary Judgment
09/30/2022	Reply to Plaintiff's Opposition to Summary Judgment
10/14/2022	Plaintiff's Moton seeking permission to file a Sur-Reply to Motion for Summary Judgment.
10/20/2022	Defendant's Notice of Intent to Strike
10/26/2022	Motion for Extension of Time to file Response
11/01/2022	Order of Court Plaintiff permitted to file a sur-reply on or before November 8, 2022 and Defendants may file a joint response to the sur-reply on or before November 15, 2022
11/08/2022	Reply to Response to Moton for Summary Judgment
11/15/2022	Response to Reply to Response to Motion for Summary Judgment

Miles v. Commission, et al.
8:22-cv-00624-PJM (ED)

Lead Counsel: Rupert
Other Counsel: Foster

Abstract: Plaintiff, police officer, filed a complaint against the Commission and individual defendant, alleging hostile work environment, discrimination, retaliation, and violations of 42 USC §1981, 42 USC §1983, Maryland Statutory violations, and County Code violations.

Status: Case settled. Case has been dismissed.

Docket:

03/14/2022	Complaint filed
03/16/2022	Commission accepted service
03/23/2022	Waiver of the Service of Summons filed by Commission
04/29/2022	Case reassigned to Magistrate Judge Ajmel Ashen Quereshi
05/06/2022	Answer to Complaint filed by Commission
06/15/2022	Answer to Complaint Stephanie Harvey
06/28/2022	ORDER directing Stephanie Harvey to show cause for failure to comply with <u>Standing Order 2019-07</u> . Show Cause Hearing set for 7/29/2022
06/29/2022	Show Cause cancelled
07/13/2022	Scheduling Order issued
07/27/2022	Consent Motion for Extension of Time
09/13/2022	Order of Court – Stipulated Order of Confidentiality
09/23/2022	Consent Motion to Stay Scheduling Order
09/23/2022	Order granting in part the Consent Motion to Stay Scheduling Order and directing parties to file status reports

09/23/2022	Case stayed.
10/24/2022	Mediation held. Settled in principle.