

LAND USE POLICY IN A TIME OF CLIMATE CHANGE

INTRODUCTION

The Montgomery County Council has taken the threat to our well-being caused by climate change seriously and has set goals for reducing the carbon footprint of the county. To meet those goals it has established a working group to develop a comprehensive sustainability plan and enacted interim measures to drive toward a sustainable future for the county. Among those measures is the county's growth policy which is designed to reduce vehicle miles traveled and to funnel future residential development to centers providing mass transit opportunity. To accomplish those objectives as well as to make the controls more clear and enforceable, a new zoning ordinance is being developed with emphasis upon mixed use and urban design. This Fact Sheet discusses the policies, plans and code being developed.

THE SUSTAINABILITY WORKING GROUP

In April 2008 the Montgomery County Council adopted a series of bills, 29 to 35-07, to address greenhouse gas emissions and assign specific responsibilities to the various departments and organizations within the county. Bill 32-07 codified the county's greenhouse gas reduction goals and also established the Sustainability Working Group (SWG), which was charged with developing a Climate Protection Plan to reduce the county's greenhouse gas emissions to 80% below that of the base year 2005, to stop increasing the emissions by 2010 and to achieve a 10% reduction every five years through 2050. The SWG consists of 26 representatives, 15 from the county government, county agencies and regional organizations and 11 from the public.

The SWG is organized into seven committees to work on distinct areas:

- Renewable Energy
- Residential Building Efficiency
- Commercial/Multi-Family/Public Building Energy Efficiency
- Transportation
- Forestry and Agriculture
- Long-Term Planning (including Land Use Planning)
- Education and Outreach

Working through the committees, in January 2009 the SWG produced a Climate Protection Plan, another step in the ongoing effort to address climate change. The SWG intends to provide a long-term Sustainability Action Plan to define an effort to build a more sustainable future. In this first plan recommendations are made in each of the seven areas above. While Bill 34-07 had already instructed the planning board to find ways to reduce the number of vehicle miles traveled in the county, the SWG recommendations amplified that direction. In the area of land use and planning the recommendations are:

1. The county's growth policy should direct growth to areas with significant existing or planned transit resources and promote development that fulfills smart growth criteria such as those required as part of the Leadership in Energy and Environmental Design (LEED) green building certification system for neighborhood development or more stringent county standards.
2. Amend the zoning code.
3. Master plans should plan for development to create compact, livable places with a variety of housing types and mixed uses that invite people to walk or bike safely to work, to shop and to participate in community life without a long commute by car. The Agriculture Reserve should continue to be protected for food production, recreation and carbon sequestration.
4. A Green Infrastructure Plan should be adopted and provide priorities for protection, restoration and mitigation of loss of natural resources. This plan will be considered in master plans, development proposals (both public and private) and park acquisition for natural resource protection.

ORGANIZATIONS AND INDIVIDUALS ARE INVITED TO DUPLICATE THIS FACT SHEET WITH ATTRIBUTION GIVEN TO LWVMC. BEFORE REPRODUCING, PLEASE CALL THE LEAGUE OFFICE AT 301-984-9585 FOR CORRECTIONS OR UPDATED INFORMATION.

5. A Water Resources Functional Master Plan should be adopted to provide priorities for water resources goals in other functional and area/sector master plans; development proposals; and park acquisition that focuses on forest cover, wetlands and tree canopy protection. Policies and strategies that provide water-related benefits through enhancements in these areas will also provide ancillary carbon reduction benefits.

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Maryland-National Capital Park and Planning Commission is a bi-county agency empowered by the State of Maryland in 1927 to acquire, develop, maintain and administer a regional system of parks within Montgomery and Prince George's Counties and to provide land use planning for the physical development of Prince George's and Montgomery Counties. Five commissioners are appointed by each county, in Montgomery County by the County Council. The commission coordinates and acts on matters of interest to both counties, and members of the commission from each county serve as separate planning boards to facilitate review and administer the matters affecting their respective counties.

The Montgomery County Departments of Parks and Planning serve as staff to the Montgomery County Planning Board to perform the detailed staff work in long-range master planning, transportation and environmental planning, park planning and development, zoning, demographics and other research, historic preservation, the biennial growth policy and community outreach. Implementing many of the recommendations of the SWG will depend upon the work of these departments and actions recommended by the planning board.

GROWTH POLICY

The County Code 33A-15 requires that no later than November 15 of each odd-numbered year the County Council must adopt a growth policy to be effective until November 15 of the next odd-numbered year. The purpose is to establish a process by which the County Council can provide policy guidance to government agencies and the public on matters concerning land use development, growth management and related environmental, economic and social issues. The growth policy provides guidance in determining adequacy for compliance with the adequate public facilities requirements in the subdivision ordinance.

In the past, the growth policy established a system of regulation intended to slow growth in areas with limited transportation and school capacity. Now that Montgomery County has little new land left to develop, future growth must take place in existing urban areas. Growing smarter will focus on transit, in-fill development, environmental safeguards and housing/job/services accessibility to county residents. Equally important, the growth policy needs to preserve the qualities that have made the county an attractive place to live and invest.

The 2007-2009 Growth Policy

This is currently in effect and provides a basis for the 2009-2011 Growth Policy. The current growth policy:

- Strengthened transportation guidelines to better consider surrounding roads and transit
- Linked the evaluation of school capacity to Montgomery County Public School program capacity
- Expanded the definition of public facilities to include the environment (water pollution, air pollution, etc.), energy and affordable housing
- Improved the method of measuring the impact of growth and establishing a fair impact tax for developers
- Considered ways to raise the standards for well-designed communities
- Introduced a new area-wide transportation test called the Policy Area Mobility Review (PAMR) to supplement the Local Area Transportation Review (LATR)

THE PLANNING BOARD DRAFT 2009-2011 GROWTH POLICY

The growth management tools in place in Montgomery County are master plans and zoning and subdivision regulations including the adequate public facilities tests. Transportation and schools are the two key factors for which the growth policy defines adequacy tests.

School Adequacy

The three factors of school adequacy are:

- Montgomery County Public Schools (MCPS) enrollment projections
- Existing capacities of schools
- Additional capacity (additions and new schools) programmed in the Capital Improvements Program adopted by the County Council

The school system divides the county into 25 school clusters defined by county high schools and the middle and elementary schools that feed into each high school. Annually the system measures facility capacity in the coming five years for each cluster. The five-year period represents the estimated time for development to proceed through the review and construction phases to occupancy. Additional students are counted when occupancy occurs. To derive the cluster capacity, each school within a cluster is evaluated and any individual school capacity concerns are addressed through the capital improvement program process that starts in the fall.

If a cluster's projected enrollment exceeds projected school capacity, residential subdivision approvals can be assessed or halted. The 2007-2009 Growth Policy required that at each level—elementary, middle and high school—enrollment must not exceed 105% of program capacity. Program capacity is based on the enrollment per classroom designated by the educational programming for that classroom. For certain grades there is an MCPS limit on the number of students per classroom. (Regular elementary grades are limited to 23 students per classroom; for grades one and two in schools applying a particular reading initiative, the limit is only 17 students per classroom.) Previously, growth policy capacity was based on a standard multiplier - for example, kindergarten capacity was set at 22 students per classroom, grades 1-5 was set at 25 students per classroom and grades 6-12 was set at 22.5 students per classroom. The 2009-2011 Growth Policy switch to program capacity tightened the test considerably.

Borrowing capacity from adjacent clusters is not permitted. If the projected enrollment at any level exceeds 105% of program capacity, residential subdivisions in the affected cluster will be required to make a school facility payment. A moratorium may be imposed if enrollment exceeds 120% of capacity. The school facility payment is derived from the per-student cost for new schools, using student generation rates for each school level by housing type. In FY2010, residential development in nine school clusters will require a school facility payment to proceed.

The Planning Board Draft 2009-2011 Growth Policy would increase the enrollment percentage to 110% for fee payment, but retain the moratorium level at 120% of projected capacity. Under the new growth policy subdivision applications completed within 12 months prior to the imposition of a moratorium and not acted upon would be allowed to proceed, and the transfer of capacity within a school cluster would be permitted.

Transportation Adequacy

When a development is proposed, in most cases the applicant is required to present a traffic statement and traffic staff determines whether a traffic study is required. There are two types of traffic evaluation that may apply, LATR and PAMR. The type of review required depends upon the current congestion in the area of development and the number of vehicle trips the new development will generate.

For purposes of traffic analysis the county is divided into traffic zones that are grouped into policy areas. For each policy area, the LATR congestion standard is defined in terms of critical lane volume (CLV), which describes the number of vehicles that are competing for space (and therefore green signal time) in an intersection during the busiest hour. The relationship between total traffic volume and CLV depends on intersection design and turning movements. For example, two vehicles in adjacent lanes traveling through an intersection represent at most one CLV. Congestion standards range from 1350 CLV in rural areas to 1800 CLV in highly developed areas. The stated goal in setting these standards is to create approximately equal levels of service for public transit and arterial road service. This goal to balance transit and arterial services applies to both LATR and PAMR.

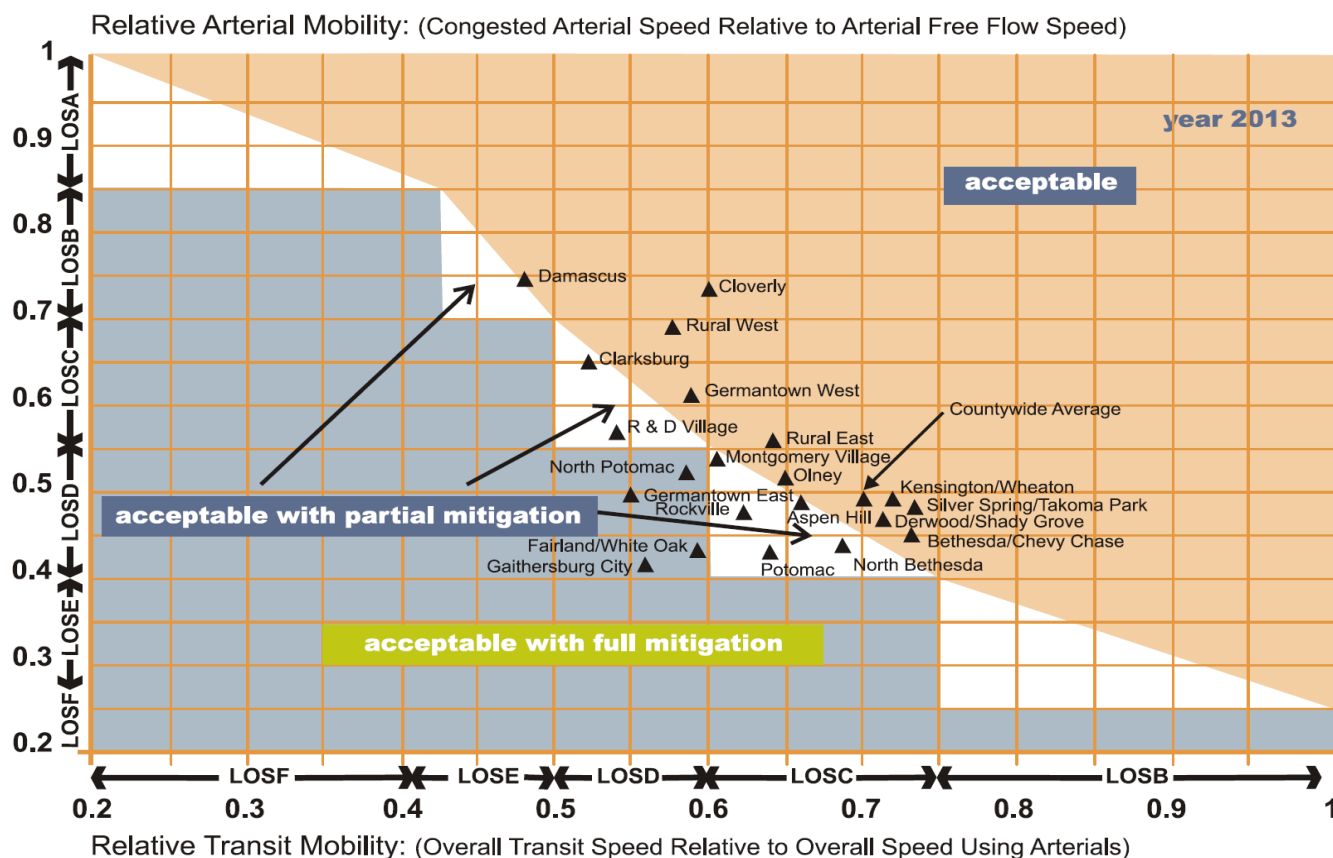
Using modeling techniques for PAMR, each policy area is evaluated in terms of relative arterial mobility – the time it takes to travel on an arterial road during a congested period versus free flow speed – and given a letter grade. For example, if during rush hour a trip on an arterial road takes 85% of the non-rush-hour speed, that road would be rated

A; however, if one could travel at only 40% of the non-rush-hour speed, it would be rated D. The letter grade is called the level of service (los). The scale is $\geq 85\%$ - losA, $\geq 70\%$ - losB, $\geq 55\%$ - losC, $\geq 40\%$ - losD, $\geq 25\%$ - losE and less than 25% - losF.

Likewise each policy area is evaluated for relative transit mobility. This is the ratio of auto travel time to transit travel time. If this ratio is more than one or 100%, i.e., the transit is faster than auto travel, the level of service is A. If the ratio is less than one, say transit takes twice as long as auto, the ratio would be $\frac{1}{2}$ or the transit speed is 50% of the auto speed. The scale for transit level of service is $>100\%$ - losA, $\geq 75\%$ - losB, $\geq 60\%$ - losC, $\geq 50\%$ - losD, $\geq 42.5\%$ - losE, and less than 42.5% - losF. For growth policy purposes the County Council has dictated that nothing less than losD relative arterial mobility is acceptable, but the planning board's proposed 2009-2011 Growth Policy would allow losE as an acceptable level of relative arterial mobility if the transit level of service is losB.

Plotting the values computed for level of service by relative arterial mobility and relative transit mobility for each policy area provides a graphic picture of congestion levels around the county. The plot below identifies which areas are acceptable for development with or without traffic mitigation in the recommended growth policy.

Year 2013 PAMR chart with "symmetrical" level of service standards



The PAMR trip mitigation required by policy area is established by determining the amount that the combination of the transit and arterial mobility of the policy area deviates from acceptable levels. This evaluation is reflected as a percentage of trips generated that must be mitigated. However, in an effort to reduce congestion, the growth policy requires the LATR mitigation program to bring an intersection to an acceptable level of congestion or to result in an improved operating condition equal to 150% of the critical lane volume impact attributed to the development.

The type of mitigation proposed for either LATR or PAMR must be justified by the applicant and approved by the planning board. Types of mitigation in order of priority include:

1. Trip mitigation – removing an equal number of trips from another site in the policy area
2. Adding transit capacity – buying 40-foot hybrid electric fleet vehicles and guaranteeing 12 years of operation
3. Providing non-auto facilities -- to enhance pedestrian safety or increase attractiveness of other modes of transportation such as sidewalks, bike lanes, etc
4. Adding roadway capacity – constructing or widening lanes in the policy area
5. Payment instead of construction – for fewer than 30 peak-hour vehicle trips, paying \$11,000 per peak hour for planned construction

The LATR process focuses upon intersections to be included in a developer's traffic study based upon the estimated number of trips generated by the development. The staff relies on knowledge and judgment to identify the significant intersections to be studied within the growth policy parameters. Standards for critical lane volume and for the policy area mitigation apply. The review should result in a traffic mitigation agreement concurred in by the planning staff and the Montgomery County Department of Transportation.

In Metro Station Policy Areas an alternative review procedure is available. This procedure allows a developer to meet the PAMR and LATR requirements by agreeing in a contract with the county to:

1. Make a payment designated in the growth policy
2. Participate in and support a transportation management organization if and when one exists
3. Mitigate 50% of their total weekday morning and evening peak-hour trips
4. Conduct a traffic study to identify intersection improvements and /or trip mitigation measures that would have been required

The purpose of this alternative is both to encourage trip reduction measures and to facilitate development in Metro Station Policy Areas where offsite capacity can better be managed and provided by the county if funded by the private sector.

The Planning Board Draft 2009-2011 Growth Policy recommends a second alternative review procedure for PAMR for projects that meet the smart growth criteria: located within a half mile of an existing or planned major transit stop or high-quality transit corridor, mixed use with a minimum of 50% for residential uses, seeks to achieve maximum density using 75% or more of that allowed by the zone, exceeds energy efficiency standards and provides additional affordable housing. For a project meeting these criteria, 50% of the mitigation resource is directed to transit infrastructure, 25% to the provision of affordable housing above what is required for plan approval and 25% will be retained by the developer.

A different approach to determining transportation adequacy is proposed in the White Flint Sector Plan. This plan is predicated upon a new design for the MD 355 and supporting roadways corridor and a coordinated approach to financing and building the street grid and transit facilities discussed below.

MD 355/I-270 CORRIDOR PROJECT

The MD 355/I-270 Corridor Project was undertaken by the planning board to provide guidance to the series of master and sector plans being developed along that corridor. The major thrust of the project is to transform the separate centers along MD 355 into a group of complete centers to function together as one linked community; to connect the centers by fostering improvements in linkages with each other, regional parks and other resources; and to recommend zoning tools to emphasize quality of design, pedestrian connections to metro centers and a mix of uses. The vision is to make MD 355 a unique boulevard with an augmented transportation system.

The plans developed for centers along the corridor are the Shady Grove Sector Plan approved in 2006 and currently being implemented and the plans recently adopted or under development that are described below.

The Planning Board Draft White Flint Plan

This has been forwarded to the County Council to be scheduled for public hearing. It puts considerable emphasis upon enhancing travel mobility through an expanded grid of roads and walkable streets to provide access to transit. Locating a MARC station at Nicholson Court and providing bus transfer facilities at the Metro and MARC stations would encourage more transit use. Shuttle bus service and circulator bus routes would also be encouraged. The plan recommends retaining Rockville Pike as a six-lane major highway, but calls for it to be redesigned and reconstructed as an urban boulevard and recommends that a design analysis of the Pike be undertaken during the first phase of the plan to include elements for pedestrian comfort, on-road bicyclist accommodation and bus priority lanes.

Recommendations also include applying the proposed Commercial Residential (CR) zone, a mixed-use zoning category that permits a wide range of uses to achieve the urban center concept. This zone, which is still under development, is described in detail below. The plan's goal is to achieve overall, a mix of 60% residential and 40% nonresidential uses. This emphasis on residential development reduces overall trip generation and provides enough new residents to create neighborhoods and support an urban center. This approach also supports the county's goal of improving the jobs/housing balance in the MD 355/I-270 Corridor. The County Council will schedule a public hearing on this plan and the proposed CR zone this fall.

The Twinbrook Sector Plan

This was adopted in July 2009 and covers the neighborhood in the vicinity of the Twinbrook Metro Station, which is currently a mix of residential and light industrial uses and includes the Health and Human Services facility. The goal of the plan is to provide more opportunities for housing and create a walkable environment that requires fewer vehicle trips but manages traffic with a connected road network. The plan seeks to provide a mix of residential and commercial uses near the Metro station, create a technology employment area and encourage existing light industrial uses to thrive and expand where they are currently located..

The primary tool for this development is the zoning category Transit Mixed Use (TMX-2). This zone allows a floor area ratio (FAR) of just .5 under the standard method of development, but the FAR can rise to 4 under the optional method of development. The planning board is encouraging the optional method of development, to provide more opportunity for planners to secure public amenities and create better design. The plan supports utilization of the building lot termination (BLT) program by requiring that BLTs be purchased for 12.5% of the space produced (except for workforce housing) above the amount allowed under the standard method of development.

The Gaithersburg West Master Plan

This is scheduled for public hearing in September. Although the plan encompasses several thousand acres primarily west of I-270 and immediately north of Rockville, the primary focus of the planning board has been on the 214 acres zoned as a Life Sciences Center (LSC). In the middle of this center and leading the way for the proposed changes is Johns Hopkins University, with a vision for the Belward Campus and surrounding properties. Land use recommended by the plan includes up to 20,000,000 square feet in non-residential development and 9,000 dwelling units. Currently, the area has 10,700,000 square feet in existing and approved development and 3,300 housing units.

The new Zoning Text Amendment (ZTA) 09-07 - Life Sciences Center Zone, makes extensive changes in current law that would allow housing and retail uses and broadens definitions of categories of uses, such as communication facilities and retail trade, for the LSC zone only. The new ZTA would require that development under this zone must be substantially consistent with the applicable master or sector plan, thus eliminating pages of development standards in the current code. The maximum FAR would increase from .5 to 2.0, and developers would have to participate in the BLT program if their building exceeds a .5 FAR.

Key factors influencing County Council decisions on the proposed changes in the plan have been noted in various local newspaper articles in recent months. One major alteration would change the route of the CCT, the proposed light rail or rapid bus line that would connect the Shady Grove Metro station with Clarksburg and possibly with Frederick. The current alignment has one stop just inside the northern edge of the LSC and one adjacent to the Belward Campus. The most recent proposal could have up to four stops in this area, more in line with the concept of a densely packed "science city" or a network of urban villages that put jobs, housing and retail close together. This plan recommends relocating the Public Safety Training Academy.

One controversial aspect of the proposal involves plans for the 107-acre Belward Farm, which was sold to Johns Hopkins University in 1998 with the stipulation that the land be used for “agricultural, academic, research and development, delivery of health and medical care services or related purposes.” Opponents of the plan as initially proposed have argued that the development will be so massive it will overwhelm the intended goal of a campus for biotech research. In response to these concerns, the planning board has increased the open-space acreage to be preserved around the historic Belward farmhouse and has decreased the permitted building height of proposed office buildings, requiring the tallest and densest development to be around a transit stop on the eastern edge of the property.

County Executive Leggett has indicated that this proposed plan is crucial to the future of Montgomery County because it incorporates smart-growth principles and transit-oriented development, protects our agricultural reserve and advances the county’s leadership role in the biosciences and technology. Concerns remain among certain segments of the community that the proposed density will exceed the absorption capacity of the proposed infrastructure, especially schools, roads and the ability for pedestrians to cross broad roadways safely. This plan is scheduled to be adopted early next year.

The Germantown Employment Corridor Sector Plan

This is to be adopted by the council in September. Completing the economic core envisioned by the general plan and the 1989 Germantown Master Plan, increasing employment opportunities in the area and organizing the community around mass transit is the thrust of the Germantown plan. This plan covers a portion of the 11,000 acres in the Germantown planning area. Land use recommendations provide for up to 24 million square feet of commercial development, with approximately 68,800 jobs and 16,400 housing units. Buildings can be as high as 15 stories. Components include concentrating the highest density, 2.0 FAR, at the Town Center transit station. Twenty-nine acres of forested stream buffers will be added, and approximately 70 forested acres on the Montgomery College campus and the North End have been retained to prevent fragmentation of upland forests. The plan recommends that conservation easements to protect wetlands and buffers, including springs and seeps, be applied during the development review process. Measures to restore and/or enhance area wetlands by fencing, creating natural buffers or other techniques whenever possible are also called for.

Critics of the plan characterize it as designed around roads, not transit, with an expanded 12-lane I-270; a widened Midcounty Highway with interchanges that would essentially turn Route 355 into a freeway; and damaging expansions of local roads. There are also criticisms of permitting high-rise office buildings everywhere for more than a mile along I-270 that will dilute and probably negate Germantown’s having a true center. Furthermore, the plan recommends development levels that depend on nonexistent transit.

Because the plan relies upon creating more employment opportunities and providing public transportation facilities such as a MARC parking garage and the Corridor Cities Transitway (CCT) segment, the Planning Board Draft Plan included a staging plan for development. In its review of the plan the County Council Planning, Housing & Economic Development (PHED) committee recommended removing the staging requirement since it believes that the growth policy can be amended to accomplish the plan’s proposal to reserve capacity for Town Center or to favor commercial development. The County Department of Transportation concurred with the planning board and supported a revised staging plan which was presented to the full County Council; however, the County Council voted 8-0 to oppose staging in the Germantown Plan. The committee also voted to replace the Town Sector (TS) zone with the TMX-2 zone for most properties in the planning area since the TMX-2 zone has numerous public benefits and protections that do not exist in the TS zone. The committee also recommended not to revise the requirements in the TMX-2 zone to purchase BLTs, but to consider ways to link the development space allowed per BLT to land values or rental costs in the development area to ensure that owners of lower-valued properties are not put at a competitive disadvantage by purchasing BLTs.

Other Plans

Other sector plans currently under development by the planning staff include those for Kensington, Takoma Park/Langley Crossroads and the Wheaton CBD/Metro Center. Functional plans currently under development include the Purple Line, water resources and a housing plan for which public hearings will be held this fall. The Green Infrastructure Plan has been under development for three years and should be scheduled for a public hearing early next year.

ZONING ORDINANCE REVISION

Activity to accomplish the revision of Chapter 59 of the County Code, the zoning ordinance, has been underway for more than a year. A committee comprised of community representatives, land use attorneys, developers, urban planners, architects and Park and Planning staff began meeting in March 2008 and will continue to participate in the revision process until March 2010. A proposed revision will then be presented to the planning board and later to the County Council. The approval process is expected to run from May 2011 until September 2011. The main goal of these changes is to simplify for understanding and enforcement for both the developer and the public.

The current zoning code is difficult to understand and has become burdened with antiquated codicils and numerous amendments. In 1928 there were five zones and a 15-page manual. As of 2008 there are 119 zones and the code is 1,000 pages long. One goal is to reorganize, revise and simplify the zones so they are more easily understood and the code provisions are enforceable. Currently there are many separate zones. The proposal will condense these to between 11 and 13 zones, probably consisting of categories such as: agricultural, residential estate, residential low-density, residential mid-density, residential high-density, commercial/residential, mixed campus, industrial light, industrial heavy, industrial service, planned unit development and overlay districts.

The panel has explored ideas such as consolidating use categories, simplifying standards and including “green” strategies. Three criteria guide the rewrite: 1) context-sensitive development standards for infill, 2) effective restrictions, requirements and allowances for sustainable development and 3) ease of understanding and use by the public, staff and developers. The ultimate goal is to make Montgomery County more “green” by keeping larger blocks of land as open space and encouraging infill within communities. We might expect to see fewer single-purpose areas, more compact development, taller buildings with smaller footprints, accessory units, green roofs, on-site energy production, reduced parking requirements with limited surface parking and more sustainable landscaping.

The CR Zone

As the county rewrites its zoning code, one important component will be developing a new commercial/residential (CR) zone. This new zone will compress at least 30 former zones into one. Four factors will define the CR zone: 1) maximum total FAR, 2) maximum non-residential FAR, 3) maximum residential FAR and 4) maximum building height.

The new CR zone differs from the old zones because it will be more prescriptive. Previously, developers and the planning department staff negotiated incentives to gain more density or concessions. With the new CR zone, there will continue to be a standard method of development where there are no deviations from what is written in the code. It will also still be possible for developers to gain greater density in a development by using the optional method, but this will be more prescriptive, with built in trade-offs for the added density - i.e., to receive X density, the developer must provide Y.

The Incentive Density Plan (IDP) allows density greater than offered in the standard option. Developers may choose from various options to arrive at a set number of points corresponding to a density percentage increase. Minimum and maximum incentive density percentages will be allowed for providing amenities selected from options such as: a) transit proximity - dependent upon how close to a Metro or bus stop, b) connectivity and mobility - pedestrian friendly and non-auto travel, c) community connectivity - near retail, d) community garden, e) limiting parking and below-grade parking, f) transit access improvement - shuttle bus, g) diversity, h) adaptive buildings - buildings that can change their use over time, i) affordable housing, j) adult or child care, k) public art, l) public plaza or open space, etc.

Environmental incentives to be incorporated include: a) bio-retention and stormwater recharge, b) conveyed parkland, c) controlled exterior lighting; energy efficiency and generation, d) LEED rating, e) vegetated roof, etc.

League members who contributed to this fact sheet are: Margaret Chasson, Barbara Ditzler, Diane Hibino, Brigitta Mullican, Alyce Ortuzar and Lois Stoner. The committee thanks the following Montgomery County Planning Department staff for their assistance: John Carter, Pamela Dunn, Sue Edwards, Steve Findley and Dan Hardy.

This was an information only Fact Sheet so no new positions were adopted as a result of the discussions based on it.