

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:

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TO: Board of Supervisors

FROM: Ron Cortez, Deputy County Executive Officer

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Planning & Development Department

SUBJECT: Receive first quarterly report on Process Improvement Plan for the Planning and Development Department

RECOMMENDATION:

That the Board of Supervisors:

Receive the first quarterly report of the Process Improvement Plan for Planning and Development.

ALIGNMENT WITH BOARD STRATEGIC PLAN

The recommendation is primarily aligned with Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community, Goal No. 4, A Community that is Economically Vital and Sustainable, Goal No. 5, A High Quality of Life for All Residents.

I. BACKGROUND

There has been considerable interest in recent years in improving and streamlining the development review process. (Please note that this report does not include Comprehensive Planning. A separate report will be presented to the Board of Supervisors on Comprehensive Planning in November.) Concerns expressed include that the process is time consuming, costs are unpredictable, and noticing, public input and appeals can occur late in the process. Planning and Development has been working with members of the community for over two years to

improve the development review process. In early 2005, the four Steering Groups that were working on various process improvement teams were consolidated into one Oversight Committee with a broad cross-section of members. The Oversight Committee is comprised of the five Supervisor's Assistants, architects, attorneys, neighborhood representatives, project expeditors and select County P&D staff. In March 2005, your Board asked that the County Executive Office work with P&D to develop criteria and a plan for future process improvement efforts.

A. Board Action on May 24, 2005 on Process Improvement Efforts

After consulting with the Oversight Committee, on May 24, 2005 staff presented your Board with proposed criteria and priorities for the renewed process improvement effort. The Board unanimously endorsed these criteria and priorities and directed that the focus of the process improvement efforts be small projects such as single family homes and typical activities on family farms. The criteria and priorities directed by your Board are:

Criteria: Make the process easier to navigate, and more time efficient and cost effective, while maintaining the quality of development in the County.

Priorities: The Oversight Committee devoted most of two meetings to the priorities for the renewed process improvement efforts. These priorities, endorsed by your Board, are discussed in detail below and include:

1. Ministerial Permits
2. Appeals
3. Agriculture
4. Customer Service
5. Zoning Ordinance Reformat Project (ZORP)

B. Other Process Improvement Efforts

In addition to the five priorities mentioned above, there have been several related efforts that have been overseen by the CEO's office in the last few months. These are addressed below and include:

- a. North and Central County BARs
- b. CEQA Guidelines Changes
- c. Building Height
- d. Concept Review
- e. Geographic team assignments
- f. Use of Contractors in Case Processing
- g. Improved Service to North County Residents
- h. Increased Service to the Planning Commissions

- i. Multi-departmental coordination
- j. Joint Planning Commission and Board of Architectural Review Meetings
- k. Training program
- l. Fee schedule Changes
- m. Customer Group Surveys

II. DISCUSSION:

There has been a lot of effort in recent months devoted to improving the development review process. The overall goal is to simplify the process, especially for small projects, while still ensuring that quality development occurs in the County. Some of these efforts are being managed by Planning and Development Department staff and others involve other County departments, all overseen by the County Executive Office. The range of Process Improvement projects are discussed below.

A. Planning and Development Process Improvement Efforts

1 & 2. Ministerial Permits and Appeals:

These were two high priorities items and, as they are so related, they are being addressed together. The goal is to simplify the process for issuing staff-level permits, increasing the percentage that is truly “ministerial,” i.e., not subject to discretion in their approval. The goal is that about 80% of all Land Use Permits would instead be subject to a simpler Zoning Clearance process discussed below. In terms of appeals, the goal is to clarify who has standing, grounds for appeals, etc., to reduce frivolous appeals and make the appeal process more effective and meaningful. The specific efforts to improve the process include:

- a. **New Zoning Clearance process** – Many small projects require a Land Use Permit which includes posting a notice at the site and the opportunity for appeal. The site posting and appeal occur late in the process and can result in redesign at considerable expense and loss of time. Staff has developed a simplified process that would apply to many small projects that meet all zoning requirements and relevant conditions of approval from a previous discretionary approval (of a subdivision, development plan, etc.). This simplified process is before your Board today as part of the ordinance amendments relating to new homes in subdivisions and revised appeals procedures. The new Zoning Clearance process would initially apply to new homes in subdivisions, but we hope to expand the application of this process to other projects that currently require the more involved Land Use Permit process.
- b. **New homes in approved tracts** – Whenever a subdivision is proposed in the County, the process is typically fairly long and thorough with ample opportunity for

public input and appeal. Once the subdivision or tract is approved and the map recorded, the individual lots must go through the existing Land Use Permit process that includes posted notices and the opportunity for appeal as discussed above. The changes proposed would remove the requirement for a Land Use Permit, including noticing and opportunity for appeal, assuming that the proposed new home meets all the conditions of approval on the subdivision where the proposed home is located. It is anticipated that over 1,200 new homes would benefit from this change in the near future, and many more would benefit in the years to come. The necessary ordinance amendments are scheduled for today's Board meeting as discussed in a separate Board letter.

- c. **Improvements to the appeal process** – There are several revisions to the existing appeals process that are proposed for Board review on today's agenda. These changes will clarify who can appeal a decision, when a decision can be appealed and to which decision-making board or commission. Instead of allowing any "interested party" to appeal a decision, the appellant must show how they are affected, that they participated in the process, and they must demonstrate why they think that decision was incorrect or invalid. More thorough screening of appeals when they are submitted should help to reduce the number of frivolous appeals that are filed and heard by the Planning Commission and/or Board.
- d. **Ministerial projects that meet standards based on Community Plans - Pilot Program in Orcutt** – The simplified Zoning Clearance process discussed above is proposed to be tested in a pilot program involving projects in the Orcutt Community Plan area. The actions and development standards in the Orcutt Community Plan will be turned into 'Yes' or 'No' questions that the applicant and County staff will answer together. If a proposed project is consistent with all zoning requirements and meets all the development standards from the Orcutt Community Plan, the applicant would receive a Zoning Clearance that would not involve noticing or appeals. Once the Zoning Clearance is issued, the applicant would proceed directly to the Building Division to secure a building permit. This ordinance change is scheduled for the Board meeting of January 24, 2006.
- e. **Revised noticing procedures** – A major concern about the development review process is that noticing of projects, particularly small projects such as new single family homes or additions, occurs very late in the process. The posting of notices occurs after the Land Use Permit is approved, the drawings are complete and often a contractor has been hired. If notices to neighbors were mailed after an application is accepted for processing, the applicant would hear about potential neighborhood issues much sooner and ideally have time to work out any problems. With improved access to project information on the P&D website, neighbors would be able to follow the progress of a project and provide timely input. This proposed change is scheduled for the January 24, 2006 Board meeting.

3. **Agricultural Permits and Activities:**

- a. **NRCS changes approved** – On August 2, 2005, the Board of Supervisors approved an amendment to the Grading Ordinance to exempt beneficial agricultural projects funded by the NRCS from grading permit requirements, enabling agriculturists to take advantage of available funding sources.
- b. **Streamlining Permits for Agriculture** – Permit streamlining in the zoning ordinances for agriculturally related grading and development will follow any changes in the grading ordinance based upon the Agricultural Advisory Commission's recommendation.

4. **Customer Service:**

- a. **Cost Estimates** – A web page and public information handout has been developed to allow the public to obtain a list of fees from all agencies or jurisdictions that require fees for development approval. This system will provide customers and staff the ability to calculate fees for residential projects, and list fees for other types of development.
- b. **Permit status** – This project provides for e-mail updates for applicants on the status of their projects. The first phase is targeted to discretionary projects. The second phase for ministerial permits, planning and building, will follow.
- c. **Access Permit information by zip code or address** – This project provides a web page for viewing permit information. The system will provide monthly reminders via e-mail that link to areas of interest. The first phase is again targeted to discretionary projects, with the second phase including all ministerial permits, planning and building.
- d. **Improved public notices** – Staff is also exploring simplifying and clarifying the public notices that are sent to neighbors of a project. While existing County notices meet all the legal requirements, they are not necessarily as clear or easy to understand as they could be. Sample notices will be shared with the Board at the January 24, 2006 meeting.
- e. **Customer Service Workshops** – By the end of the calendar year, all P&D staff will participate in tailored workshops in customer and public service. This workshop will be provided every six months for new employees as well, so expectations are known to new staff early in their employment with the department and the county.
- f. **Other website improvements** – The department is continually updating the website. Key documents, including zoning ordinances, Comprehensive Planning

Elements, Community Plans, and zoning maps are available online. Hearing agendas and related staff reports are also available and kept up to date. The department has received compliments about the improvements to the website and the usefulness of the site to our customers.

5. **Zoning Ordinance Reformat Project (ZORP):** On September 20th, the Board of Supervisors directed the format of the new zoning ordinance. Articles I, II, III, and V are being reformatted into one consolidated code and Article IV (the Montecito Ordinance) is being separately reformatted in a similar manner. Phase Two will include preparation of a consolidated code for Montecito, including Article IV and relevant sections of Articles I, II, and V. This will be undertaken in conjunction with the community of Montecito, with the bulk of the costs to be covered by the community. A draft of the consolidated code and reformatted Article IV are expected to be reviewed by the County and Montecito Planning Commissions at a joint hearing on December 7th, with final action by the Board of Supervisors anticipated on January 24, 2006.

C. **Other Process Improvement Efforts**

There have been several other process improvement studies that the Board or the department has initiated in the last nine months. These additional process improvement efforts are addressed below:

- a. **North and Central County BARs** – There has been interest expressed in having more local control of the design review process, especially in North County. On September 27th, 2005, your Board approved the first reading of an ordinance to establish a North, Central and South BAR, with the Montecito BAR remaining as it is currently constituted. Amendments to the zoning ordinances (Articles II and II) to reflect the two changes in authority of the North County BAR (advisory recommendations on single family homes with limits on the length and numbers of review, and exemptions for residential and commercial developments not open or visible to the public) will be heard by the Planning Commission on October 12th. The Board is scheduled to conduct the second reading on the BAR ordinance and the amendments to the zoning ordinance on November 22, 2005. This would be the final action necessary to establish the additional BARs, scheduled to be in place at the beginning of the year.
- b. **CEQA Guidelines Changes** - These changes relate primarily to the Administrative Draft EIR availability for review by applicants and the public if the applicant elects, prior to release of the public Draft EIR; communication between County staff, consultant and the applicant during preparation of the environmental impact report (EIR); and oversight of EIRs on County programs (e.g., Housing Element Update) by staff of another department. The Montecito Planning Commissions reviewed the proposed revised CEQA Guidelines language on

September 21st and the County Planning Commission reviewed the language on October 5th. These recommendations will be forwarded to your Board for consideration on October 25, 2005.

- c. **Building Height** - A group of architects and public members have been working with staff to revise the way building height is calculated to ensure a consistent and predictable result. These ordinance amendments are docketed separately for consideration on the Board's agenda for October 18th.
- d. **Planning Commission Concept Review** - At their retreat on July 16th, the Planning Commission requested staff bring forward the possibility of the Planning Commission hearing projects early in the process through a concept review process, which could be conducted jointly with the BAR or HLAC when appropriate. Staff researched the City of Santa Maria and Santa Barbara processes and brought the item forward on August 24th with a recommendation that the Planning Commission establish a concept review process. The Planning Commission embraced the process and adopted a change to their procedures manual on October 5th establishing the process. We will begin identifying projects for concept review in November. The Montecito Planning Commission also embraced the concept at their joint workshop with the MBAR on September 21st and is set to adopt procedures manual changes on October 19th. The Montecito Planning Commission is tentatively scheduled to have their first concept review on November 17th on the Villa Te project.
- e. **Geographic Team Assignments** - The department is restructuring case assignments in the North and South County Development Review Divisions. Staff will be organized into geographic units to provide consistent and efficient service to constituents as well as to reduce the initial training required of planners on all the community plans and zoning ordinance distinctions. The attached map shows the seven areas of assignment. The areas include Santa Maria/Orcutt/Cuyama, Lompoc, Santa Ynez, Gaviota/Hollister/Bixby/Isla Vista, Santa Barbara/Goleta, Montecito and Carpinteria/Toro/Summerland. This restructuring will be phased to reduce the impact on current applications. Department staff will be alerting applicants to this change in advance of its implementation.
- f. **Use of Contractors in Case Processing** - Workload fluctuations and staffing vacancies sometimes require the use of contractors. The department worked to have open services contracts with two firms on contract to provide backup in processing private development applications. While the department is committed to being staffed appropriately for the volume of work, the contracts will provide the necessary buffer based upon variations in staffing and workload.

- g. Improved Service to North County residents** - The department has been assessing the level of customer service provided to its constituents and has enhanced services in the North County. Both the Subdivision/Development Review Committee and the Zoning Administrator meetings now alternate between Santa Barbara and Santa Maria, and are linked by video conferencing so residents can choose the most convenient location to participate in meetings. This matches the model of the Planning Commission and Board of Supervisors alternating their meeting locations. The department will continue to look for opportunities to provide good customer service throughout the County.
- h. Increased Service to the Planning Commissions** – Senior staff (either a Deputy Director or the Assistant Director) sit with both of the Planning Commissions throughout their meetings to provide higher level support to the Commissions. In addition, the Deputy CEO normally sits with the Planning Commissions during their morning sessions.
- i. Multi-Departmental Coordination** - Representatives of the departments and agencies involved in reviewing private development proposals (Public Works, Flood Control, Roads, Surveyor, Fire, Environmental Health Services, Parks, and Air Pollution Control District) have been meeting to improve coordination between the departments and agencies. The outcome of these meetings will be improvements to the permit review process, which may include a virtual one stop shop, and enhanced public information available at public counters and on the website.
- j. Joint Planning Commission and Board of Architectural Review Meetings** – The Chairs of the County and Montecito Planning Commissions and the Chairs of the County and Montecito Boards of Architectural Review have been meeting to discuss coordination issues. These meetings have been augmented by public workshops attended by members of both. Improvements will be implemented as they are identified.
- k. Staff training** - The department's Training Program for planners has been streamlined to include required core courses and optional classes. By the end of the year, all planners will have taken all the core courses required in their class that are offered or available on DVD. In addition, all staff in the department will have participated in a customer and public service workshop.
- l. Fee Schedule Changes** - On your agenda today are several changes to the department's fee schedule for case processing. These include changing some variable fees, where applicants pay an hourly rate, to fixed fees, where applicants pay a set fee for case processing; discontinuing billing applicants for meetings on

projects with individual Board members; and, providing the option of contracting for permit processing for large, complex projects.

- m. Customer Group Surveys** – In April, each Board member was asked to identify five primary customers, in addition to their Planning Commissioner, to survey regarding Planning and Development. The first quarter survey results were presented to the Board of Supervisors at the Departmental Operations Review on July 12, 2005. The group was recently resurveyed. The results will be presented to the Board at the October 18th hearing. The survey results showed improvements in all survey areas.

III. ITEMS FOR FUTURE BOARD CONSIDERATION

Staff has explored additional measures that would simplify and streamline the review process while still maintaining its integrity. Other ideas we'd like to explore and get input from your Board include:

- A. Televising South Board of Architectural Review Meetings:** Interest has been expressed by the BAR and public members in televising BAR meetings. This can be accomplished for the South BAR relatively easily as the SBAR meets in the County Planning Commission hearing room, which is set up for television broadcasting. A plans camera would be required, at an expense of \$14,000. Televising the Montecito, Central and North BAR may prove to be more challenging. Montecito BAR meets in Montecito in a room not set up for televising. Meeting locations have not yet been established for the Central and North BARs. Staff recommends that we begin televising the SBAR and address televising the North and Central BARs in the third quarterly report when these BARs will be operational, and is seeking direction from the Board.
- B. Virtual One-Stop Center for Applicants:** The Multi-Departmental Coordination team is analyzing the costs and benefits of establishing a virtual one stop center for applicants. This would be a web based system that would provide a way for permit applicants to meet with all relevant departmental and agency representatives together. This is estimated to cost about \$220,000 to develop. The department believes this will greatly enhance the service to its customers and seeks direction from the Board.

IV. SECOND QUARTER REVIEW ITEMS

In addition to the Zoning Ordinance Reformatting Project, the Orcutt Pilot Program and the additional ministerial permit streamlining amendments, the following will be presented to the Board of Supervisors during the second quarterly review on January 24, 2006:

- A. Historic Landmarks Advisory Commission Enhancements:** The Landmarks Commission has requested that they be provided additional staff support, including a staff member with knowledge of historic resources and the Commission's rules and procedures. They have also expressed interest in updating their rules and procedures based upon their experience on recent large and complex projects. Staff will research this issue and look for funding sources, and seek direction from the Board during the second quarterly report.
- B Zoning Enforcement Program Changes:** The Board has expressed concern about the enforcement program and the effects the program has on agricultural operations in the County. Staff will be preparing options and will seek direction from the Board during the second quarterly report.

IV. NEXT STEPS

As discussed above, there are several related items that are being analyzed and will be coming before your Board for action in the coming months. Those that have scheduled hearing dates include:

Board meeting date	Process Improvement Item
October 18, 2005	1. First quarterly report on Process Improvement Plan (this report) 2. New homes in approved tracts – Action on proposed ordinance changes 3. Appeal process – Action on proposed ordinance changes 4. Building Height definition – Action on proposed ordinance changes to clarify definition 5. Fees – Reviewing fixed fees
October 25, 2005	6. CEQA Guidelines changes – Action on proposed ordinance changes
November 22, 2005	7. North County BAR(s) – Action on proposed ordinance changes
January 24, 2006	8. Second quarterly report on Process Improvement Plan

9. Ministerial Process changes – Action on proposed process changes
10. Orcutt Pilot Program – Action on proposed ordinance changes to initiate pilot program
11. Zoning Ordinance Reformat Project – Action on reformatted ordinances
12. Historic Landmarks Advisory Commission Enhancements
13. Zoning Enforcement Program Changes

Mandates and Service Levels: These activities are not mandated but will increase the service levels provided to our customers.

Fiscal and Facilities Impacts:

Funding for the preparation of this report is budgeted in the Planning Support program in the Administration Division, on page D-290 of the adopted 2005-06 fiscal year budget. Funding for staff and contractors working on process improvement projects is offset from salary savings from the vacant P&D Director position. A request to the County Executive Office has been made for additional funding to offset costs for several unfunded projects discussed in this report, including: CEQA Guidelines, Planning Commission Conceptual Review, Customer Service Training, Multi Departmental Permit Coordination, Applicant Email project and other website improvements.