

STATE OF MARYLAND  
MONTGOMERY COUNTY

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MONTGOMERY COUNTY  
DEPARTMENT OF PERMITTING SERVICE  
+ + + + +  
STREAMLINING DEVELOPMENT PUBLIC FORUM

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FRIDAY,  
MARCH 9, 2012

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The Streamlining Development  
Public Forum met in the Lobby Auditorium of  
the Executive Office Building, 101 Monroe  
Street, Rockville, Maryland, at 2:30 p.m.,  
Diane Schwartz Jones, Chair, presiding.

PANEL MEMBERS:

DIANE SCHWARTZ JONES, Chair, Director,  
Department of Permitting Services  
FRANÇOISE CARRIER, Planning Board Chair  
STAN EDWARDS, Division Chief, Division of  
Environmental Policy and Compliance

NANCY FLOREEN, Councilmember, PHED Chair  
STEVEN FOSTER, Chief, Access Permits  
KATHERINE FREEMAN, Executive Director to the  
Board of Appeals  
S. MARIE LABAW, PhD, PE  
D. SCOTT NEWILL, Regional Engineer  
LYNN ROBESON, Office of Zoning and

Administrative Hearings  
AL ROSHDIEH, Deputy Director, Department of  
Transportation

PANEL MEMBERS: (CONT)

LISA SCHWARTZ, Single Family Housing Programs

STEVEN SILVERMAN, Director, Department of  
Economic Development

MALCOLM SPICER, Associate County Attorney

LUIS TAPIA, Unit Coordinator, Permit  
Services, Washington Suburban Sanitary  
Commission

ALSO PRESENT

PRITAM ARORA

MIKE CONLEY

BOB DALRYMPLE

ADAM DAVIS

STEVE ELMENDORF

BOB HARRIS

ANDREW HOLLIS

CHRIS JONES

STEVE KAUFMAN

SYLKE KNUPPEL

RON MOORE

DAVID O'BRYAN

JANE REDICKER

SCOTT ROSER

MARK SCOTT

REBECCA WALKER

RICHARD WRIGHT

## SPEAKERS

Nancy Floreen	12
Steve Elmendorf	12
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P-R-O-C-E-E-D-I-N-G-S

2:34 p.m.

CHAIR JONES: Good afternoon, everybody. I want to thank you all for coming. I want to also thank you for accommodating our pushing this back by an hour.

I did not realize when these - I don't think any of us realized when these were set up that today's event conflicted with the Public Safety Service Awards which are critically important. It acknowledges the service and the exemplary service provided by our public safety personnel and many of whom - in fact I think all of the award recipients have put themselves into harm's way and it's important that we recognize the services that they provide.

So I thank you for your accommodation and cooperation in letting us push it back by an hour.

For those of you who do not know

1 me, my name is Diane Schwartz Jones. I am the  
2 Director of the Department of Permitting  
3 Services.

4 I want to stress that we are here  
5 collaboratively. This is a cross-agency  
6 effort, and rather than me introduce  
7 everybody, I'm going to ask that everybody  
8 introduce themselves around the table. We  
9 will start actually in the middle of the table  
10 with our Chair, Mrs. Floreen, the Chair of the  
11 PHED Committee for County Council.

12 MS. FLOREEN: Nancy Floreen.  
13 Thanks for coming out.

14 MR. FOSTER: Steve Foster, Real  
15 Estate Highway Administration.

16 MS. LaBAW: Marie LaBaw, Fire  
17 Rescue, Office of Fire Marshal.

18 MR. EDWARDS: Stan Edwards with  
19 the Department of Environmental Protection.

20 MR. SPICER: Malcolm Spicer with  
21 the County Attorney's Office.

22 MR. TAPIA: Luis Tapia, WSSC,

1 Permit Services.

2 MR. ROSHDIEH: Al Roshdieh,  
3 Department of Transportation.

4 MS. SCHWARTZ: Lisa Schwartz,  
5 Department of Housing and Community Affairs.

6 MS. FREEMAN: Katherine Freeman  
7 with the Board of Appeals.

8 MS. ROBESON: Lynn Robeson with  
9 the Office of Zoning and Administrative  
10 Hearings.

11 CHAIR SCHWARTZ JONES: So I think  
12 that you can see by the cross agencies that we  
13 have here, we've tried to gather together  
14 everybody who touches on the development  
15 entitlement process, and actually we're  
16 missing a really important representative. I  
17 saw Marcus here. Mark Pfefferie, is Francoise  
18 coming?

19 MR. PFEFFERIE: She's suppose to  
20 come as far I know.

21 CHAIR SCHWARTZ JONES: Would you  
22 mind keeping her seat warm until she gets

1 here, and probably most importantly, we also  
2 have Park and Planning here with us, and we  
3 all touch on the development entitlement  
4 process. We all touch on your communities for  
5 those of you who are here from - as community  
6 activists, and what we want to find out is we  
7 want to find out how we can improve.

8 I think that we have so many cooks  
9 in the kitchen, so many fingers in the pot,  
10 that at times it is hard to get things done,  
11 and so with your help, we're going to improve  
12 that. We're going to work together to improve  
13 that.

14 This should not be a time where you  
15 are hesitant to say something that you  
16 perceive to be critical of this because this  
17 is really our time of introspection. This is  
18 our time of looking at how we do things,  
19 trying to understand where there are problems  
20 and how we can do things better.

21 This is not a one-time thing. I  
22 think that as leaders of our agencies this

1 should be an ongoing introspection, but we  
2 will be continuing to work on improvements.

3 So our intent with your help is to  
4 understand the impacts of our complicated  
5 development approval process, what is the  
6 impacts upon yourselves and those who use our  
7 services.

8 We'd like you to tell us your  
9 experiences dealing with us. Where you find  
10 bottlenecks, we want you to be specific. Tell  
11 us, don't hesitate to be critical because  
12 that's what we're here for.

13 If you don't wish to say it at the  
14 podium, then you can put it online, and if you  
15 go to our - and I'll give you our streamlining  
16 website. You can post it anonymously. You  
17 can post it for attribution.

18 You can also answer our survey  
19 which would be anonymous, and we really,  
20 really hope that you will do so. I want to  
21 stress this is your opportunity to come out  
22 and say it and be heard and none of us can sit

1       there doing this, oh, it's this agency or that  
2       agency because we are all in this together.

3               Once we've assembled feedback, and  
4       right now we are very much at the information-  
5       gathering stage. Once we have assembled the  
6       feedback, we're going to create work groups.

7               We very likely will invite the  
8       private participation, whether it is  
9       developer, whether it is the permit  
10      facilitators, whether it is the community,  
11      whomever it might be, to participate on a  
12      given interest work group in order to come up  
13      with not a solution but perhaps a menu of  
14      solutions for us to discuss and to understand  
15      the implications from a cost and a benefits  
16      perspective of different options to improve  
17      the way that we do things.

18              I believe we have a sheet - do we  
19      still have the sheet with the handout with our  
20      website address in the back?

21              So if you go in the back, there  
22      should be information that will have the

1 streamlining website address. It's hosted on  
2 the DPS website. There are links on most if  
3 not all of the other websites.

4 Again, it's collaborative. We're  
5 just hosting it as the home website. There's  
6 also information on our processes. What's the  
7 piece of it that each of us has in the  
8 development process, so if you need more  
9 information, you can find that in the back.

10 Today's format will be like a  
11 public hearing. We will ask that you come up  
12 and you speak. There are a lot of people here  
13 today.

14 I'm going to - we will initially  
15 limit it to three minutes just like a normal  
16 public hearing would be limited to three  
17 minutes if you could confine it to that.

18 You can give us your written  
19 comments. As you can see, we have a court  
20 reporter here, so everything is being  
21 transcribed.

22 This is our second public forum.

1 The first public forum which was held on  
2 February 14th, the transcript is already  
3 posted on the website. This transcript will  
4 be posted on the website as well, so you can  
5 see what yourselves and others are saying  
6 about the development process. You can also  
7 see what the written comments are.

8 Our intention is to close the  
9 website for public comment on March 31st. At  
10 that point we will then take the information  
11 that we've received, and we will discern it  
12 into topical areas for the creation of the  
13 work groups which I just mentioned.

14 I will ask that if you have a  
15 specific concern about an individual employee  
16 of one of our agencies, this would not be the  
17 right place nor would the website be the right  
18 forum to air a grievance or complain about a  
19 specific employee, and I would ask that you  
20 deal with us as managers one on one if that's  
21 what the issue is.

22 I'd ask that, you know, for

1 something like that if the issue is a culture,  
2 if you think that there may be a problem  
3 within the culture of the agency, that's the  
4 kind of thing that we would want you to  
5 identify for us and be specific and again,  
6 this is our moment of introspection so that we  
7 can truly try to figure out solutions to make  
8 it easier to be heard and easier to get  
9 business done in Montgomery County.

10 If at the end of the speakers who  
11 wish to speak, if there is more time where we  
12 will open it up for others to speak, we will  
13 be a little more free flow, but again, we will  
14 be transcribing so that we can make sure that  
15 we're getting the quality of the comments that  
16 you all have.

17 With that, Mrs. Floreen, did you  
18 want to say anything before we launch into the

19 -

20 COUNCILMEMBER FLOREEN: Well I want  
21 to recognize former account executive Doug  
22 Duncan and Dale Tibbitts is here for Mark

1 Elrich, and I'm sure others of my colleagues  
2 will send staff if they can.

3 I thank you all for coming, and as  
4 I said last time, I - the tribute is due to  
5 Diane for putting this all together. Everyone  
6 - the main thing is please identify specifics.  
7 We can't correct problems if we don't know  
8 exactly what they entail.

9 This is more of a process-oriented  
10 effort than a rewrite the zoning ordinance  
11 effort, so that's another - whole other kettle  
12 of fish, so I just encourage people to keep  
13 that in mind.

14 CHAIR SCHWARTZ JONES: Right. Very  
15 good. Thank you, and with that we've got - is  
16 Arnold Kohn here? I did not see him.

17 COUNCILMEMBER FLOREEN: I didn't  
18 see him come in.

19 CHAIR SCHWARTZ JONES: I didn't see  
20 him come in, okay. Steve Elmendorf, did you  
21 want to come on up.

22 MR. ELMENDORF: Thank you, Diane.

1 My name is Steve Elmendorf, and I'm an  
2 attorney with Linowes and Blocher, and I did  
3 speak before, the last session.

4 There's another topic I wanted to  
5 raise and, Councilman Floreen, you said to be  
6 specific. There is a specific problem I  
7 wanted to address which is the Development  
8 Review Committee.

9 The County has had that in place  
10 for probably 25, 30 years, and it has worked  
11 very well. I mean there were days in the past  
12 when if your client went to that, a lot of  
13 times you were to walk out of that meeting  
14 with your hearing date from the Planning  
15 Board. That doesn't happen now.

16 The reason it doesn't happen now is  
17 because some agencies, and I'm not going to  
18 name the name perpetrator of this, come to  
19 that hearing totally unprepared.

20 It's clear that the agency  
21 representative is opening the plans for the  
22 first time at that hearing, and what should be

1 a good thing and has been a good thing in the  
2 past to accelerate the process now has become  
3 almost a waste of time because a lot of times  
4 if that agency has comments that conflict with  
5 what the other agencies are saying at that  
6 meeting, you don't even know that that  
7 conflict exists until that agency that wasn't  
8 prepared finally gets its comments in in front  
9 of everybody, so this whole thing that you all  
10 worked about about the memo of understanding,  
11 around who - how to get resolved conflicts,  
12 you don't even get to that point because  
13 agencies are coming unprepared, and we have  
14 one utility who I won't name by it rhymes with  
15 the phrase Let's Go doesn't even show up a lot  
16 of times, so - and this isn't something that  
17 needs to be fixed legislatively. You don't  
18 need to change the rules.

19 These are folks or the  
20 representatives of the various - it says it  
21 right in the subdivision regulation. They  
22 represent and speak for the Department. The

1 Department Directors really need to - whatever  
2 management they employ to crack the whip to  
3 make it clear that there is no excuse for  
4 coming to this thing unprepared. It totally  
5 defeats the purpose that the Council intended  
6 when they established this years ago.

7 Again, you've got a good tool there  
8 that should facilitate things. Right now it's  
9 doing exactly the opposite. Thank you.

10 CHAIR SCHWARTZ JONES: Thank you.  
11 Doug Lohmeyer. Is Doug Lohmeyer here?  
12 Charles Grimsley. Charles? Sandra Filippi.  
13 Batting 1,000 here.

14 Mark Drury, Mark, no? We're going  
15 to get through this very quickly. James  
16 Coutourier - and I apologize if I am going to  
17 kill this name, James Coutourier. Does  
18 anybody know who that is in case I totally  
19 missed the name so badly. Brigg Bunker?  
20 Pritam Arora.

21 MR. ARORA: Thank you. Thanks for  
22 the invitation. I'm able to log in not giving

1 any comments on the website, but I will be  
2 handing it over, just one sheet of emailing if  
3 you prefer those comments. I can pass it on.

4 CHAIR SCHWARTZ JONES: We'll get  
5 some close to you.

6 MR. ARORA: My comments are  
7 primarily related to the last 40 years of  
8 experience working directly with Montgomery  
9 County and all the agencies, Park and  
10 Planning, State Highway, a number of agencies  
11 planning to push the project.

12 A couple of comments to the  
13 attention, and they're based on personal  
14 experience of the jurisdictions, one being  
15 that there is no simultaneous reviews  
16 applicable on any project.

17 I have the chance to help Marriott  
18 many years ago and to Gwinnett County in  
19 Georgia and was able to bring in everybody on  
20 the same table from water and sewer to storm  
21 water management, to every known agency  
22 including Fire Marshal on the same table and

1 was able to get the project approved in less  
2 than a couple of weeks for a building permit.

3 I don't think it happens now. The  
4 story is about 20 years old. The timing maybe  
5 - there's a lot of new requirements that  
6 really should come into play, but nonetheless,  
7 what I'm trying to convey is there should be  
8 a possibility of simultaneous reviews on the  
9 same table by all agencies of a site plan.

10 My comments are not limited to  
11 preliminary plan which can be done too. I'm  
12 not asking for a DRC Committee meeting. I'm  
13 asking for a critical review of a plan which  
14 can be done on many projects, but no  
15 simultaneous reviews available by all agencies  
16 at the same time.

17 The second comment I have that I  
18 personally know that the state has a policy to  
19 issue comments within three weeks. I do not  
20 know of any such policy by any other agency.

21 We log it in, we can get the  
22 comments sometimes in two weeks, sometimes

1 longer than two weeks. It would be helpful if  
2 the state model can be followed. It might  
3 expedite the overall thinking process with a  
4 deadline by the Agency.

5 My third comment is that the  
6 comments be transferred to the engineer and  
7 the applicant by email. It is easy to  
8 transfer that. Many agencies are doing it.  
9 The State is doing it. Fairfax County is  
10 doing it. Lowndes County is doing it. A  
11 number of agencies don't want to transfer the  
12 plans back.

13 As result you have a record of the  
14 plans where it was submitted and everything is  
15 in the email could be followed in a letter  
16 form later on.

17 It saves time to respond back by  
18 email by every agency if you have a log of  
19 everything on the record.

20 My next comment is - and I'm not  
21 sure whether this comment is even appropriate,  
22 but I would like to say that anyway that the

1 community meetings should be replaced with  
2 something else.

3 The reason I'm saying is there's a  
4 similar site plan in Fairfax County does not  
5 require a community meeting at all. What I  
6 meant is a pre-community meetings. I'm not  
7 saying that the public hearing will not be  
8 held. It's merely easier to notify the  
9 community and have the site either by the  
10 engineering or the Park and Planning or by any  
11 other agency and have the community view the  
12 plans which is submitted, and they can have  
13 the comments rather than having it.

14 A requirement of the plans cannot  
15 be filed until the community meeting has been  
16 held.

17 The next comment is that there  
18 should not be any policy regarding intake  
19 which allows the applicant to have an  
20 appointment to submit plans. I believe the  
21 practice is good, but it really does not  
22 matter. Most of the agency you could walk in.

1 I'll give you the model of Fairfax County.  
2 There are one, two, three, four stations  
3 sometimes open. People waiting there for ten,  
4 15, 20 minutes and plans were taken. The fee  
5 was computed, and you logged in. You have a  
6 number. You go to the trailer office, get a  
7 receipt, and you are done. There is no such  
8 process available at the present time to  
9 submit on the day you want to submit without  
10 an appointment for some of the plans.

11 The initial filing fee, the model  
12 should be the state. In the last many, many  
13 years, the filing fee for the state is \$50.00.  
14 I suggest to you that filing fee initial for  
15 any project by any Agency should not exceed  
16 \$50.00. The rest of the filing fee should be  
17 paid at the time that the permit is issued not  
18 prior to that.

19 This allows the applicant not to  
20 really have any coordination with the engineer  
21 with respect to what the fee schedule is, what  
22 the fees are. As a result of that, every

1 agency gets all what they want for the timing  
2 is really the issue. Therefore, the project  
3 is approved at the right time and the building  
4 permit is released.

5 I remember all the comments didn't  
6 really say this right here, and my course is  
7 the website. I really appreciate for the time  
8 and thank you very much.

9 CHAIR SCHWARTZ JONES: Okay. The  
10 next speaker is Gordon Chase. Is Gordon Chase  
11 here? Jane Redicker. I know I saw Jane come  
12 in. Jane, did you want to speak?

13 MS. REDICKER: Thank you for the  
14 opportunity to be here today. The Greater  
15 Silver Spring Chamber of Commerce commends  
16 your efforts to identify areas of the  
17 development process that can be streamlined or  
18 simplified so we can reduce time and cost and  
19 eliminate bottlenecks and duplication of  
20 efforts.

21 We support the initial step in  
22 consolidating construction inspections that

1 are currently being done by DPS and Montgomery  
2 County Fire and Rescue Services.

3 This should help eliminate what  
4 many have called ping pong ball feeling, time  
5 consuming between two agencies for  
6 construction of new projects. Many of our  
7 members have been bounced around by the ping  
8 pong - like a ping pong ball.

9 That said, we are here today to  
10 express our concern and offer a recommendation  
11 about future conflicts that may arise from  
12 this practice.

13 Specifically we worry that the same  
14 disagreements in policy and interpretation  
15 that gave rise to the ping pong ball game in  
16 the past could simply come to the fore when  
17 the Fire Marshal arrived the following year  
18 for the fire inspection and happens to  
19 disagree with whatever DPS might have approved  
20 in the construction phase of the process.

21 What happens when a fire inspector  
22 comes in and doesn't like what DPS has

1 approved, tells the property owner that needs  
2 to be changed, that this assumes that the  
3 requirements of the fire code haven't changed  
4 at this point.

5 Will the property owner be required  
6 to make the change? If so, will he or she  
7 have to come back to DPS and get a permit to  
8 change something that DPS approved the  
9 previous year?

10 What if DPS doesn't agree with what  
11 the Fire Marshal ordered? Who is the final  
12 authority in a situation like this?

13 I think you can see how this ping  
14 pong ball thing might come back to the fore.

15 That's why we're making a recommendation that  
16 a gentleman - for some of our members who we  
17 talked with has worked very well, but a  
18 gentleman this morning I heard said there are  
19 some problems with it but we're hoping maybe  
20 because it would be only between two agencies  
21 it might work in this situation, and that  
22 would be a Memo of Understanding between DPS

1 and Montgomery County Fire and Rescue that  
2 would be put together now so that any  
3 conflicts arising after for the annual  
4 inspections that would come afterwards there  
5 would be a process for which those would be  
6 resolved in a very timely and quick and  
7 efficient manner.

8 We think that provides  
9 predictability, it provides for transparency,  
10 it lets the business know what they need to do  
11 if there is a conflict and how that conflict  
12 will be resolved.

13 Finally we have one more issue that  
14 we'd like to bring to light today. Members of  
15 the Chamber have for some time been concerned  
16 about the implications of MCFRS being an  
17 enterprise operation, tasks of generating its  
18 own revenue to support its operations.

19 As DPS takes on more of the  
20 responsibility for construction inspections,  
21 MCFRS will likely look in some ways to find  
22 sufficient funding to maintain its current

1 staffing levels. Will that mean more  
2 inspections and more often? Will it mean an  
3 increase in inspection fees or both?

4 For now it's a little unclear to  
5 us, but what is clear to us that is someone  
6 needs to look into why a Government regulatory  
7 body should operate as profit center, so we  
8 thank you for your time and would be happy to  
9 answer any questions later.

10 CHAIR SCHWARTZ JONES: Thank you.  
11 Stephanie Juarez? Carmen Facciobene? Richard  
12 Wright?

13 MR. WRIGHT: Thank you for the  
14 opportunity to participate in this forum. My  
15 purpose is to provide information on important  
16 national resources who can assist Montgomery  
17 County in streamlining its development  
18 process.

19 The County's objective to  
20 streamline the approval process so that it is  
21 more user friendly, understandable, reliable,  
22 consistent, and efficient without compromising

1 public participation, quality of development,  
2 environmental protection or public safety is  
3 excellent and applicable to the national  
4 efforts that I will describe.

5 I have participated in these  
6 national efforts as Director of the Building  
7 and Fire Research Laboratory of the National  
8 Institute of Standards and Technology until  
9 1991 - until 1999, and since then has a  
10 volunteer in activities of the American  
11 Society of Civil Engineers and the National  
12 Institute of Building Sciences.

13 Locally I've been involved in the  
14 Montgomery County Developments as a 27-year  
15 member of the Montgomery Village Foundation  
16 Board and a six-year member of the County  
17 Citizens Advisory Board.

18 In preparing this statement, I have  
19 consulted with Mr. Robert Weigel, the leader  
20 of the Alliance for Building Regulatory Reform  
21 in the Digital Age. The Alliance has spent  
22 the last 11 years identifying and promoting

1 best practices in regulatory streamlining that  
2 have reduced the amount of time it takes to  
3 move a building from land acquisition to  
4 Certificate of Occupancy through the  
5 regulatory process.

6 The Alliance has worked on  
7 innovative technologies to streamline the  
8 construction and regulatory processes with  
9 Fiotech.

10 Fiotech is an international  
11 community of private and public sector  
12 stakeholders working together to lead global  
13 development and adoption of innovative  
14 practices and technologies to realize the  
15 highest business value to the life cycle of  
16 capital assets.

17 Fiotech is collaborating with  
18 international code counsel to improve model  
19 building codes and to produce automatic code-  
20 checking tools.

21 Through Robert Weigel and  
22 Associates, the Alliance works with individual

1 state and local governments to improve their  
2 regulatory systems.

3 Jurisdictions with which the  
4 Alliance has been or is working include Bend,  
5 Oregon; Clark County, Nevada; Dallas, Texas;  
6 Los Angeles; Mecklenburg County, North  
7 Carolina; New York City; Osceola County,  
8 Florida; and Salt Lake City, Utah.

9 For example, in the fall of 2011  
10 the New York City Department of Buildings  
11 established its development hub, a unique  
12 electronic planned review center that  
13 coordinates planned reviews for major  
14 buildings and major alterations linked  
15 together by videoconferencing webcams and  
16 smart boards, eight different City agencies  
17 that touch some proportion of the buildings'  
18 review and approval.

19 These agencies include the  
20 Department of Buildings, the Department of  
21 Transportation, the Fire Department, the  
22 Department of Environmental Protection,

1 Landmarks and Preservations, City Planning,  
2 and the Department of Parks and Recreation.

3 I provided additional details on  
4 these in the statement that I have submitted.

5 Thank you.

6 CHAIR SCHWARTZ JONES: Thank you  
7 very much. Mike Conley.

8 MR. CONLEY: Good afternoon. I'm  
9 Mike Conley. I'm Vice President of Winchester  
10 Homes, and I'm speaking today as the Chair of  
11 the Maryland National Capital Building  
12 Industry Association's Development Review  
13 Process Committee.

14 It's interesting we have to have a  
15 committee, but, in fact, we have had over the  
16 years many good exchanges and I want to  
17 commend everybody here for taking the time to  
18 have this opportunity to exchange ideas to  
19 make things better, to make more efficient.

20 First I'd like to submit copies of  
21 our Committee's comments, written comments.  
22 Yes, this was sent via email, but for the

1 record now you have a hard copy. It's a  
2 little bit too much to go over in this forum,  
3 but we wanted to give it to you in writing as  
4 well.

5 Slower is not better. It's just  
6 slower. It doesn't achieve a better result,  
7 and it will increase costs, costs for both the  
8 County and for the applicant in the process.

9 To effectively compete in the  
10 regional market, we need to reduce processing  
11 time frames, remove uncertainty in the  
12 process, and we need to reduce inter-agency  
13 back and forth.

14 We presently have to assume three  
15 years to take properly zoned property through  
16 to an unappealable development permit. This  
17 may sound too long. It is. It is not  
18 competitive with most local jurisdictions, and  
19 occasionally three years is not enough time to  
20 get a permit.

21 We need all agencies to establish  
22 review time frames. Where time frames already

1 exist, we need managers to hold themselves and  
2 their staff to account. We must stop gaming  
3 the system.

4 For example, environmental staff at  
5 Park and Planning have, and I'm not trying to  
6 single any agency out but just for example,  
7 staff have 45 days to review a plan. Often on  
8 Day 44 the plan is returned with incomplete  
9 comments just to reset the clock.

10 A persistent issue relating to  
11 process at Park and Planning is the time it  
12 takes to get staff resolutions, and I'm not  
13 here to say what the problem is - excuse me,  
14 I'm here to say what the problem is. I'm not  
15 to say why the problem is. I'm just  
16 expressing that there are problems as it  
17 relates to getting resolutions timely  
18 completed and distributed.

19 Speaking from my own company, we  
20 had a site plan approval, two site plans  
21 approved, December 1st. We still do not have  
22 a draft resolution for either site plan.

1                   With the exception of the time it  
2                   takes to obtain record plat reviews DPS is  
3                   doing a very good job. Although there are no  
4                   established time frames, communication is very  
5                   good. You know where you are in queue and  
6                   about when comments will be returned.

7                   We do see some need for improvement  
8                   on review for record plats at DPS. Otherwise,  
9                   good job, and we're really appreciative of the  
10                  communication.

11                  DPW and T not so good. There are  
12                  not any really - there are no established time  
13                  frames. It's difficult to reach agreement  
14                  with this agency, and they seem to lose plans  
15                  quite a bit.

16                  We strongly recommend that DPW and  
17                  T defer development review reviewing authority  
18                  to DPS or at least physically place their  
19                  review staff, development review staff, at  
20                  DPS.

21                  This would create a quicker more  
22                  cross-functional and cohesive process.

1       Needless back and forth is bogging the system  
2       down and increasing both applicant and County  
3       costs. We must focus on the effectiveness of  
4       process. In doing so, we position this  
5       process to become more efficient.

6               The report from our Committee is  
7       divided into five categories: Costs, time,  
8       complexities, excessive standards, and staff  
9       accountability. We remain committed to  
10      working with you to help assure the  
11      competitiveness of Montgomery County and to  
12      encouragement investment and job growth here  
13      in our County.

14              Thank you for your leadership and  
15      for your time in addressing our concerns.  
16      Thank you.

17              CHAIR SCHWARTZ JONES: David  
18      O'Bryan.

19              MR. O'BRYAN: Hello. I'm David  
20      O'Bryan, Charles P. Johnson and Associates.  
21      I just wanted to take a brief moment here to  
22      talk to you a little bit about some of the

1 conflicts we have with standards and  
2 applications.

3 We as planners, engineers, run into  
4 an issue with utility companies very  
5 frequently where they all have competing  
6 interests. They all want more room for their  
7 utilities.

8 We are typically now designing in  
9 an urban environment. It's no longer a  
10 suburb. We don't have the space we used to  
11 have, but they all want their space.

12 We need to find a way to get all of  
13 the interested parties at the table and get  
14 them to agree that they don't all get their  
15 way, that everybody gets a little piece of the  
16 pie so we've got enough pie to go around.  
17 There's not a space for everything.

18 The other thing we run into is the  
19 application of design criteria. There could  
20 be guidelines. A lot of what we have to  
21 design to is based upon a suburban  
22 environment. It's based upon environmental

1 guidelines. It's based upon road standards  
2 that were thought of when Montgomery County  
3 was a bunch of quarter-acre lots with cul de  
4 sacs.

5 We're not that anymore. We're not  
6 going to be that. We're doing a lot of in-  
7 fill development. Even our new subdivisions  
8 are very urban in nature. They're mixed use.  
9 They're small lots. They're rear garages with  
10 alleys. They're traditional neighborhood  
11 developments.

12 A lot of our buffers our  
13 environmental standards, our guidelines, don't  
14 work well in this environment. Having 100-  
15 foot stream valley buffer off of a concrete  
16 channel in an urban area isn't good design.  
17 It's not good public policy. It's not smart  
18 growth.

19 There are places where 100-foot  
20 stream valley buffer is fine and it's  
21 warranted and it makes sense, but it's not a  
22 one-size-fits-all for all of our standards,

1 and right now that's what we've got is a one-  
2 size-fits all.

3 So I would appreciate the  
4 opportunity to have a work group that looks at  
5 these conflicts and decides where they're  
6 applicable and let's use them where they make  
7 sense. Thank you.

8 CHAIR SCHWARTZ JONES: Scott Roser.

9 MR. ROSER: Hi, my name is Scott  
10 Roser. I'm with the consulting firm of  
11 Macris, Henricks and Glascock. We represent  
12 business owners, developers, home owners,  
13 institutions, religious organizations, all  
14 types of entities. Everyone in this process  
15 is not a developer.

16 You have home owners that are  
17 trying to do a small expansion on their house,  
18 a church that's trying to do better community  
19 outreach, those types of things, and they tend  
20 to get caught up in this process as well, so  
21 I think one has to understand that this just  
22 not all developers trying to do business or

1 trying to build things in Montgomery County.

2 I appreciate the opportunity to  
3 speak today, and what I've tried to do is  
4 tailor my comments to suggested solutions to  
5 the problem and give some examples about what  
6 those problems are that might be solutions.

7 While the solutions might not be  
8 the best solutions of the problem, the  
9 problems are real and I think the solutions  
10 are good solutions and they may not fit  
11 together, but they may be possible things to  
12 do.

13 I guess the first general-type of  
14 comment I have is for the County and the  
15 agencies to make workable solutions the  
16 primary focus of their communication and the  
17 relationships they have between themselves and  
18 also between the community.

19 A lot of the agencies and the  
20 individuals I work with in the County, I work  
21 a lot with Department of Water Resources and  
22 the right of way section. A lot of the people

1 that we deal with already do that, but it's  
2 not that way across the board.

3           If you're having a - you mentioned  
4 this a little bit here is if you set up a  
5 meeting and you don't get all the stakeholders  
6 at that meeting, the way it works a lot of  
7 times is the entity or the group that's not  
8 there is going to be tasked with solving the  
9 problem because everyone else will tend to  
10 push it off on them, and I think to have  
11 everybody sit down with finding a workable  
12 solution to the problem as the primary focus  
13 would go a long way toward dealing with that  
14 type of issue, not come to a meeting already  
15 with a combative posture.

16           The second point I'd like to make  
17 is for the County to use more and better  
18 communication, internet connection technology,  
19 to have meetings, to have people communicate  
20 with each other both amongst agencies and  
21 amongst other entities.

22           I think Mr. Wright in his

1 testimony, he kind of touched on this a little  
2 bit about what some other jurisdictions may be  
3 doing. I didn't got quite that far, but it is  
4 quite often a lot of times to coordinate  
5 meetings or have staff coordinate meetings  
6 where you have multiple agencies to be  
7 represented, and I understand.

8 We understand the difficulty in  
9 getting - attending meetings where you have to  
10 physically attend, but through the use of  
11 internet technology, videoconferencing, those  
12 types of things, I think it could be a lot  
13 better, a lot more efficient, to work.

14 My daughter just got back from  
15 Japan and while she was there I could  
16 instantly call her.

17 I think it's possible. I hope  
18 before agencies in Rockville that communicate  
19 with agencies in Silver Spring and for  
20 agencies in Rockville to communicate with  
21 agencies in Gaithersburg. If I can do it in  
22 Japan, I think you can do it locally.

1           The other point I want to make is  
2           to either modify current law or come up with  
3           or develop a workable process that allows  
4           individuals or entities other than the  
5           property owner to be the permittee for soil  
6           erosion sediment control plans.

7           Just the way properties are  
8           transferred, the way work goes on, the amount  
9           of all state improvements in projects that  
10          have to be done on private property now it  
11          becomes a very unworkable problem where the  
12          permittee and the property owner have to be the  
13          same, so if either the law could be changed or  
14          if there could be some modifications to the  
15          requirements.

16          I mean recently they seemed to have  
17          increased the requirements so if you're  
18          submitting say a project where the - you have  
19          a contract purchaser is going to be the  
20          permittee and ultimately own the property.

21          Now we have to submit that  
22          documentation before the plan will even be

1       accepted for review where previously you may  
2       have been able to submit that or have it done  
3       through the process.

4               So if that could be delayed in the  
5       process or if some lesser requirement could be  
6       had so that the applicant and the permit - if  
7       you could submit a plan without having a lot  
8       of documentation for who the permittee is,  
9       something less than a fully executed contract.

10              I see Luis here. I'm glad to see  
11       that I didn't fully realize when I read this  
12       that WSSC was going to be part of this  
13       process, but the other thing would be to work  
14       with WSSC to develop a more reasonable level  
15       of requirements for the building permit  
16       release, and I know that Mark over there has  
17       kind of started on this. I tried to work  
18       through the Building Industry Association to  
19       work with some problems, and quite frankly,  
20       the projects that we've gone through we've had  
21       problems on. We have been able to work with  
22       WSSC and ultimately get a release maybe a

1 little bit faster than it needed to happen,  
2 but it still took a lot of meetings, a lot of  
3 back and forth with the County, a lot of work  
4 that I don't know that - I don't believe  
5 should have been necessary.

6 There are those projects where  
7 there are problems that could delay water and  
8 sewer service to a project that are real  
9 legitimate, and I can see where there is a  
10 need for the building permit to be held up,  
11 but there's a lot of other projects that are  
12 very simple.

13 A project that has a water line  
14 right in front of it, right on the street  
15 where you don't have to get an entirely-  
16 approved plan, a permit, have the addresses  
17 set up, all the things that WSSC is requiring  
18 for their building permit sign-off to actually  
19 be able to get that building permit.

20 I would ask that the County and  
21 WSSC work together to come up with a minimum  
22 requirement that the County is going to be -

1 accept that they're assured that when that  
2 building needs water and sewer service that it  
3 will have it, but not necessarily capture  
4 every single project in the process for those  
5 projects that there are legitimate problems.

6           Again, the solutions I've suggested  
7 and the things I that may not be the best, but  
8 I think these are real problems, and I  
9 appreciate being able to comment and hope that  
10 possibly I might be able to work with the  
11 County on trying to solve some of these  
12 problems.

13           CHAIR SCHWARTZ JONES: Thank you.  
14 Mark Scott. Mark, are you here?

15           MR. SCOTT: I'm Mark Scott from  
16 Mark IV Builders, a local remodeler. Some of  
17 the examples of seemingly unnecessary  
18 requirements from the County government  
19 include a project we just finished. It  
20 consists of a three-room addition part of  
21 which - let's see that is 365 square feet,  
22 less than a 20 by 20 room.

1           The addition added 144 square feet  
2 of footprint to the house, and the addition  
3 was two stories. The peak of the addition was  
4 less - more than nine feet below the peak of  
5 the main roof.

6           Everything was fine until we got to  
7 DPS Zoning. The zoning official demanded that  
8 we engage an engineer for \$1200.00 to survey  
9 the property and certify that the peak of the  
10 addition, and this is a picture of the house  
11 and the addition.

12           We had to pay that engineer 1200  
13 bucks to certify that the roof wasn't too  
14 high. I don't see how this sort of process  
15 helps in Montgomery County. I know Ms.  
16 Floreen and me had lots of issues with height,  
17 but some of this stuff is just dumping costs  
18 on the citizens that just is unnecessary.

19           Lot coverage on this same house, we  
20 came into lot coverage, and a new house - a  
21 covered porch doesn't count against any lot  
22 coverage, but if it's an addition it does

1 count.

2 I wish I could get some help with  
3 that, and this week we were asked to give a  
4 price to build a roof over an existing  
5 flagstone porch. In doing that - and  
6 particularly this last project I started doing  
7 some more investigation, and it turns out that  
8 we need to get to do a site drainage plan and  
9 mitigate the rainfall that's already fallen on  
10 this impervious surface because now we're  
11 putting a roof on top of it.

12 There's no change in the rainfall  
13 coming off of this house and porch, but now we  
14 have to take care of it again, another several  
15 thousand dollars to somebody that will very  
16 likely not move forward with that project.

17 Another example is wind bracing.  
18 Most everybody in the construction industry is  
19 now aware of this wind bracing. It's required  
20 on all structures now built in Montgomery  
21 County. If the structure meets a basic  
22 engineering, there's a prescriptive method

1 which is a basic rectangular box, something  
2 that hasn't been built in Montgomery County in  
3 50 years.

4 Now we have to get this designed  
5 and certified by a structural engineer at a  
6 cost of \$1,000.00. I've talked with probably  
7 8 to 10 senior DPS officials. No one can show  
8 me any documented case where there's ever been  
9 a failure due to inadequate wind bracing in  
10 Montgomery County ever, yet we still have to  
11 ensure that it's not going to happen.

12 For years I've questioned the slab  
13 inspections. We have to get a building  
14 inspection before we pour a slab. To my  
15 knowledge the only reason given for rejecting  
16 a slab inspection in the field has been not  
17 having the approved plans on site. There's  
18 never been any reason other than that that  
19 they couldn't do it.

20 Probably the biggest thing that  
21 bothers me is a conversation I had with DPS  
22 recently, and I've actually had it several

1 times with past directors.

2 I commented that the permitting  
3 experience in Montgomery County is very  
4 different from that of Arlington County.

5 I find that Arlington officials are  
6 genuinely interested in helping the clients  
7 get their permits so they can move forward.

8 I commented that that just wasn't  
9 the case in Montgomery County. I didn't have  
10 an example until a couple of days talking to  
11 my designer who had just applied for a permit  
12 that we finally just got a little while ago.

13 He told me that he had arrived at  
14 DPS 3:45 in the afternoon to apply for the  
15 permit. His greeting rather than how can I  
16 help you was, dude, it's 3:45. We close in 15  
17 minutes. It's just not the same experience as  
18 other places in this area. Thank you.

19 CHAIR SCHWARTZ JONES: Thank you.

20 Sylke Knuppel:

21 MS. KNUPPEL: Good afternoon. My  
22 name is Sylke Knuppel. I work for Winchester

1 Homes. I'm a Land Development Manager. I'm  
2 also Vice Chair of the DPS Advisory Committee,  
3 so through those two positions I've met and  
4 spoken with most of the people in this room  
5 this year.

6 I wanted to talk a little bit about  
7 a project that I've been working on that have  
8 lived basically the whole year of 2011.

9 We had - our company had two sites  
10 plans that - for a large mixed-use project,  
11 Cabin Branch, that we started the process in  
12 the beginning of the year, January 2011, and  
13 submitted our first site plan.

14 One was an amendment, one was a  
15 full site plan. Unfortunately - there's both  
16 positives and negatives to the process the I  
17 experienced last year.

18 Positives, most of the people that  
19 we dealt with honestly are very cooperative,  
20 willing to help, and want to see successful  
21 projects in the County and care.

22 The unfortunate thing is that the

1 process is just too complicated. It takes too  
2 long. It needs to be simplified. Our site  
3 plans finally did get to the Planning Board in  
4 December of the year, so it took a full year  
5 to get site plan approval, and then we still  
6 don't have resolutions for those site plans  
7 and then beyond that we still have to get  
8 certified site plans approved and then proceed  
9 with engineering.

10 So my job is to entitle these  
11 projects, so I live and breath the schedule.  
12 I brought one along, but it does stretch the  
13 length of the wall. That's how complicated  
14 this process is. It's very interdependent.  
15 We deal with everyone from State Highway to  
16 the Fire Marshal and believe me, we had very  
17 many meetings last year to get those plans  
18 approved.

19 There's always room for  
20 improvement. I think I would recommend that  
21 as part of the streamline process you look not  
22 only at agencies how they review the plans

1 independently but also interdependently, how  
2 the processes work together.

3 Timeframes are very critical.  
4 There are set timeframes for site plan  
5 approvals. I think it's 60 or 90 days, but  
6 it's critical that they be established for the  
7 entire process and that - that people make an  
8 honest effort to adhere to them.

9 I've had the opportunity to work in  
10 other jurisdictions in Maryland and Virginia.  
11 Some of them have very set processes. It  
12 works well. It makes the process very  
13 reliable. It simplifies the process.

14 I think in the long run we're going  
15 to need that because over the past few years  
16 there has been a great deal of knowledge drain  
17 from the engineering community. A lot of  
18 people have retired or just left the industry  
19 because of the downturn, and I think that it's  
20 going to be critical to avoid delays or avoid  
21 extended processes in the County that the -  
22 there be flow charts of a defined process for

1 people that is easy to understand especially  
2 for the newer engineers that are going come  
3 into the industry to replace the ones that  
4 have left.

5 I have lots of specific examples  
6 both on the positive and negative side, but  
7 what I'll do is I'll submit written testimony  
8 on those.

9 I think there are opportunities to  
10 make processes more flexible. I find in some  
11 instances just for example not to pick on  
12 anyone, but the permitting and bonding for  
13 sediment erosion control for large mixed-use  
14 projects is somewhat rigid.

15 When it comes to bonding and  
16 permitting a plan that has 400 lots, the bond  
17 on that type of plan is very extreme, and in  
18 this environment you won't build 400 homes for  
19 four years minimum or something like that, so  
20 there needs to be some consideration for  
21 phasing of bonding and permitting, and I think  
22 the way that that process is structured, it's

1 a little too rigid. That's just one example.

2 I think the other thing, the  
3 cooperation among the agencies is very  
4 important. I think the lead agency initiative  
5 did have a difference in our process last  
6 year. We had several conflicts that arose  
7 that because of that initiative you could see  
8 there was an honest effort to resolve at our  
9 level with the reviewers rather than having to  
10 raise it to a higher level between the  
11 directors.

12 I appreciate the opportunity to  
13 give comments. Thanks.

14 CHAIR SCHWARTZ JONES: I appreciate  
15 it. Chris Jones.

16 MR. JONES: Thank you. I'm Chris  
17 Jones. I'm with BMC Property Group, and we  
18 are the evil developers. I think that what  
19 I've encountered over the last several years  
20 on development is a constant confusion of  
21 standards for process as standards, and  
22 they're not the same thing, and I think that

1 all too often the focus is on process and not  
2 outcomes, and I think somehow in the  
3 regulations people need to be authorized to  
4 make common-sense decisions at a low level.

5 I'll give you a couple of very  
6 specific examples of that. We just applied  
7 for a permit - one of our tenants did - to do  
8 some fit out inside a retail store to fit it  
9 out as a restaurant.

10 They went to submit their permits  
11 and they were sent away. They would not  
12 accept the permits because they were told they  
13 needed an affidavit from the owner of the  
14 property that this work, all of which was  
15 occurring inside a building, was not going to  
16 disturb any street trees.

17 Well at some point somebody at the  
18 front desk needs to be able to say, well, this  
19 isn't on the outside of the building. We  
20 really don't need that affidavit.

21 Another instance that we have run  
22 into on the zoning side, on the Zoning Office,

1 was we had a Dunkin Donuts which had moved out  
2 of an old center. We redeveloped it. They  
3 were moving back in, and suddenly we were told  
4 they had to have a special exception because  
5 they were a drive-through restaurant.

6 Now they weren't an in-line store  
7 with no walk-up window and no drive through at  
8 all, but after - and there are hundreds of  
9 businesses just like it in the C-2 Zone all  
10 over the County that had been there for years  
11 and never has this interpretation arisen.

12 Now we ultimately resolved it, but  
13 it took us about three and a half weeks. It  
14 delayed the opening of the restaurant, it cost  
15 them over \$100,000.00 of sales, and it cost us  
16 several thousand dollars to resolve this, and  
17 it was the most extreme misreading of the  
18 plain English language, and there's no quick  
19 recourse available to resolve these things.

20 There needs to be some sort of  
21 ombudsman who can quickly resolve the small  
22 low-level issues to become extremely costly.

1                   Another area that we - I think  
2                   improvement can be made is that there are a  
3                   number of things. For instance, in the retail  
4                   business oftentimes when we build a shopping  
5                   center we're building a shell. We have a few  
6                   stores going in but then we have blocks of  
7                   empty space, and as we get tenants we need to  
8                   put in demising walls in bathrooms for them,  
9                   and it's the same demising wall, and it's the  
10                  same bathroom that we put in in every other  
11                  store. It's the same drop ceiling we put in  
12                  every store, but when we go for a permit it  
13                  takes us 12 weeks to get approved on something  
14                  that's already been approved and it's  
15                  essentially identical, and there should be  
16                  some way to fast track that, either to get  
17                  architects and engineers to simply certify  
18                  that it is the same condition that meets the  
19                  previously-approved standard or to have a  
20                  quick walk-up fast track for things that are  
21                  vanilla and that maybe can just be noted in  
22                  the original building plan that this standard

1 may be applied because we have to shift these  
2 walls this way or that. Move the bathroom  
3 five feet to the right or left as we size the  
4 tenants.

5           So there are a lot of  
6 opportunities, a lot of low-hanging fruit  
7 there to just streamline it, and these things  
8 sound small, but they add up to hundreds of  
9 thousands if not millions of dollars on a  
10 large-scale project, and they serve - there's  
11 no real benefit to the County, to the public,  
12 of having a more convoluted process, and it's  
13 just simply a cost, and that ultimately gets  
14 passed onto to the consumer.

15           Another example that I think  
16 sometimes the agencies, they graft on new  
17 regulations. New ideas come down the pike,  
18 and they graft it onto an old regulatory  
19 framework without any context.

20           Well how does this - what  
21 implications does this have for previously  
22 existing, and again, what's the end goal? A

1 great example is in places like - and I'm not  
2 a home developer. I'm going to give you a  
3 home developer example, so I have no stake in  
4 this game, but you have a lot of - we have  
5 these urban areas and these in-filled  
6 neighborhoods where somebody's coming in and  
7 building a new house on a small lot that has  
8 mature trees.

9 Well with the new storm water  
10 regulations that are being enforced, they  
11 often have to come in and put in an  
12 underground storm water retention structure.

13 Now I'm an ecologist by training  
14 and that is the worst public policy I can  
15 imagine because to put in that structure  
16 you're cutting the roots of mature trees that  
17 have a much greater storm water retention  
18 capacity than the structure itself and all  
19 sorts of other ecological benefits, and those  
20 trees will start dying. We're going to see  
21 trees dying around Bethesda, Chevy Chase, and  
22 the other closed-in suburbs over the next

1 several years because we're putting in these  
2 storm water structures where they're  
3 inappropriate, so there needs to be some  
4 holistic approach to this.

5 Finally both within the agencies  
6 and across agencies there really needs to be  
7 a way when a developer or one of our  
8 consultants runs into a road block to resolve  
9 conflicts more quickly.

10 We had a situation of Park and  
11 Planning where we were told to do a forest  
12 conservation area on the exact same portion of  
13 our site as the storm water retention pond,  
14 and neither group would budge. Both insisted  
15 that they occupy the same physical space, and  
16 in my universe that doesn't work, and yet it  
17 took three and a half months to get them to  
18 sit down to have a meeting to resolve it  
19 internally, and that is ludicrous.

20 We - there was easy solutions, but  
21 we couldn't get them to have a meeting to  
22 solve it, so there needs to be, again, more

1 focus on outcomes and less on process. Thank  
2 you.

3 CHAIR SCHWARTZ JONES: Okay, so now  
4 that's the list of the signed-in speakers I  
5 have, but I hear that's lots of people in  
6 here, so, Bob, have you raised your hand, and  
7 I - what I'll try to do is if you raise your  
8 hand, I'll call you up. We definitely want to  
9 hear from you.

10 MR. HARRIS: Okay. Thank you. For  
11 the record, Bob Harris of Lerch, Early and  
12 Brewer, and thank you for assembling again.  
13 I spoke at the last one, and I had about two  
14 dozen specific comments, and I will say that  
15 since speaking then, I've already had some  
16 positive reactions to them. Some of the  
17 things are being addressed as we speak. I  
18 took some criticism for being critical as  
19 well, but that's part of the game, but as long  
20 as it produces results, I'm pleased to  
21 continue to comment.

22 Just since the last event, three

1 new items have come up that I'd like to add to  
2 the list. The first one is that a number of  
3 years ago, Montgomery County changed its  
4 growth policy and changed the name among other  
5 things. Now it's the Subdivision Stadium  
6 Policy, but in any respect, they changed the  
7 school capacity testing then, and for the  
8 entire time since that was changed, my  
9 understanding and I think that of everybody  
10 else in the industry and in the public sector  
11 was that as of July 1 Montgomery County Public  
12 Schools would announce what their calculations  
13 were, and Park and Planning would adopt a  
14 determination that school capacity was  
15 adequate in each of the school clusters and  
16 then that that would then govern for that  
17 fiscal year.

18           Recently I learned that someone at  
19 Park and Planning had started interpreting it  
20 as a system by which throughout the year you  
21 would have to subtract from that school  
22 capacity calculation any projects that were

1 approved.

2 I looked through the records and I  
3 could not find anything that that was the  
4 intention of the Council when they did it, but  
5 yet that is the way in which I'm told they now  
6 are doing it.

7 That creates a huge problem.  
8 Number One, nobody publishes standards  
9 throughout the year to tell where you are  
10 within that. It's had to even find out what  
11 projects have been approved within that  
12 cluster or applied for and might be approved.

13 What it does it leaves the  
14 developer in a huge vacuum there. They might  
15 be going forward with a very expensive project  
16 whether to buy the property or to process the  
17 application with the potential that they would  
18 get to the end and there would not be school  
19 capacity. It simply can't work that way, and  
20 I implore the Park and Planning Commission and  
21 the Council to look at that and to remedy that  
22 or it's going to be a major problem in a lot

1 of areas.

2 The second one is that I learned  
3 just this week that in the White Flint Area  
4 issues are arising, all due respect, Mr.  
5 Foster, between SHA and the County in terms of  
6 traffic issues on the Pike, and I'm not  
7 involved in this. It was anecdotal to me  
8 early this week.

9 When they did the White Flint  
10 sector plan my understand is that they  
11 evaluated the traffic capacity and basically,  
12 you know, determined that these projects would  
13 be able to go forward under certain criteria,  
14 and now as some of these projects are going  
15 forward, it's my understanding that State  
16 Highway Administration has said, well, that  
17 was the County's plan. That wasn't our plan.  
18 We didn't say that. We need a traffic study,  
19 and we need to evaluate whether this will  
20 work, and there again, that is a huge gotcha  
21 that comes well into the process.

22 My facts may be wrong. It's not my

1 particular project, but I'd invite you folks  
2 to look into that.

3 The third item, and this is  
4 awkward. I have a zoning case, and it is  
5 before the Zoning Hearing Examiner. I don't  
6 want to violate the ex parte rule. Could I  
7 ask if you could, Lynn, would step out of the  
8 room so I can -

9 CHAIR SCHWARTZ JONES: In the  
10 interest of what's happening here, the truth  
11 is and I recall this is being transcribed, so  
12 -

13 MR. HARRIS: Oh.

14 CHAIR SCHWARTZ JONES: So you may  
15 still continue to have an issue with your ex  
16 parte. I don't know if there are some ways to  
17 more - if there is some way to address it,  
18 Bob, but I just - I have supplied that for  
19 you.

20 MR. HARRIS: I better not speak  
21 then. I don't want to create a problem.  
22 Zoning cases are difficult enough.

1 CHAIR SCHWARTZ JONES: I can't even  
2 guess what it is, but -

3 MR. HARRIS: All right. Thank you.

4 CHAIR SCHWARTZ JONES: So if you  
5 could find a way that - not here, not now, to  
6 raise the legal issue.

7 MR. HARRIS: I know who to take it  
8 up with. He's in the room, and I'll talk with  
9 him about that.

10 CHAIR SCHWARTZ JONES: Okay. Thank  
11 you. I'm sorry. I don't mean to shut you  
12 down on that.

13 Okay. I see a hand but I'm not  
14 tall enough to see whose hand it is, so please  
15 stand up. Oh, Mr. Kaufman. Come on up.

16 MR. KAUFMAN: Yes. Just a follow  
17 up - Steve Kaufman with Linowes and Blocher.  
18 We are pretty heavily involved in the White  
19 Flint case, and the problem there is that  
20 subsequent to the adoption of the master plan  
21 which both did vet out the whole traffic issue  
22 and also set the pattern of streets and

1 essentially the amount of lane capacity that  
2 would be built.

3           Neither one of those seem to be  
4 sacrosanct, and so after all these years and  
5 moving forward, not only do we have the  
6 traffic issues being reconsidered but we - and  
7 there is a traffic study being done because we  
8 just couldn't see a way around it, so that's  
9 moving forward, but also the actual street  
10 grid and street pattern is being questioned,  
11 and, you know, this is transferring on the  
12 development. It's supposed to be pedestrian  
13 friendly.

14           It's not automobile oriented  
15 development, and I think the County needs to  
16 finally decide what its priorities are because  
17 you surely can't have both of those things,  
18 and this is a very important master plan and  
19 we're probably going to lose six months to a  
20 year because of this after-the-fact  
21 rethinking, so that is a very significant  
22 issue. Thank you.

1 CHAIR SCHWARTZ JONES: Bob  
2 Dalrymple, the gentleman in the back.

3 MR. DALRYMPLE: Good afternoon.  
4 Bob DALRYMPLE, Linowes and Blocher. Those of  
5 you who know me, I'm sure you do not have your  
6 hopes set real high that I'll have any good  
7 ideas, but I'll try anyway.

8 I have been here for the entire  
9 thing, but I heard some discussion about the  
10 processes that have been put in place to try  
11 to resolve the conflicts between the various  
12 agencies.

13 In the whole nature of the way that  
14 it's set up in this County and especially with  
15 the Planning Board, the Maryland National  
16 Capital Park and Planning Commission  
17 essentially operating as a fourth branch of  
18 the Government, there going to be adherent  
19 conflicts built in that are not - we're not  
20 going to be able to get rid of them easily, so  
21 I would ask that you continue to try to  
22 perfect the lead agency review process and the

1 educational component to that so that  
2 everybody is well aware of who is the lead  
3 agency as to each element of the review  
4 process, helping us cut through that without  
5 having to debate it in the public hearing  
6 processes.

7 I also heard some discussion about  
8 the Planning Board resolutions and I think  
9 we're all aware that that has been a problem  
10 here. I'm finding it sometimes to be four and  
11 five months to get the written resolution, and  
12 I don't know if it's been considered or even  
13 discussed here about allowing the applicants  
14 to submit a draft resolution.

15 When we're in court and you're a  
16 prevailing party, the judge oftentimes says,  
17 counsel, submit an order to the court for  
18 review. I don't know why that can't be done  
19 in an administrative setting in particular  
20 where I've heard it said that maybe that could  
21 be in uncontested matter but not in contested  
22 matters, and I really don't see the

1 distinction.

2 I mean the applicant is on the line  
3 leading into the Circuit Court of Appeals, so  
4 I don't know and I don't think it would  
5 bastardize the process to allow an applicant  
6 to submit a suggested resolution.

7 Just kind of a wild idea just to  
8 think about here, you know with the - under  
9 the Building Permit Inspection Program over  
10 the last many years, the complex structure  
11 agreement has come about that allows there to  
12 be private sector third-party certifications  
13 that reduce the need for staff review, and I'm  
14 just wondering if there aren't elements of  
15 the permitting process that could also be  
16 perhaps delegated to a third party private  
17 certification and, of course, liability would  
18 be on the person providing that certification  
19 if they get it wrong, and I'm not talking  
20 about the elements of the process that require  
21 there to be some real subjective thinking and,  
22 you know, like life safety. I wouldn't

1 suggest that that be glossed over with a third  
2 party, but some of the more fundamental code-  
3 driven requirements, road code, I don't know,  
4 lead energy efficiency codes, things of that  
5 nature.

6 If - just something to maybe take  
7 a look at. DRC, we all would like to have  
8 very substantive DRC comments when we go to  
9 that committee, and I think that would help us  
10 get to Planning Board quicker and with less  
11 issues.

12 I'm wondering if there is - maybe  
13 you already have it in place, but it's  
14 probably helpful for you all to get specific  
15 examples. The best way to figure out if there  
16 are problems is to identify examples of there  
17 being problems and try to figure out where it  
18 was - where it went right and where it went  
19 wrong, and I'm wondering if there is any  
20 thought of maybe forming a committee, as much  
21 as I hate committees and I'm not volunteering  
22 for it, to allow examples moving forward to be

1 submitted.

2           Maybe even the person if it's a  
3 complainant about how they were treated to  
4 come and make a very brief presentation as to  
5 where they think the problem occurred and to  
6 have a discussion based on those real-life  
7 examples.

8           CHAIR SCHWARTZ JONES: I actually  
9 hope that people will do that on this website.  
10 I mean we've been tracking it. I'd like to  
11 have a lot more substantive comments and  
12 examples on our website. We've got some  
13 really good substantive comments, but we need  
14 more and we need examples.

15           MR. DALRYMPLE: And I think that's  
16 great. I guess a further component to that  
17 thought would be if there could be some  
18 process to allow public and private sector  
19 input into it to help identify what went wrong  
20 and what went right.

21           And then the last thing, I just  
22 thought to just shovel it on the public

1 sector, but it would be helpful to me as an  
2 advisor on the private side of it to know and  
3 to be able to advise my clients where the  
4 breakdown in the process or the streamlining  
5 was upset as a result of things that occurred  
6 on the private sector side of it.

7 For instance, the quality of the  
8 submission was not up to speed, and I rarely  
9 get that feedback. All I will get is the  
10 client calling me up and saying I've been  
11 waiting for six months for this damn permit.  
12 Why can't it be issued, and then I come to  
13 find out is because the quality of the  
14 submission may not have been very good.

15 So if there is some way to educate  
16 all of us a little bit better in terms of what  
17 the expectations are for the quality of  
18 applications across all aspects of it, that  
19 would be something that I would find very  
20 useful. Thank you. I did submit some  
21 comments through the website as well.

22 CHAIR SCHWARTZ JONES: Okay. The

1 gentleman in the back.

2 MR. HOLLIS: Thank you. My name is  
3 Andrew Hollis with Winchester Homes. Part of  
4 what I do is acquire our building permits. I  
5 don't want to say it's difficult but I'm only  
6 14 years old. It makes me look like this.  
7 I'm littler older than that. I'll graduate  
8 high school soon.

9 Hey, Winchester Homes has been  
10 building in this County for about 30 years,  
11 and we plan on being here for a lot longer.

12 We have between 1500 and 2,000  
13 houses in the pipeline, and they are a land  
14 pipeline to building, and what we want to do  
15 is do whatever we can to make it easy for  
16 everyone.

17 One of the things that we do though  
18 we are production builder is we allow our  
19 homeowners to make a lot of changes, so as a  
20 result of that, we have to do lots of specific  
21 drawings for nearly every single family home  
22 that we do.

1           So one of the things that takes a  
2           lot longer for us is that review process, so  
3           anything we can do to help that out or to  
4           hurry that up would really be good for us.

5           Something that I'd like to see that  
6           we were talking about earlier was the  
7           electronic submission for the right of way and  
8           for setting a control. That's great.

9           If we could do it for plan review,  
10          that would be good. One of the things we like  
11          to offer up at Winchester Homes is working  
12          with DPS in a pilot program to do that. We  
13          have a lot of people with a lot of skills, and  
14          we're willing to do anything we can to help  
15          expedite that because it would benefit not  
16          only us but the smaller guy too.

17          A lot of the big production  
18          builders may not be as important, but for us,  
19          it's tremendously important, and for some of  
20          the smaller people that do more customer work  
21          it would be beneficial.

22          So let's talk about that electronic

1 submission. Maybe we can talk about that at  
2 a later time.

3 One of the other things is  
4 consistency in time. You know, if we had  
5 timeframes and parameters of when we can  
6 expect our plans to be reviewed or our permit  
7 in general, and it varies so greatly,  
8 sometimes I can get a permit out in three  
9 weeks. That has happened.

10 Most of the time it's four, five,  
11 and six weeks. Everything is money first.  
12 Everything is time and planning and we make  
13 these schedules, and everything is based on  
14 the assumption that something is going to be  
15 ready at a certain time, and when it's not,  
16 it's very difficult. It makes it difficult and  
17 everybody moving, and we all understand that,  
18 how it takes time to do that.

19 So we'd like to be able to if we  
20 could talk about parameters of time, and I  
21 know in other jurisdictions they do that.  
22 They commit to having something completed.

1           I noticed someone earlier said that  
2 they get reviews on the 40th day or the 44th  
3 day when something is due in 45 days. In some  
4 other counties, they have it done and  
5 complete, and if they have comments, it's well  
6 before that deadline.

7           One of the other things that  
8 concerns me a little bit, and it actually - it  
9 benefitted us monetarily although I really  
10 like the fact that it did, I discovered last  
11 year that we underpaid on a permit, so it was  
12 a decent amount of money. Nothing that - you  
13 know, earth shattering, but a decent amount of  
14 money, so I called and someone responded and  
15 it was, let me look into it.

16           Well I never back, so then, you  
17 know, you're busy, you kind of forget about  
18 it, and it happened again, and I called again  
19 on another lot, and that time they said, okay,  
20 well redo it and send it in. So I sent the  
21 money and I thought that if it's happened  
22 twice, it's probably happened before, and I

1 went back and I looked and it took awhile, but  
2 I did, and it was potentially a decent amount  
3 of money and I let them know that it really  
4 could be.

5 I talked to our people, our  
6 accounting people, and we put some money away  
7 just in case because it could really add up,  
8 so we need to make sure that - and that's for  
9 us too. You guys lost the money. We lost  
10 money. I don't like that thing, but for us for  
11 budgeting, it you're under budget it's just as  
12 bad as being over budget in a lot of ways  
13 because of how you calculate your money, so  
14 that's something that's key, and if we need to  
15 do something in how we do our drawings or in  
16 the plan review, if they're simply looking at  
17 the title block where it has the square  
18 footages on that, that's not always the best  
19 way to do it, so maybe some training of that  
20 would be helpful.

21 One of the other things that I've  
22 noticed in the website which is great, I use

1 I. Our homeowners use it as well to look at  
2 things.

3           Something that's come up a small  
4 handful of times was where it says if  
5 something's being reviewed it doesn't say  
6 under review. It says denied, and homeowners  
7 call and say what's wrong with my house.  
8 That's something I hope, you know, could  
9 probably fixed tomorrow. I'm sorry, Monday.  
10 Should I call Tuesday?

11           A small thing, but it's important  
12 because - and again, it could be I was missing  
13 something, so they'll just stamped denied on  
14 there, and if a buyer happens to see that they  
15 get scared to death, okay, but I'd appreciate  
16 you looking at that.

17           One of the other things, it's  
18 small, what are the yellow cards for? My  
19 understanding about yellow cards was when we  
20 were doing in field lots, it let everyone know  
21 that, hey, we're building a house here. They  
22 have a permit, and here's the number. You can

1 check on it.

2 When we're building, there's one  
3 way in and one way out. We're building 800  
4 houses in there. Why do I have to put a  
5 yellow card up on every house and then have an  
6 additional inspection which costs time and  
7 money and aggravation and effort?

8 Can you look into that?

9 CHAIR SCHWARTZ JONES: We can look  
10 into - you've said lots of stuff and I don't  
11 want to finally rule that I established or we  
12 all establish because we're all in this  
13 together. We just - not to debate things back  
14 and forth in a meeting, so maybe we'll set up  
15 some time to sit down and -

16 MR. HOLLIS: Okay. I did. When I  
17 call you Tuesday, we'll be able to talk.  
18 Thank you.

19 CHAIR SCHWARTZ JONES: Yes, you've  
20 got the numbers, right? Okay. Next, come on  
21 up. I apologize. If I do know you and I  
22 can't see you, I apologize because everybody

1 in the back is so far.

2 MS. WALKER: Good afternoon.  
3 Rebecca Walker with the law firm of Miles and  
4 Stockbridge. I just wanted to take the  
5 opportunity to bring up two recent points that  
6 I've run into on cases where we're  
7 representing clients.

8 The first was a pre-application  
9 that we submitted to the Park and Planning  
10 Commission. There are some people who are at  
11 our DRC who may remember this.

12 The applicant typically does that  
13 in order to get preliminary feedback before  
14 they spend all of the money to go ahead and  
15 prepare and submit a full preliminary plan and  
16 to get those comments.

17 At that DRC there are at least  
18 four, maybe five, agencies around the table  
19 that said we'll defer comments to preliminary  
20 planning.

21 Well that didn't really give my  
22 client the kind of feedback that they were

1 looking for and that was a pretty significant  
2 issue for us, so I would just like to bring  
3 that up. If that's something that we can work  
4 on, great.

5 The second issue is actually one  
6 that I haven't heard addressed at least at  
7 this forum, and that deals with building  
8 permit appeals that are filed. I routinely  
9 represent custom home builders, renovators,  
10 and so on, and when their building permits are  
11 appealed, it's a pretty substantial thing for  
12 them.

13 They have the choice to either  
14 continue to build at their own risk until the  
15 appeal plays out or they can stop work  
16 voluntarily or sometimes under a stop work  
17 order from the agency.

18 The issue becomes - we have one  
19 that was most recently filed that it's almost  
20 three months to get a hearing from when the  
21 appeal is filed until the hearing can be set  
22 before the Board, and I understand the

1 composition of the Board that they meet one  
2 day a week, but that's really an issue for  
3 both the homeowner as well as the builder who  
4 has to make those decisions as to whether or  
5 not they're going to proceed in that  
6 intervening three-month period.

7 I would also suggest three months  
8 is an optimistic timeline. There may not be  
9 a decision made at that initial hearing, and  
10 it can drag on for as much as six months that  
11 I've had cases or more, so I'd just like to  
12 bring that to the attention. I'm not sure if  
13 these cases could be heard within a set period  
14 of time, say 45 days from when the appeal is  
15 filed or 30 days even.

16 I would just like to encourage  
17 there to be some discussion around that issue  
18 since it's both an issue that affects the  
19 homeowner and the builder, and it's very cost  
20 and time sensitive and emotional for a lot of  
21 the homeowners.

22 So I just wanted to thank you for

1 your time and the effort.

2 CHAIR SCHWARTZ JONES: Anybody  
3 else? Steve? Hang on one second though.  
4 Wait. I want to get - I'll come back to you,  
5 Steve, but let's get some people who haven't  
6 said anything yet. Come on up, sir.

7 MR. MOORE: Thank you. I'm Ron  
8 Moore with Nichols Contracting. We're a small  
9 and general contractor. I'm glad you guys are  
10 having this. We appreciate it. To give you  
11 a little background on myself, I worked at  
12 Whiting Turner which is a large general  
13 contractor for about the last seven years, and  
14 I went to Nichols Contracting about a year  
15 ago, and the entire time I've been there I've  
16 basically been building a development out on  
17 Sandy Spring Road which is our new office and  
18 Ashton Hardware Store.

19 It's a small development. It's  
20 something that, you know, in my experience  
21 with construction this is something that it  
22 could be knocked out in five months. This has

1 taken us ten months to do.

2           It's hard to get these things  
3 going, and I do want to start out and kind of  
4 step back and say one good thing that I do  
5 really like in a positive aspect is the  
6 inspectors that we have, 95 percent besides a  
7 bad apple or two are great to work with. They  
8 want to help. They're there for you, and the  
9 process that you guys have in place for the  
10 inspectors, the one-day turnaround is good.

11           I mean that works out very well,  
12 but you step back to the time it took us - you  
13 know there were people talking about three  
14 weeks versus six weeks to get an approval and  
15 the consistency on that. It took us 16 weeks  
16 to get an approval on a million and a half  
17 dollar project which was very frustrating, and  
18 there are a lot of specifics that I'm really  
19 not - I wasn't going to go into all the  
20 specifics that you give us. Let me give you  
21 one specific at the end to kind of summarize  
22 how the whole thing has gone, but at Whiting

1 Turner I never - I was in Baltimore and I  
2 never dealt with a process that was so  
3 frustrating and so cumbersome.

4 Over the last nine months I've had  
5 to deal with this, and it's been a drain on me  
6 professionally, personally, and it starts with  
7 - you know it starts with the permitting  
8 department, the building review, the site  
9 review, the utility review, WSSC, Pepco,  
10 Washington Gas, but all this together - I can  
11 say through the whole thing surprisingly the  
12 one utility that was great to work with is  
13 Verizon.

14 We called them up and the guy was  
15 out there the next day. Within a couple of  
16 weeks we had service. I mean it was good, so  
17 anyways, you know, there is a lot of specific  
18 examples that we could cite, but the bottom  
19 line is, I mean, if we look at how this was  
20 going on 50 years ago, 40 years ago, 30 years  
21 ago, I don't think people were having these  
22 issues.

1           It's not the - this isn't rocket  
2 science that we're dealing with. We just need  
3 to get up and say how can I make this process  
4 better today, how can I help someone today,  
5 not have a negative attitude, you know.

6           That's what it felt like, you know,  
7 during the process like somebody said at 3:45  
8 he walked in and they told him that it's  
9 almost closing time. That happened to me. I  
10 mean there's many things that people have said  
11 here that has happened to me during this  
12 process.

13           So I think it's about three things.  
14 You know there's code, the codes have gotten  
15 unduly stringent. The process has gotten way  
16 too cumbersome, and the culture is just gone  
17 negative.

18           So if you - why is Apple Computer,  
19 why are they the company with the biggest  
20 market capitalization in the world? Because  
21 Steve Jobs has - he created a culture where  
22 people wanted to work, people wanted to

1 innovate, people wanted to sell stuff, and  
2 people did it.

3 That's all it takes is just having  
4 the culture and having the process where  
5 people want to be there. You know, you want  
6 to know how can we get investment in  
7 Montgomery County. Make people want to work  
8 with you.

9 So a specific example - a  
10 suggestion for change and an example. The one  
11 thing that did surprise me was the requirement  
12 that if you have a change on the project you  
13 have to - every change has to be reviewed by  
14 the County which was just amazing and still is  
15 amazing to me.

16 If you have a - like I have a  
17 project where there were 500 RFIs. It's a  
18 renovation to a building, a lot of structural  
19 changes up in Baltimore that I did.

20 I can't even fathom how that would  
21 have worked through the County. So luckily  
22 that's not the case in what I'm doing now, but

1 it seems like that should be more left to the  
2 liability of the engineer and the architect  
3 rather than held in the County, so that's a  
4 suggestion.

5 And then ironically I wasn't going  
6 to bring up any specific example because there  
7 are so many, but I had one that developed  
8 today and it further developed while I was in  
9 this meeting, so I figured I'd share it with  
10 you.

11 It's kind of a good forum.

12 CHAIR SCHWARTZ JONES: We'd like  
13 real time examples.

14 MR. MOORE: Yes, we're in real  
15 time. The project that we're doing is Ashton  
16 Hardware Store, and the tenant, their lease  
17 expires on March 31st, so they're opening up  
18 on April 1st.

19 In order to do that, they need to  
20 stock their product and stock the material.  
21 That takes a few weeks to do, so we need to  
22 get final building inspections prior to them

1 doing that, so we have all our systems in  
2 place.

3           They have delivery set up to come  
4 in on Friday of next week, two semi tractor  
5 trailer of its product. We have final  
6 building inspection and final mechanical  
7 inspections set up for Thursday. We have fire  
8 alarm finals set up for Wednesday. We have  
9 the plumbing final set up for Tuesday, and we  
10 have electrical low voltage and sprinkler  
11 final set up for Monday.

12           We also have our sprinkler  
13 contractor and our fire alarm contractor and  
14 our electrical contractor and our plumber  
15 contractor all committed to working through  
16 the weekend to maintain the schedule so that  
17 the hardware store can hit their date and they  
18 can open up on time.

19           I mean it's going to - the result  
20 is thousands of dollars a day in lost revenue  
21 for them if we don't hit this date because  
22 they have no where to go.

1                   So the - we did do - part of this  
2                   is our fault, but, you know, the utilities -  
3                   we - the water lines going in now. It should  
4                   have gone in sooner, but we are where we are.

5                   The submittal was in review for six  
6                   weeks. We've gotten over that. We've got  
7                   A.C. Miller to expedite the shipment of the  
8                   vault, so we got our site utility contractor  
9                   committed to working the weekend to - right  
10                  now we're at a point where we have the  
11                  chlorination test today, and we're going to -  
12                  we wanted to hook up the system and flush it,  
13                  do the Fire Marshal Flush.

14                  The inspector that's on site again  
15                  going back to the inspectors usually work with  
16                  you, and the process for that is good. The  
17                  inspector that's out on site is willing to  
18                  come in tomorrow and review - you know, just  
19                  witness the hook up of the line.

20                  We have - our chlorination company  
21                  is willing to give us - it's a 24-hour test,  
22                  so tomorrow morning we'll have the result.

1 They're going to give us the result in writing  
2 in a letter formal tomorrow morning.

3 Everything is in place.

4 All it takes is the inspector's  
5 boss to say yes, go do it, and while we were  
6 in this meeting I got a call from my site  
7 utility contractor saying the inspector's boss  
8 said we couldn't do it because he wouldn't be  
9 able to get a hold of his boss to give us the  
10 okay to do it.

11 CHAIR SCHWARTZ JONES: Was this the  
12 DPS or is this WSSC?

13 MR. MOORE: WSSC, so if it doesn't  
14 happen, that means we have to change all of  
15 our inspections, all of our subcontractors -  
16 you know where I'm going with it, so it's just  
17 - that goes back to the process stops the  
18 common sense. Everything is in place. The  
19 inspector is willing to work with us. The  
20 process is what impedes it, and the culture  
21 doesn't allow you to get some - it has to be  
22 flexible.

1                   There has to be flexibility. This  
2                   isn't every day, but situations do come up,  
3                   and we've gone through great lengths to  
4                   prepare and it just kind of all ended for us.

5                   CHAIR SCHWARTZ JONES: I think in  
6                   terms of where we are for today, if you could  
7                   go to our website you said - I thought I heard  
8                   you say you had other examples.

9                   It would be good to -

10                  MR. MOORE: There are many.

11                  CHAIR SCHWARTZ JONES: Put them  
12                  down so that we can see them because we can  
13                  hear everybody in the world complain about  
14                  there being problems with the process, and we  
15                  ourselves will tell you that's why we're  
16                  sitting here because we all know that there  
17                  are problems with the process, but we need to  
18                  get the specifics to get our own conversations  
19                  going and get our work groups looking at what  
20                  some of these are.

21                  We can know, but it's important  
22                  that we hear it from you all, okay.

1 MR. MOORE: Right. I hear you.

2 CHAIR SCHWARTZ JONES: Okay. Thank  
3 you.

4 MR. MOORE: Thank you.

5 CHAIR SCHWARTZ JONES: More hands,  
6 I know, Steve, you had wanted to say  
7 something. Mel Tull, you - I'm going to -  
8 hold on, Steve. You've been up a few times  
9 today, I want to let other people go in first.  
10 Mel Tull. Sorry, Steve.

11 MR. TULL: Thanks. Just a quick -  
12 I've been watching this sort of thing, and I  
13 appreciate you putting this together, a really  
14 great idea.

15 I've been watching this sort of  
16 thing since the first - at least the first I'm  
17 aware of - a one stop shopping put together  
18 back in - I think it was 1971, and it worked  
19 very well, building electrical, zoning, Fire  
20 Marshal, wells and septic, everything that  
21 went into the building process on the counties  
22 - out of the County's operation came together.

1                   People could sit down face to face  
2                   and work out problems. It was all under one  
3                   department head, so there was a decision-  
4                   making authority. Times have changed.

5                   Back then we had rotary phones.  
6                   Now we have better communication, and we have  
7                   some things the County has put in place which  
8                   gets me to forest conservation exemptions.

9                   The County's got a great GIS  
10                  system, and it has aerial photos of property  
11                  lines, and I could show somebody a piece of  
12                  property totally covered with a parking lot  
13                  and buildings, not a tree to be seen or a  
14                  blade of grass for that matter, and I still  
15                  have to get a forest conservation easement,  
16                  and it just seems like a bit of time spent, a  
17                  process that might not be as essential as the  
18                  process thinks it is.

19                  That's the one bit of silliness  
20                  that still gets to me. I've gotten accustomed  
21                  to what we do over the years, so accustomed to  
22                  it that not much raises an eyebrow anymore,

1 but that sure does get to me. Thanks, Diane.

2 CHAIR SCHWARTZ JONES: Thank you.

3 Okay, others before I let poor Steve come up  
4 and talk. Come on up.

5 MR. DAVIS: Hi, I'm Adam Davis with  
6 Folger Pratt. Thank you for being here today.  
7 Thanks for taking time to hear this. Just  
8 wanted to say we're grateful for the Council,  
9 the Executive, looking at the development  
10 review process and looking at how we can  
11 streamline it to make Montgomery County more  
12 competitive within the Greater Washington  
13 Metro Area.

14 We've seen a lot of improvements,  
15 specifically in DPS, specifically with regards  
16 to the inspection process with the Fire  
17 Marshal. We've had issues in the past, and so  
18 we've seen progress and we think we can see  
19 more progress within the development review  
20 process.

21 One of the specific areas as we  
22 looked at this and looked at some of the

1 issues that we've had comes to duplicative  
2 reviews within the process, namely, in  
3 transportation reviews within Park and  
4 Planning. You've got Park and Planning  
5 Transportation Group and also DOT reviewing  
6 that.

7 We know that traffic is a concern  
8 within the County, but what we find is that  
9 different agencies have different perspectives  
10 and different things that they look at  
11 specifically when it comes to traffic, whether  
12 it's Park and Planning, whether it's DOT, and  
13 so just finding - being able to combine those,  
14 streamline those, somehow so you can get  
15 consistent comments, consistent reviews  
16 throughout the process.

17 We have some specific examples and  
18 would be happy to put those on the website and  
19 put those up, but we just - we think that this  
20 is a good process.

21 We think that it's important to  
22 really look at streamlining the development

1 review process to make us more competitive  
2 again within the Greater Washington Metro  
3 Area. Thank you.

4 CHAIR SCHWARTZ JONES: Thank you,  
5 and everybody who's been saying they're going  
6 to put stuff on the website, remember we'd  
7 like you to before March 31st, okay, prior to  
8 close of business March 31st.

9 We really want the information, so  
10 - Steve. Doesn't mean that Steve's the last  
11 person, just the most patient person.

12 DIVISION CHIEF EDWARDS: Thank you,  
13 Diane. I wanted to - I was going to put this  
14 on the website, but it's faster just to say it  
15 here.

16 I wanted to talk about how the  
17 environmental regulations at Park and Planning  
18 are applied and interpreted, and my comments  
19 are no reflection on the current Environmental  
20 Planning staff. This way of thinking, this  
21 philosophy, has been going on over there for  
22 two decades, and it's basically this.

1                   Whatever the guidelines say, if  
2 they say you've got to set back 100 feet from  
3 the stream and valley, that's never enough in  
4 reality. You are rarely if ever allowed to do  
5 what the guidelines say. You always have to  
6 do more, and it's the only set of guidelines  
7 that I know of in the County that is  
8 interpreted that way. The recreation  
9 guidelines are not applied that way. The LAQR  
10 guidelines are not applied the way the  
11 regulations that other agencies have, and it's  
12 frustrating because when the guidelines are  
13 proposed of the Park and Planning, department  
14 planning, environmental staff is telling them  
15 these are the guidelines we think we need that  
16 will keep the environment safe, and it's  
17 almost like a bait and switch because then  
18 when the applicant comes in and says, okay, I  
19 want to do 100 feet. No, no, you've got to do  
20 125. Why? Because we say you have to.

21                   I acknowledge that all guidelines,  
22 all regulations, the enforcing authority has

1 to have authority to require more in the  
2 exceptional circumstance.

3 The way environmental regulations  
4 have been interpreted, they're on their head.  
5 It's the exceptional circumstance that lets  
6 you do what the regulations say you can do,  
7 and I note again, this is no reflection on  
8 anybody who is there now. It's the way  
9 environmental planning which I guess doesn't  
10 exist anymore, but the way they have  
11 functioned ever since I can remember.

12 The long-term effect of that I see  
13 it is one of the reasons we have that sort of  
14 a housing shortage particularly affordable  
15 housing shortage is because of those dealt by  
16 1,000 cuts of losing units because of the  
17 overreaching of environmental planning in  
18 applying its own guidelines.

19 To me, I think, and I'm glad Rose  
20 is still here and Francoise wished she were,  
21 I think the word needs to be passed down that  
22 those regulations, those guidelines, need to

1 be enforced the way others are.

2           Okay if it's an exceptional  
3 circumstance that could be factually  
4 justified, the Planning Board should ask for  
5 more, but that should be the exception and not  
6 the rule. We've got it the wrong way.

7           CHAIR SCHWARTZ JONES: Thank you.  
8 Okay. Do we have anybody else who would like  
9 to provide comments to us at least at this  
10 forum? Okay. We all really want to thank you  
11 all for coming out. I turn to my colleagues  
12 here. Is there anything that anybody at our  
13 table would like to say before we break up for  
14 today?

15           Okay, so give us your comments, put  
16 them online. I'm sure there are many of you.  
17 I hope that have everybody's email address.  
18 Visit our website. We will be setting up work  
19 groups.

20           Before we sort of hook our groups  
21 we're going to put together the comments that  
22 we received. Like I said, we'll categorize

1       them. We do have regular meetings.

2                    If you've got individual problems  
3       like the gentleman with the Ashton Hardware  
4       store, you know, absolutely you should be  
5       reaching out to us, and I am sure that every  
6       single manager at this table invites you - and  
7       in this room invites you to reach out to them  
8       as well.

9                    You shouldn't - don't wait until  
10       you're at an impasse.

11                   I want to thank everybody here, and  
12       I really, really want to thank Reggie Jetter,  
13       who has done yeoman's work in keeping our  
14       website up and going current and Nancy Villani  
15       has also been helping him, so I just wanted to  
16       thank everybody again.

17                    So have a good weekend. Did I miss  
18       anything? Thank you, all.

19                    (Whereupon, the above-entitled  
20       matter was concluded at 4:09 p.m.)

21

22

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Public Forum

Before: Mont. Co. Dept. of Permitting Service

Date: 03-09-12

Place: Rockville, MD

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
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