

Montgomery Planning

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
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Speed to Market Initiative and Resolution

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Description

- Request to implement new policies for the Planning Department that facilitate the Speed to Market Initiative

Summary

- Staff recommends **APPROVAL** of changes to our current policies for plan submittals and post approval documentation and timing.
- The Department is requesting approval of a resolution for acceptance of applications and concurrent plan submittals for certain projects.
- Planning is actively participating in the Department of Permitting Services Sign Ordinance Update.
- Planning has modified our acceptance policy for record plats.
- The Intake and Regulatory Coordination Division is developing a survey for the business and development community as a follow up to our Agency retreat in Fall of 2019.
- Staff is further evaluating the Development Review Committee (DRC) process for better plan submittals, participation, review, and effective results.

SPEED TO MARKET OVERVIEW

A number of County agencies, Montgomery Planning and the private industry initiated discussions starting in the fall of 2020 to identify coordination efforts that would address regulatory burdens for development in the county. The working group consisted of Montgomery County Department of Permitting Services, Montgomery County Department of Transportation, Montgomery Planning, a representative from the County Executive's office and several representatives from private industry. After numerous meetings, this group recommended a series of initiatives to streamline business development and growth in the County, while ensuring substantive community participation.

The initiative was inspired by the immediate desire to assist businesses that have suffered economic losses due to the COVID-19 health crisis. The long-term impact of the initiative will be to ease many of the regulatory burdens for development in the County.

The working group created an action plan, https://www.montgomerycountymd.gov/OPI/Resources/Files/2020/EAG_Roadmap_11-2020.pdf

that identified short- and long-term strategies to address particular issues with plan submittals, review, and approval, and how to facilitate these applications in a timely and efficient manner.

Since many regulatory and permitting entities are involved in the initiative, approval and implementation of the working group's recommendations will come at various stages. A number of identified changes are currently in process.

One of the major goals of the Speed-to-Market Initiative is to streamline the approval process for development projects by consolidating the processes of planning and land-use approvals. This would involve consolidation of the sketch, preliminary and site plan processes for major optional method projects that are viewed significant priorities in the county. Some of the circumstances that merit this action include, but are not limited to, applications for projects that are designated Strategic Economic Development Projects, projects that have specialized benefits above standard requirements, and projects that are extremely straightforward, have strong community support and can be reviewed expeditiously. A Concept Plan, which goes through DRC and not to the Board, would be required to identify any major red flags prior to the concurrent regulatory applications. The consolidated process also requires approval by the Planning Director.

After the streamlining initiative was developed, we have met with the MD State Highway Administration and WSSC. Members from the private industry are setting up meetings with other utility companies that don't regularly participate in the DRC process with hopes of greater involvement.

DRC PROCESS

The Development Review Committee is an interagency committee comprised of County and State agencies who review all applications that eventually go in front of the Planning Board. Applications are submitted through ePlans, our electronic portal, and reviewed electronically within a specific timeline established within the ePlans system. In accordance with the 2014 comprehensive zoning ordinance, Sketch Plans require a 90-day review period and Site Plans require a 120-day review period. Preliminary Plans are subject to Chapter 50, the Subdivision Regulations and were required to be reviewed within the same 120-day period around the same time of the update to the zoning ordinance.

The agencies are provided approximately 10 days to review the applications before comments are submitted electronically in ePlans, with DRC following the review period. The DRC meeting was modified in 2015 to allow the applicant to host the meeting and ask the pertinent questions based upon the comments from the agencies. This has proven to be more effective in lieu of the agencies reading their comments at the DRC. After DRC, the applicant has a short period of time to respond to the comments and resubmit to meet the other deadlines in the zoning ordinance and keep on track for the Planning Board hearing. The zoning ordinance lays out timelines for resubmittal, and for when approval letters are due to meet the staff report posting dates for the hearing.

Most of the three-fold applications (Sketch, Preliminary and Site Plan) are submitted in a linear fashion for two of the applications, meaning Sketch and Preliminary are submitted together followed by Site Plan after approval of those applications. Sometimes all three applications are submitted separately, depending on the applicant's timelines. Preliminary and Site Plans have been submitted concurrently for quite some time but did not have a mandated timeline prior to 2014. The post-approval process requires a forest conservation plan and bonding for mitigation, a certified site plan and bonding and record plat. Much of this post approval process is also done in a linear fashion, and in many instances, by the choice of the applicant.

Based upon the action plan, we are committing to allow a concurrent review for Sketch, Preliminary and Site Plans in the specific circumstances noted above. Applicants for this concurrent review will need to get approval for this combined submittal by the Director. In addition, the applicant would submit a Concept Plan in advance to identify the key big picture items or red flags. Concept Plans do not require a fee and do not get approved by the Planning Board. These plans get comments at the DRC meeting, but do not go to the Board. They are intended to provide applicant's enough certainty to move forward with the next steps in the regulatory process.

RECOMMENDATION AND NEXT STEPS

Prior to the Covid-19 and the Speed to Market Initiative, Montgomery Planning rolled out some of the following programs to assist with our interaction with the public and agencies:

- 1) **DRC Retreat for Staff and agencies:** This retreat was held at Brookside Gardens and provided opportunities for all of the agencies to identify potential solutions and changes that need to occur with the DRC process, timing of the reviews and interaction with the private industry. We held a number of site visits to identify key aspects of a plan that were implemented well and others that needed better oversight and review. The follow up retreat with the development community is currently being organized by the IRC Division.
- 2) **Development Navigator program:** We initiated the "Navigator" program in our Intake and Regulatory Coordination Division (IRC) to assist the public, property owners and developers that come to us for the first time to pair them up with the appropriate team, staff and navigate them through our process.
- 3) **The inspectors from DPS and M-NCPPC** are taking a more active role in reviewing site specific elements and providing suggestions on how to make the site plan conditions clearer and more effective.

Below are steps we can take that address the issue related to timing, specifically with respect to a linear process:

- 1) **We are committing to reviewing and providing comments for certified site plans to 2 weeks. If comments are not addressed after the first submittal and review, the 2-week timeline would continue to apply.** *We think there should be a commitment by the development community to submit their certified site plans within a timely period as well. Staff recommends submittal of the Certified Site Plan within 30 days after the resolution is mailed.*
- 2) **Site plan bonds can be submitted early in the process, specifically at the same time of certified site plan submittal.** *Many applicants do this already, however we can accept the bonds and agreements early in the process. It makes sense to submit the bonds with the certified site plans since the estimates are matched up with the plans for quantities.*
- 3) **FCP bonds and agreements can be submitted with the FCP submittal.** *This is also currently being done, however it can be more formalized, so the bonds and agreements are completed prior to record plat. This would accelerate the record plat review where we are not waiting on final approval of bonds and agreements.*
- 4) **Record Plats can be accepted when Certified Site Plans (CSP) are submitted and not after the approval of the CSP.** *If items change on the CSP that affect the record plat, the review time will be affected.*
- 5) **We are coordinating with the other agencies with efforts to make our DRC process more efficient and productive.** We will be creating a working group to cover this item as additional communication would be beneficial. Here are some of the goals for DRC:
 - a. Work to have the DRC function as a team that solves problems. *This will require strong senior level leadership to chair the DRC.*
 - b. Lead agency MOU to be applied at DRC with lead agency staff facilitating resolution of issues; if no resolution at DRC, lead agency resolution process to be immediately implemented.
 - c. Staff assigned to DRC by each Agency must have appropriate skills/knowledge and problem-solving attitude, and the group should meet in an annual retreat to set goals and discuss ways to move forward.
 - d. Empower Committee members to make decisions that stick, or have Agencies assign Committee members that have the authority to approve changes at DRC. *Other agencies are currently sending their managers in addition to staff to resolve issues at the meeting.*
 - e. Involve the DRC in reviewing Concept Plans and in developing new tools to improve the process – such as a menu of standardized condition language for all Agencies to use.
 - f. Create and maintain metrics and benchmarks so that external pre-requisites are clear and so that performance can be measured. *IRC has developed a template of issues that will be send along with the agency comments highlighting the major issues to resolve to make the DRC meeting more engaging and effective.*

OUTREACH

A number of press releases have been posted by the County, private sector, and Planning to provide an overview of the updates to our process and considerations for DRC. We have also discussed the policy changes with NAIOP, MNCBIA, Bisnow presentations and amongst our DRC agencies. Furthermore, the

DPS Sign Ordinance Committee includes business representatives who are providing key information on the revisions to the sign ordinance.

CONCLUSION

We want to thank the Speed to Market committee for their suggestions and action plan. Montgomery Planning will work to carry out the recommendations and next steps outlined in this report. Staff recommends approval of Resolution and change to our policy to implement a more collaborative process.

Attachments

Attachment A – Press Release

Attachment B - Resolution

Montgomery County ‘Speed-to-Market’ Initiative Will Ease Regulatory Burdens for Business Development

A public-private working group that included the Montgomery County Department of Permitting Services, its Department of Transportation, Montgomery Planning and private industry is recommending a series of initiatives to streamline business development and growth in the County. The Economic Advisory Group’s (EAG) “Speed-to-Market” Working Group’s initiative would potentially cut entitlement time in half, while ensuring substantive community participation.

The initiative was inspired by the immediate desire to assist businesses that have suffered economic losses due to the COVID-19 health crisis. The long-term impact of the initiative will be to ease many of the regulatory burdens for development in the County.

The EAG, which is composed of elected officials, business representatives and residents, convened in late 2020 to create an [action plan](#) that would identify short- and long-term strategies to address COVID-related and long-term historic barriers to sustained, diverse economic prosperity countywide. Another effort at regulatory reform has started with the County Commerce Cabinet, a 14-member interagency coordination body that will provide additional initiatives to assist with the County’s recovery efforts.

Since many regulatory and permitting entities are involved in the initiative, approval and implementation of the working group’s recommendations will come at various stages. EAG’s intent was to have all entities implement changes as soon as possible.

“I am very pleased that we are finding some ways to help economic development during this difficult time without compromising standards,” said Montgomery County Executive Marc Elrich. “We hope to build on the cooperative spirit that has been created among the various public-sector agencies involved in land-use, zoning, planning and approval processes to facilitate a more streamlined process that we believe will have long-lasting benefits and help in our post-COVID economic recovery.”

The major goals of the Speed-to-Market Initiative will be to streamline the approval process for development projects by consolidating the processes of planning and land-use approvals.

Streamlining/c planning and land-use approval processes: Montgomery County requires three major approvals for development projects that occur over two sequential hearings by the County Planning Board of the Maryland-National Capital Park and Planning Commission (M-NCPPC). The working group is recommending for certain projects—for example, Strategic Economic Development Projects or projects offering public benefits in excess of standard requirements—one concurrent hearing that would reduce the approval process by as much as one year. This would speed key time to market while respecting community input. Planning staff expects to forward recommendations for the Planning Board’s consideration this month.

Reinvigorate the Development Review Committee (DRC) process: The DRC brings together multiple public and private entities that must coordinate on all development projects. Given the diversity of parties involved, the process can be challenging to navigate in an efficient and timely way. The work group supported efforts to add value and efficiency early in the entitlement review process so applicants can easily identify critical issues and better determine project viability. The group recommended immediate improvement to the DRC process and is committed to provide further actions for improvement by April 30.

“Montgomery Planning has long been interested in enhancing efficiencies and ensuring community involvement,” said Gwen Wright, director of the Montgomery County Planning Department. “We started pursuing substantive changes to the DRC last year and look forward to adopting meaningful changes to streamline these processes.”

Post-approval process integration: The working group recommended a concurrent review framework for post-review process be established for certification to condense the current arduous sequential, item-by-item review process. Improvement of the DRC process would provide more project certainty and efficiency. Further actions for improvement will be provided by April 30.

Revamping the County sign ordinance: EAG recommended that a comprehensive review of the County Sign Ordinance be conducted with the goal of updating it to reflect development and urbanization patterns of the past 30 years. The proposed regulations will be presented to County Executive Elrich and the County Council by May 31.

“There are several ways we can improve and update our existing regulations and ordinances to create an environment that supports efficiency in our planning and permitting processes,” said Mitra Pedoeem, director of the County’s Department of Permitting Services. “I have been charged by the County Executive to develop a plan to streamline our processes and this effort works perfectly with that goal.”

Jim Soltesz, president and CEO of Soltesz and a member of the working group, said the recommended changes could make a major difference for companies looking to develop in the County.

“I firmly believe that making these changes will immediately create more opportunities and offer a more attractive business environment for businesses looking to make Montgomery County home,” he said. “We believe these important improvements will move the County forward and address long-term planning issues that will benefit the County and ultimately all its residents.”

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The Maryland-National Capital Park and Planning Commission

Resolution

WHEREAS, the Montgomery Planning Department is committed to implementing the Speed to Market Initiative to promote development and growth in the County and address regulatory burdens by allowing a combined process for Sketch, Preliminary and Site Plans under certain circumstances; and

WHEREAS, some of the circumstances that merit this action include, but are not limited to, applications for projects that are designated Strategic Economic Development Projects, projects that have specialized public benefits above standard requirements, and projects that are extremely straightforward, have strong community support and can be reviewed expeditiously. All requests for combined review require approval by the Director and should include submittal of a Concept Plan; and

WHEREAS, the Montgomery Planning Department will continue collaborating, potentially through a working group, with the other county and state agencies on the implementation of a successful Development Review Committee and address short-term and long-term goals and strategies important in the facilitation of an efficient outcome; and

NOW, THEREFORE, BE IT RESOLVED, that the Maryland-National Capital Park and Planning Commission's Montgomery County Planning Board and the Planning Director, hereby adopt this policy for a combined application process and continued coordination for a streamlined process.

March 25, 2021

Casey Anderson, Chair
Montgomery County Planning Board

Gwen Wright, Director
Montgomery County Planning Department

