

# ZTA 26-05

## EXPEDITED APPROVAL PLAN – JOB CREATION PROJECT

### Description

This ZTA removes the existing use of Signature Business Headquarters and replaces it with a new use called Job Creation Project. The new use would expand the number of new or expanding businesses that could qualify for an expedited approval plan.

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ZTA SPONSORS

Sponsors:

Council President Fani-González

Co-Sponsors:

Council Vice President Balcomb, and Councilmembers Katz, Friedson, Sayles, Jawando, Glass, Evans, Stewart, and Luedtke.

INTRODUCTION DATE

March 10, 2026

COUNCIL PUBLIC HEARING DATE

June 9, 2026

REVIEW BASIS

Chapter 59

Summary

- ZTA 18-05 established the first expedited approval plan use in 2018 - Signature Business Headquarters.
- To date, no company has met the steep eligibility requirements of a Signature Business Headquarters, which includes employing 20,000 or more people.
- ZTA 26-05 would replace the Signature Business Headquarters with a new use, Job Creation Project, which has a much lower threshold for job creation to be eligible.
- Planning Staff support establishing a new use with more reasonable thresholds for qualification, but is concerned that, as written, the Job Creation project criteria may be too easily met.

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## SECTION 1 – BACKGROUND

### Introduction

Zoning Text Amendment (ZTA) 26-05, Expedited Approval Plan – Job Creation Project was introduced on March 10, 2026, by Council President Fani-González, and co-sponsored by Council Vice President Balcomb, and Councilmembers Katz, Friedson, Sayles, Jawando, Glass, Evans, Stewart, and Luedtke. (Attachment A). The ZTA is scheduled for a District Council Public Hearing on June 9, 2026.

### Overview

ZTA 26-05 modifies Section 59-3.5.8. Office and Professional, by replacing subsection D. Signature Business Headquarters, with Job Creation Project. The existing Signature Business Headquarters use was established in 2018 and has a very high threshold for qualification, requiring at least 20,000 employees to be added within a single Metro Station Policy Area. To date, no employer in the county has come close to this threshold. This ZTA establishes a new use that substantially lowers the threshold for qualification, down to only 200 employees, or any employer that has received county or state funding or incentives. This reduction in the qualifying threshold greatly increases the likelihood that the county would find qualifying employers.

The primary benefit of being classified as a Job Creation Project is eligibility for an expedited approval plan review. This, however, is only a factor if any development regulatory review is necessary. Many employers may qualify as a Job Creation Project, but would locate in existing vacant space, which would not need a regulatory plan or building permits.

## SECTION 2 – ZTA ANALYSIS AND RECOMMENDATIONS

### ZTA 26-05 As Introduced

#### DIVISION 1.4. DEFINED TERMS

The first set of changes proposed by the ZTA is under Section 1.4.2. Specific Terms and Phrases Defined. There are two modifications: one adding the term Job Creation Project, and the other removing the term Signature Business Headquarters. The definition of a Job Creation Project, however, is not provided under Section 1.4.2, and instead, the code references the Use Section 3.5.8.D. for the specific definition.

**Recommendation:** Support the updates by adding Job Creation Project and removing Signature Business Headquarters from the defined terms section.

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### DIVISION 3.1. USE TABLE

This ZTA also modifies the Use Table in Section 3.1.6, mirroring the changes made to the defined terms. The row in the Use Table for Signature Business Headquarters is being replaced with Job Creation Project. Additionally, Job Creation Project is proposed to be a limited use in the CRT, CR, LSC, EOF, IL, and IM zones. These zones represent the mixed-use and employment zones where county priority industries are most likely to locate. Absent are the CRN, GR, and NR zones, which are more focused on smaller, neighborhood-scale mixed-use or retail uses, and IH, which is focused on heavier industries that create more negative externalities to the community.

**Recommendation:** Support the updates to the Use Table, including swapping Signature Business Headquarters with Job Creation Project, and allowing the new use as a limited use in most of the mixed-use and employment zones.

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### DIVISION 3.5. COMMERCIAL USES

The most substantial changes with this ZTA are within Section 3.5.8. Office and Professional. Consistent with other changes in the ZTA, the Signature Business Headquarters use under Section 3.5.8.D. is being removed and replaced in the same section with the Job Creation Project. Section 3.5.8.D. would be organized into four subsections discussed below.

#### Defined

The definition of a Job Creation Project is a place of business for a single commercial or industrial organization in an industry such as biohealth, hospitality, or life sciences, that is an identified strategic industry in the current Economic Development Strategic Plan approved under Chapter 15A, and has either received government incentives, or employes at least 200 employees online within two years of obtaining a use and occupancy permit.

Companies that qualify as a Job Creation Project are provided with the opportunity to be reviewed under an expedited approval plan. These expedited reviews can offer time and cost savings to applicants. At the same time, expedited reviews require a high investment of time and resources from Planning Staff and County Staff who work on regulatory development review. For that reason, Planning Staff believes eligible companies should both be a clearly identified county priority and should be preparing to make a substantial investment in creating new local employment. Planning Staff has identified a few concerns with the proposed definition and has made the following recommendations.

First, Planning Staff has concerns that the qualifying industries are listed twice, the first time on lines 31-32, where specific industries are cited, with the qualifier ‘such as’. Qualifying industries are referenced again in lines 34-35 as “a strategic industry sector identified in the Economic Development Strategic Plan (EDSP)”. Ultimately, the complete list of qualifying industries is going to be in the EDSP and should be the only source for qualifying industries. The ‘such as’ phrase adds confusion and subjectivity since it is an incomplete list and should be removed from the definition to increase clarity.

Second, “strategic industry sector” is a critical term for defining Job Creation Projects and should be defined in the code under Section 1.4. Defined Terms. In the current EDSP, there are no formally identified ‘strategic industry sectors.’ However, that plan is currently being updated by the Montgomery County Economic Development Corporation and will ultimately be approved by the County Council. By defining a strategic industry sector, it ensures the Economic Development Corporation and the Council need to work collaboratively and deliberately identify the sectors they wish to offer the Job Creation Project designation to.

Lastly, Planning Staff is concerned that, as written, this ZTA is too broad. Job Creation Project could include any moderately large employer, may include small companies that receive government incentives, and could be interpreted to include existing local companies that are relocating within the county without creating new jobs. This is a concern both from the perspective of Planning Department staff capacity and being able to send a clear message of what our economic development priorities are. The definition as written would include a company in any strategic industry that has received government incentives, **OR** any company with at least 200 employees. Planning Staff recommends this or be an **AND** between subsections a. and b. This better ensures Planning Staff and County Staff are utilizing the expedited approval plan process for meaningful economic benefit. Additionally, as written, the definition for Job Creation Project applies to any company that “employs at least 200 employees” without specifying if these need to be new employees within the county. In the enforcement section of the ZTA discussed later in the report, the language suggests it may be intended for hiring new employees. The definition should be clear; the incentive is to bring new jobs to the county. Section D.1.b. should be modified to say, “creates at least 200 new employees for the county onsite”.

**Recommendations:**

- Delete “in an industry such as biohealth, hospitality, or life sciences” from lines 31-32
- Add Strategic Industry Sector as a defined term under Section 1.4.2, with a definition that a Strategic Industry Sector is a county economic development priority identified in the Economic Development Strategic Plan, as amended, and capitalize Strategic Industry Sector in line 34.
- Replace the “or” connecting subsections D.1.a. and D.1.2. with an “and”, to focus efforts on strategic industries that are preparing to make a large investment.
- Modify D.1.b. to clearly create 200 new employees in the county.

All of the above recommendations are shown in the altered text below:

**D. [Signature Business Headquarters] Job Creation Project**

**1. Defined**

[Signature Business Headquarters] Job Creation Project means the [headquarters or other primary] place of business of a single commercial or industrial organization ~~in an industry such as biohealth, hospitality, or life sciences, including ancillary uses,~~ that [includes at least 20,000 employees located within a single Metro Station Policy Area.]:

- a. is identified as a Strategic Industry Sector in the current Economic Development Strategic Plan approved under Chapter 15A, as amended, and has received County or State funding or incentives; ~~or and~~
- b. ~~employs~~ creates at least 200 new employees in the county onsite within 2 years of obtaining a use-and-occupancy permit.

### Exemptions

The next portion of the ZTA, Section D.2. Exemptions, exempts Job Creation Projects from needing to file a sketch or site plan if they file for an expedited approval plan. The first update to this section is a technical update, replacing Signature Business Headquarters with Job Creation Project. The second amendment would remove the clause pertaining to binding elements of any development plans approved before May 24, 2018. Concerns over binding elements from development plans were a specific concern in 2018 when the Signature Business Headquarters ZTA was first introduced, in part because one of the few sites that could accommodate such a large application had an existing development plan. The Job Creation Project has an expanded scope of potential properties and targets smaller businesses, making this no longer a concern.

**Recommendation:** Support the two amendments updating the use to reference Job Creation Project, and removing the clause around development plan binding elements.

### Use Standards

The use standards under Section D.3. remain largely the same for Job Creation Project as they were for Signature Business Headquarters, except for a grammatical update on line 50. The purpose of this section is to provide additional height and allow for FAR averaging as an additional incentive for eligible Job Creation Projects.

**Recommendation:** Support the grammatical update.

### Enforcement

Enforcement, Section D.4, is a new addition to the Job Creation Project use. Some of the challenges with establishing a new use, based in part on achieving certain benchmarks that can't be verified at the time of application, like meeting future employment numbers, are determining how compliance will be enforced in the future. The proposed section does three things. First, at the time of application of an expedited approval plan, the applicant must provide an affidavit that they intend to comply with the employment eligibility requirements. Next, within two years, the applicant must provide proof that they have met the required employment thresholds. Last, if an applicant fails to properly document their employment eligibility, the expedited approval plan will no longer be eligible for amendments under the amendment section 7.3.5.J.

Planning Staff are generally supportive of this tiered approach, with a few suggested amendments. First, in Section D.4.b., both the Board and the Department of Permitting Services (DPS) should be recipients of the employee threshold verification, as enforcement is typically a DPS matter. Also, in Section D.4.c. Planning Staff recommend adjusting the language to state that if at any time the criteria for a Job Creation Project are not met (including an eligible company and employment thresholds), the project cannot be reviewed or amended as an expedited approval plan cannot be amended under Section 7.3.5. This makes it clear that the benefits of using the expedited approval plan and plan amendment process are exclusive to the company that qualified for it. An amended enforcement section could read as follows:

In addition to the Compliance and Enforcement provisions of Section 7.3.5.K, the following apply to a Job Creation Project:

a. At the time of application, the applicant must provide an affidavit and any other documentation requested by the Planning Board attesting that the requirements of Section 3.5.8.D.1. will be met.

b. Within 2 years of obtaining a use-and-occupancy permit, the applicant or property owner must provide the Planning Board and the Department of Permitting Services with evidence that the required number of employees have been hired.

c. If the requirements of a Job Creation Project are not met, the Job Creation Project will not be eligible for review as an expedited approval plan, including any amendments under Section 7.3.5. until such time that the requirements are satisfied.

**Recommendations:** Support the new enforcement section, but:

- Add DPS to whom the applicant or owner must provide employment verification documents to
- Clarify that if an applicant does not meet any requirement of a Job Creation Project, they are not eligible for further review as an expedited approval plan, or plan amendment under Section 7.3.5.

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### DIVISION 7.3. REGULATORY APPROVALS

The final section amended by this ZTA is Section 7.3.5. expedited approval plan. This section sets forth the applicability and process for using the expedited approval plan review, including listing out all of the uses eligible for review. On line 85, the ZTA replaces Signature Business Headquarters with Job Creation Project, consistent with amendments in other portions of this ZTA.

**Recommendation:** Support amending the applicability for expedited approval plans to replace Signature Business Headquarters with Job Creation Project.

### SECTION 3 – CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each Zoning Text Amendment, Master Plan, and Master Plan Amendment, effective March 1, 2023. Each Climate Assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and on community resilience and adaptive capacity. The climate impact assessment for ZTA 26-05 is attached in Attachment B.

Planning Staff anticipates that ZTA 26-05 will have a combination of positive and negative impacts on the county's goals of addressing greenhouse gas emissions, carbon sequestration, and ensuring resilience and adaptive capacity of communities. Where potential Job Creation Projects locate will play the biggest factor in the negative impacts from transportation and land cover. The ZTA expands the Job Creation Project use beyond primarily transit-oriented Commercial/Residential (CR) zones into additional CR, employment, and industrial zones, and lowers the eligibility threshold for expedited approval projects. As a result, future redevelopment projects resulting from the ZTA may occur in locations with varying levels of transit accessibility and environmental conditions. Impacts to embodied emissions and energy are mixed. New construction will likely be more energy efficient, but creates impacts in needing construction materials. Impacts to community resilience and adaptive capacity are generally positive by helping in economic resilience, but could face negative impacts if developments exacerbate heat islands, tree canopy loss, and are not transit accessible.

The Climate Assessment notes unlike other types of expedited approval plans which are required to be in red policy areas near existing transit, the Job Creation Project does not contain such requirements. The Council may want to consider requiring Job Creation Projects locate in red policy areas to reduce potential negative transportation energy impacts.

### SECTION 4 – CONCLUSION

Planning Staff recommends the Planning Board support ZTA 26-05, with the modifications discussed above. Planning Staff are very supportive of amending the code to substantially revamp the unutilized Signature Business Headquarters with a more achievable Job Creation Project. Planning Staff, however, recommends ensuring sufficiently high thresholds for applicability to ensure this major incentive is retained for companies making a substantial investment in our identified strategic industries, with sizeable employment opportunities.

## SECTION 5 – ATTACHMENTS

*Attachment A: Zoning Text Amendment 26-05 Intro Packet*

*Attachment B: - Climate Assessment ZTA 26-05*