



February 2, 2011

MEMORANDUM

TO: Montgomery County Planning Board
VIA: Rollin Stanley, Planning Director *RS*
FROM: Jacob Sesker, Planner Coordinator (301.650.5619) *JS*
SUBJECT: White Flint Staging Allocation - Discussion with DPS

PURPOSE

Discussion with DPS staff to include the following topics:

- Overview of DPS process and its relationship to Planning Board review and intake processes.
- Discuss proposed refinements to the Staging Allocation Approval process.
- Discussion of outstanding issues.

BACKGROUND

On November 4, 2010, the Planning Board directed staff to develop a method of tying the allocation of staging capacity to building permits. In subsequent discussions on December 9 and January 13, staff proposed creating a new Planning Board approval process for development in White Flint. That new process would have required any new/additional development in White Flint to obtain a Staging Allocation Approval from the Planning Board before applying for a building permit. The Staging Allocation Approval would remain valid for 90 days; an application for a building permit in White Flint would need to be accepted as complete within that 90 day validity period. Stakeholders and individual Board members asked that Planning Department staff look into a number of other issues including:

- How to deal with multi-building, single-phase projects, and
- How to limit the period of time an applicant for a building permit can hold onto capacity.

STAGING ALLOCATION APPROVAL PROCESS

Staff has had two substantive conversations with DPS in recent weeks. Those two discussions have informed the following refinements to the outline and timeline of the Staging Allocation process.

- 1) Applicant applies to the Planning Board for Staging Allocation. Capacity is held in queue for applicant.
- 2) Planning Board acts on consent agenda item to allocate staging capacity.
- 3) Planning Board issues Staging Allocation Approval containing two separate time limits:
 - a) Acceptance of a completed building permit application within 90 days of the Planning Board action approving the Staging Allocation. This could either be (1) a 90-day validity period after which DPS could not accept a permit, or (2) a 90-day deadline for the applicant to provide the Planning Board with evidence of an accepted application.
 - b) Issuance of all building permits within 2 years of the Planning Board action approving the Staging Allocation. After 2 years, any capacity for which all building permits have not been issued will be lost and the applicant will need a new Staging Allocation Approval.

In this process there would be no need to distinguish between footing-to-grade permits and other building permits. This revised process would also address the "other issues" raised by stakeholders on December 9, 2010 and January 13, 2011 (multi-building, single-phase buildings; outside time limit on issuance of permits).

OUTSTANDING ISSUES

Topics for discussion with DPS at the February 10 worksession include:

- Is the 90-day period necessary?
- Are 90-days and 2 years the appropriate validity periods?
- What is the proper division of responsibility between M-NCPPC and DPS with respect to monitoring and enforcing the validity periods?
- What does an expired Staging Allocation Approval mean? Is it necessary that there be a Planning Board action to revoke the capacity?
- Are extensions of either the 90-day or 2-year validity periods allowable? By which agency and based on what criteria?

NEXT STEPS

On February 24, 2011, staff will present draft changes (as necessary) to Chapter 8 of the County Code, Chapter 50 of the County Code, and/or the Subdivision Staging Policy. The Council must receive those proposed changes by March 11, 2011 if the Council is to act upon them prior to the August recess.