

MEMORANDUM

TO: Planning Commission

FROM: Rob Robinson, Long Range Planning Manager  
Frank Johnson, Assistant City Attorney

RE: Master Plans, Site Plans, and Relationships

DATE: December 29, 2017

The Planning Commission during their December 6, 2017 meeting and in response to their questions during the Recommendation Review of application SDP-7712-2017 (Saul-Kentlands Square) requested that staff provide an analysis regarding the role of Master Plan recommendations; the authority of existing site plans; and how SDP-7712-2017 was processed from a regulatory perspective.

Staff, in order to properly frame the discussions in this analysis, will address each topic separately. The following define the regulatory framework for these topics:

Master Plans- Required under the Land Use Article of the Maryland Annotated Code requires that municipalities adopt a comprehensive, or “master” plan composed of various elements, such as Land Use, Transportation, and Sensitive Areas, to serve the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the local jurisdiction and its environs. The Master Plan acts as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate ways. Staff notes that the City’s Master Plan is a “living” document in that recommendations made in each element stand and remain in effect until superseded in any subsequent element amendment.

The Element most applicable to the discussions herein is the required Land Use Element and its collection of recommendations; including the minimum appropriate zoning and land use. The Land Use Article establishes the recommendations established by and the purpose of this element:

§ 3-111. Land use element.

(a) *In general.* - *On a schedule that extends as far into the future as is reasonable, the land use element shall propose the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land.*

(b) *Permissive contents.* - *The land use element may include the following public and private land uses:*

- *agricultural;*
- *commercial;*
- *forestry, in accordance with §5-101 of the Natural Resources Article;*

- *industrial;*
- *recreational; and*
- *residential.*

The Land Use Article also establishes the relationship between the Master Plan and the City Code. Land Use Article §3-303(b) requires that the Master Plan be implemented by zoning laws, ordinances and regulations which are consistent with the plan, and as the Court of Special Appeals held in *Carroll County Planning v. Silverman Companies, LLC*, 223 Md. App. 780 (2015), an unreported decision, “the goals of the land use designations [in the master plan] are carried out through the specifics of the zoning code.” Further, in definitions, Land Use Article §1-101(n)(2), includes “maps and plans,” meaning that this requirement of Master Plan implementation isn’t limited only to ordinances, but any site development plan for a specific property should also conform with the Master Plan.

Chapter 20: City Code- This chapter governs the requirements and procedures for subdivision and plats within the City of Gaithersburg. Every proposed plan for subdivision or resubdivision shall be submitted to the Planning Commission for tentative or conditional approval in the form of a preliminary subdivision plan prior to the submission of a final subdivision plat for recording. Following the approval of a preliminary subdivision plan, the Planning Commission reviews and approves the final subdivision plat which is to be in conformance with the preliminary plan. Staff notes that Chapter 20 does not require the submission of a concept or sketch plan.

Staff further notes one section within Chapter 20 that, in light of the purpose of this analysis, provides context, guidance and flexibility to the Planning Commission in their reviews:

City Code §20-18. - Conformance with comprehensive plan and approved site development plan.

*(a) The final plat of the subdivision shall conform to the comprehensive master plan unless the planning commission finds that events have occurred to render the master plan recommendation no longer relevant.*

*(b) The plat of subdivision shall conform to the approved site development plan. The planning commission may consider the subdivision plan and site plan simultaneously or in sequence. Where the planning commission sets conditions for its approval of any site plan, such conditions, including, but not limited to public exactions, bonding, compatibility, and public facilities or environmental requirements shall apply equally to the approved plan of subdivision.*

Chapter 24: City Code- This chapter, Zoning, is most familiar to the Planning Commission. The Land Use Article establishes the role of the Zoning Ordinance:

Land Use Article §4-102. General powers.

- *To promote the health, safety, and general welfare of the community, a legislative body may regulate:*
  - (1) *the height, number of stories, and size of buildings and other structures;*
  - (2) *the percentage of a lot that may be occupied;*
  - (3) *off-street parking;*
  - (4) *the size of yards, courts, and other open spaces;*
  - (5) *population density; and*
  - (6) *the location and use of buildings, signs, structures, and land.*

In short, this chapter defines how property in specific zones can be used. It specifies whether zones can be used for residential or commercial purposes, and may also regulate lot size, placement, density, the height of structures, among other facets of land use. The regulations set by this chapter within each zone are minimum regulations and apply uniformly to each class or kind of structure or land.

Further, Chapter 24 defines the framework from which these regulations are implemented and reviewed: namely the site plan process:

City Code §24-168. - When required.

*No building or structure shall be hereafter erected, moved, added to or structurally altered under circumstances which require the issuance of a building permit under this chapter, nor shall any use be established, altered or enlarged under circumstances which require the issuance of a use and occupancy permit under this chapter, upon any land, until a site development plan for the land upon which such building, structure or use is to be erected, moved, added to, altered, established or enlarged has been approved by the city planning commission.*

Any site development plan can go through a three stage process:

1. Concept/Sketch Plan: These plans do not expire and have no connection to subdivision requirements outlined in Chapter 20. Therefore these plans do not directly lead to building permits and “vesting” of any right to development based on final approval. These approved plans remain the “plan of record” in developing subsequent preliminary plans until such time as they are superseded through a new plan approval. For most zones, with the exception of MXD and concept plans in the CD, these plans are not required to be submitted. But if submitted- these plans must be in conformance with any applicable Master Plan recommendation.

2. Preliminary/Schematic Development Plan: These plans do not expire, but fulfill the requirement of preliminary subdivision plans defined in Chapter 20. By themselves, these plans do not grant any entitlements or the ability to obtain building permits and vesting of development rights, but rather establish the parameters from which a final site plan is to be approved, and which the “final subdivision plat ... is to be in conformance with ...” These approved plans remain the “plan of record” in developing subsequent final plans until such time as they are superseded through a new plan approval. These plans must be in conformance with any applicable Master Plan recommendation.
3. Final Site Plans / Amendment to Final Site Plans: These plans do grant land entitlements and vest development rights, but only if vested (through substantial construction) within the time period defined in Chapter 24 through the implementation of a building permit and construction.

City Code Chapter 24 also expands an aspect of Master Plan recommendations in defining “Special Conditions” and the process to adopt them, in §24-170A, “Applicability of special conditions.” In short, Special Conditions are recommendations subject to a separate public hearing, and thus any Site Development Plan must be, “...consistent with the conditions and requirements specified in the master plan” and not just in conformance.

Lastly, for the purposes of this analysis, City Code §24-172, entitled “ Compliance with and changes in plan,” specifies that properties subject to an approved site development plan (staff notes this is not limited to final site plans only) shall be developed and used only in accordance with the approved plan or amendments to said plan. In layman’s terms, actions not in accordance with such plans are not allowed, and cannot be approved unless a new plan is submitted. This section is applicable to all three types of site plans: concept/sketch; preliminary/schematic; and final.

Staff, in response to the Planning Commission’s concerns and based upon the regulatory framework discussed above, have below addressed four questions:

I. Are Master Plan recommendations a guide or are they requirements? How much conformance/ compliance must a site plan have with the adopted Master Plan recommendation(s) for the property based upon current Maryland Case Law?

In order to properly answer this question, Staff first had to establish the limits of “conformance.” As to the specific definition of “conform”, “conformity” or “conformance,” most court decisions on zoning issues do not require strict compliance with detailed elements. Nor would the source of the §20-18(a) requirement discussed above as part of Chapter 20 rather than under Chapter 24, in itself mandate specific adherence to every design element included in a Master Plan recommendation. Even so, the word “conform” does imply more than a guide that can be disregarded; cases discussing “conformity” in the planning context do consider it a “mandate,” rather than a broad, general guide. See *Richmarr Holly Hills, Inc. v. American PCS, L.P.*, 117 Md. App. 607, 656-57 (1997). Generally, the term “conforming” is defined as being “in accord” (term used in the findings

for approval for sketch and schematic development plan approvals in MXD and CD Zones) with the item under consideration, per Black's Law Dictionary, 7th Edition, which in turn means "in agreement with."

Generally, site plans must conform with Master Plan recommendations, as specified in City and State law. City Code §20-18(a) specifies conformity is required for final subdivision plats; and where such conformity with the Master Plan is required by local law, plans that are not in conformity must be rejected. *Coffee v. Maryland-National Capital Park & Planning Commission*, 293 Md. 24, 25 (1982); *Sterling Homes Corp. v. Anne Arundel County*, 116 Md. App. 206, 216 (1997). As discussed above, the Land Use Article requires that ordinances, zoning, and subdivisions implement the Master Plan. Thus the Planning Commission must, in making a decision on a specific property, also follow the laws and ordinances in place.

At minimum then, the Planning Commission must start with the Master Plan recommendations. As the Court of Appeals held in *HNS Development, LLC v. People's Counsel for Baltimore County*, 425 Md. 436, 453 (2012), the "integrated role" of the Master Plan simply can't be ignored when such a "conformity" requirement is in place under local law – not to mention the requirement of consistency under the Maryland Land Use Article as well. Thus, a Planning Commission finding that a proposal is in conflict with the Master Plan would almost certainly mean that "there was no possible way" for the plan to be approved. That's because such a conflict simply can't be considered in compliance or conformity, as required by City Code §20-18(a). Such a conflict would certainly not show agreement, accord or conformity.

But, as with most complex issues, exceptions exist depending upon the specifics of each proposal.

First, the courts will typically defer to a Planning Commission or Board of Appeals finding in a specific case as to whether a plan "conforms" to the Master Plan, often without questioning it. The court in *Archers Glen Partners, Inc. v. Garner*, 176 Md. App. 292, 315 (2007) considered the meaning of conformance with the Master Plan. The Court indicated that even where a Master Plan recommendation is "binding," both general and more specific recommendations "have to be interpreted and applied, in light of other provisions, the goals, and limitations contained in the Plans." As a result, the Court in that case held that strict application of every specific element would not be required. Instead, the Court deferred to the Planning Commission's findings as to whether a plan or use was in conformity. This is important, because it affords the Planning Commission (and the City Council here in Gaithersburg) the ability to determine (aside from Special Conditions) what the substantive main elements of a Master Plan recommendation are in deciding whether or not a plan is in conformity. A recent example of this interpretation came forth during the recent Saul Sketch Plan, SK-7503-2017. There was much discussion and final acknowledgement from both the Commission and Council that the approved plan was in conformance with the Master Plan and its overall goals, visions, and design, even with changes to uses, heights, block sizes, and the like from the specific recommendations.

Second, City Code §20-18(a) creates an exception, where the Planning Commission finds that events since adoption of the Master Plan make the recommendation in that Plan “no longer relevant.” As Master Plan recommendations may be in place for a decade or longer, this is an important exception. It confers on the Planning Commission the ability to consider “potential Master Plan conflicts,” and thus to consider how broad provisions or language of the Master Plan can be carried out on a specific lot or in the context of a specific plan. This allows the Planning Commission to recommend / approve a plan that acknowledges economic and other “changes” since the adoption of that Master Plan.

In such cases, however, rather than ignore the Master Plan, the Planning Commission must review and consider whether such a “change” makes the Master Plan recommendation, per City Code §20-18(a), “no longer relevant.” As the Court in *HNS Development* specified, the Commission must consider and provide “a cogent reason” why the Master Plan recommendation is “improper” or, to cite §20-18(a), “no longer relevant.” 425 Md. at 453. Only such a specific finding (where included in a statute otherwise requiring conformity, such as §20-18(a)) can justify approving a plan which isn’t in conformance with the Master Plan recommendation. *Maryland-National Capital Park & Planning Commission v. Greater Baden-Aquasco Citizens Association*, 412 Md. 73, 102 (2009).

Even as such an exception is possible under the Chapter 20, Staff recommends that, where the Planning Commission makes such a “no longer relevant” finding on a specific proposed plan, the broader picture, including the general area’s land use, also be considered to show that, in fact, the approval of the plan would not serve as a *conflict* with the general intent of the Master Plan for the immediate area. Showing general conformity with the overall intent (and a lack of conflict) should help demonstrate that the exception isn’t being used to ignore or sidestep the Master Plan recommendation. This means that a plan should not be approved if the exception otherwise permitted in §20-18(a) were to create a conflict with the Master Plan’s general/ overall goals and visions for the immediate area.

To summarize the response to Question I:

- Master Plan recommendations are more than a guide, and subdivision and site development plans must be in conformance/accord with the Master Plan, including all elements and not just the Land Use Element.
- “Conformity” is somewhat fluid and, with the exception of Special Conditions, does not require rote observance of each specific Master Plan recommendation detail.
- “Conformity” is largely determined by the Planning Commission and Council “...in light of other provisions, the goals, and limitations contained in the Plans.”
- City Code §20-18(a) allows the Planning Commission, in reviewing development plans, to consider events since the adoption of the Master Plan and determine through a finding that a Plan recommendation is “no longer relevant.”
- Where the Planning Commission makes such a “no longer relevant” finding on a specific proposed plan that the broader picture, including the general area’s land use, must also be considered to show that the approval of the development plan would not serve as a conflict with the general intent of the Master Plan for the immediate area.

II. Can the Planning Commission (or Council) enforce Master Plan recommendations on existing properties with vested site plans that wish to do amendments that may not reflect the Master Plan recommendations for the property?

Question I established that Master Plan recommendations must be considered by the Planning Commission while reviewing applications; however, the Planning Commission *must* also honor Maryland law regarding vested development rights, which are those obtained after “substantial construction” of property after obtaining a permit. *Prince George’s County v. Equitable Trust Co., Inc.*, 44 Md. App. 272, 278 (1979), citing *Washington Suburban Sanitary Commission v. T.K.U. Associates*, 281 Md. 1 (1977). Chapter 24 further defines when vesting occurs and entitlements are granted:

City Code §24-173. - Development of property subject to plan.

*(a) One or more of the uses proposed for land which is the subject of the site development plan shall be established on such land within two (2) years after the date of approval...*

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*(c) Where the site development plan contemplates the construction of one or more new buildings or structures, the use shall be established within the meaning of this section when construction of one or more of such buildings has been commenced.*

Staff notes that the Planning Commission may grant an additional year for construction to occur, but the total years cannot be more than three.

Thus, where a final site plan has been vested, that owner would also have the right to make improvements or amendments as part of that vested right. Further, City Code §24-172(a) specifies that land “which is the subject of an approved site development plan” may only be developed and used in accord with that development plan, meaning that an owner or developer, as well as the Planning Commission must continue to follow that plan. That same Code section specifies that both the plan and any amendments must comply with the provisions of Chapter 24 of the City Code. Although as discussed concept/sketch and preliminary/schematic plans cannot, in and of themselves, become vested, as building permits allowing construction to commence cannot be issued based upon their approval, the vesting of any associated *final site plan* also then vests the previous concept/sketch and preliminary/schematic plans upon which that final site plan is based. Therefore §24-172(a) would also apply to approved concept/sketch and preliminary/schematic plans where a final site plan has been approved.

An example of these rights relates to the City’s 2001 Frederick Avenue Land Use Plan. Throughout that plan there are some fairly specific recommendations, including some Special Conditions, which call for consolidation of private lots. These recommendations concern properties that are currently developed and have vested site plans, some of which are based upon previous Master Plan recommendations. The 2001 Master Plan recommendations do not legally obligate individual property owners to forgo their current land uses and sell or buy other properties (potentially at a loss) identified for consolidation and thus a reason why little progress towards implementing that Master Plan has been made.

Another example is the recently approved Kimco Amendment to Final Plan AFP-7591-2017. This application is in conformity to the vested K-1084 Final Site Plan and its base facets (SDP conformance, uses, etc) and therefore is an amendment, not a new final site plan. However, the application and its design were not envisioned, discussed, or illustrated in the current Kentlands Commercial District Master Plan. The subject plan amendment was able to be approved under the rights established by the aforementioned §24-172(a). The current Master Plan recommendations would only be taken into consideration if this application had required a new final site plan, and therefore new sketch and schematic plans.

To summarize the response to Question II:

- The Planning Commission must honor Maryland law regarding vested development rights; and a Final Site Plan is vested once construction per the approved plan begins.
- Where a Final Site Plan has been vested, that owner has the right to make improvements or amendments as part of that vested right.
- Master Plan Recommendations only guide future non-vested related land use actions.
- Master Plans do not obligate property owners to implement the plan's recommendations.

III. Do new sketch plans or concept plans make existing vested final site plans null and void or can an applicant continue to amend the vested final site plan when it does not reflect the requirements of the new concept/sketch plan? Is the answer true also for new preliminary/schematic development plans?

As with the relationship between Master Plan recommendations and approved vested final site plan, the concept of vested rights would also apply for an owner or developer with property having a revised/new approved concept/sketch or preliminary/ schematic plan *short of* a new final site plan. The owner would still have the right to make improvements or amendments because of the final site plan in existence, as part of the vested right. City Code §24-172(a) would continue to apply and require the land to be developed and used in accord with that final plan, or amended per the Chapter 24 of the City Code. Should an owner desire to implement an approved preliminary/ schematic development plan and move on to a new final site plan, followed by a building permit, once construction based upon that new final site plan begins, the prior final site plan of record loses its vesting rights: they are replaced by the new final site plan.

An example of these rights is the Orchard Pond Apartments. This garden-style apartment complex was rezoned in 2010 at the request of a previous owner, from R-20 to MXD (Z-312), establishing a new sketch plan over the entire property with a mix of uses proposed and concurrently established an approved schematic development plan (SDP-09-001) over a portion of the property, redeveloping the garden-style buildings into a single bigger building with structured parking and a retail component. The owner who received these approvals never proceeded to final site plan or additional schematic plans. The property remains MXD and has subsequently been sold multiple times. Improvements, since the rezoning, to the physical plant and other amendments related to the existing land use have been approved under the vested final site plan as this property remains the garden-style complex. Of note, as

discussed above, both the sketch and schematic plans remain plans of record, and can be implemented should an owner so choose, but is not obligated. Until then, the approved final site plan controls the development rights on the site. The Montgomery County Fairgrounds is another example. They were rezoned to MXD in 2012 (Z-316) and established a new sketch plan showing increased density, a mix of residential units, and new commercial uses. But the owners continue to operate the Fairgrounds as the fairgrounds, and have made physical improvements and new construction to continue that land use operation.

To summarize the response to Question III:

- The Planning Commission must honor Maryland law regarding vested rights, and a Final Site Plan is vested once construction per the approved plan begins.
- Where a Final Site Plan has been vested, that owner has the right to make improvements or amendments as part of that vested right.
- The vested rights and §24-172(a) would also apply for an owner or developer with property having an approved concept/sketch and preliminary/schematic plans short of a new final site plan being required.
- Once construction based upon a new final site plan (and reflecting any applicable Master Plan recommendations) begins, any prior final site plan and associated concept/sketch and preliminary/schematic plan of record lose their vesting rights.

IV. The final question addressed in this analysis details how, from a regulatory process, the Saul SDP-7712-2017 was brought forth and involves operative points from the previous sections.

The previous sections help to clarify and define how SDP-7712-2017 was processed under City Code Chapter 24 and why Staff made its required findings under §24-160.10.(b)(1) & (3).

Staff, in reviewing this application, first reviewed the site plan history. The Kentlands Square Shopping Center was based upon Sketch Plan Z-262(A), known as the Kentlands, approved by City Ordinance O-8-91 on April 1, 1991. This sketch plan was implemented on March 2, 1992, when the Mayor and City Council adopted Resolution R-21-92 approving Schematic Development Plan SDP-3, which included the Kentlands Square Shopping Center area. Final Site Plan K-977 was then approved on December 9, 1992, allowing the Kentlands Square Shopping Center to move forward, though several amendments followed for siting each of the specific buildings. Upon construction, as cited previously, all three plans types became vested as related to the shopping center.

On December 1, 2003, SDP-03-005 (per §24-172(a)) was approved by Resolution R-98-03, allowing an additional 20,000 square feet of retail development on four separate sites along the private road connecting Kentlands Boulevard to Main Street. This application was an amendment to SDP-3 and per City Code Chapter 24 was in accordance with Z-262(A) and the 1988 Master Plan. Condition of Approval #8 stated:

*The applicant must construct or have under construction the entire development consisting of all three phases within five years from the time of schematic development plan approval or the applicant is required to resubmit the application for the remaining unconstructed development for further consideration to the city council*

Staff notes the condition *does not* state that after five years the plan expires, nor does it clearly state that the plan starts the regulatory process anew. It states only that the Council was to “further consider” the current approval for unconstructed pad sites. This consideration reflects the vested rights of SDP-03-005 as on February 4, 2004, Amendment to Final Site Plan AFP-02-026 was approved and then constructed. To summarize:

- Z-262(A) and SDP-3, as related to Kentlands Square, became vested with the construction of the shopping center.
- SDP-03-005 was submitted as allowed by §24-172(a), amending SDP-3.
- AFP-02-026 was the first final site plan application based upon SDP-03-005 and was constructed, thus vesting both plans.

The Kentlands Boulevard Commercial District Special Study Area (KCDMP) was then adopted in 2008, making numerous recommendations based upon, in part, the complete redevelopment of the Kentlands Square shopping center to a denser, resubdivided, mixed use community. As cited above, these recommendations will guide future land use applications and approvals for this area based upon said recommendations; but do not obligate the owner (Saul) to implement the KCDMP or ignore his vested final site plan. As such, nor do they prevent the continued operation and rights, under City Code §24-172(a) and Maryland law, of the vested, existing shopping center. Saul, as noted, did receive sketch plan approval for one portion of the shopping center, but did clearly state they would not be going through the site development process related to the KCDMP for other areas within the center in the near term.

Saul in 2017, after the passing of five years since the SDP-03-005 approval, felt the market and other considerations made the three remaining unbuilt pad sites feasible. At this point, they could have simply resubmitted the existing SDP to the Council for consideration per Condition 8. Saul, however, wanted to take the opportunity to amend SDP-03-005 (again by incorporating additional uses, adding a drive through, et al) as allowed under City Code §24-172(a) and per §24-198.

City Code, Chapter 24, under §24-198(c)(1) states:

*The concept plan, sketch plan or schematic development plan must be amended when*

- (i) Change in use involved.*
- (ii) Changes other than to use:*

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*b. Materially changes the orientation or siting of buildings, parking accessory uses, or*

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City Code Chapter 24, under §24-198(c)(2), also defines how these amendments are to be processed:

*(2) For amendments involving change in use or changes other than to use, plans may be amended at any time as follows:*

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*(iii) Subsequent to council action to approve as follows:*

*a. Filing of a new application in accordance with § 24-160D.9. [The Joint Public Hearing Process]*

*b. Resubmission of the previous application to the mayor and city council for a courtesy review of the application, presented by the city planning staff, prior to action by the planning commission. The council shall either:*

*1. Find that the application has a minor effect and thereby direct the planning commission to make a final decision on the amendment in accordance with the procedure set forth above in §24-198(c)(1).*

*2. Direct that the amendment be referred to the planning commission for further evaluation, public hearing and recommendation. The council shall thereafter approve or disapprove the recommendation of the planning commission without the necessity of public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may on its own motion, extend such time limit.*

Staff, in reviewing with Saul how to proceed, took into account that:

- The original condition required Council review and, inferred, approval;
- Recent plans related to Kentlands had garnered large public and Council and Commission interest; and
- That given these two factors, submitting a new application as the amendment per City Code §24-198(c)(2) (iii) with joint public hearing was the proper course of action.

Staff, in developing their recommendation and completing the required findings under City Code §24-160.D. to present to the Planning Commission during their recommendation meeting, made note of the following and incorporated these items into the Staff Analysis and during the discussion at the December 6, 2017 meeting:

- Application SDP-7712-2017, while a new application, is actually an amendment to the vested SDP-03-005.
- Application SDP-7712-2017 concerns maintaining, through changes, the existing (and vested) shopping center and not the long term vision of the Kentlands Boulevard Commercial District Special Study Area.
- The Planning Commission / Council must honor Maryland law regarding vested rights.

- Where a site development plan has been vested, that owner has the right to make improvements or amendments as part of that vested right.
- Master Plans do not obligate property owners to implement the plan's recommendations.
- There is no sketch plan submitted or approved for the subject area covered by application SDP-7712-2017 in accordance with the Kentlands Boulevard Commercial District Special Study Area.
- Application SDP-7712-2017 is to be in accord with Z-262(A): the vested sketch plan of record.
- Sketch Plan Z-262(A) was in accord with the 1988 Master Plan.
- The Kentlands Boulevard Commercial District Special Study Area did in fact acknowledge there would be interim changes that allowed for the continued operation of the vested shopping center and presented a diagram that broadly reflected the SDP-03-005 / SDP-7712-2017 layout.