

ATTACHMENT A

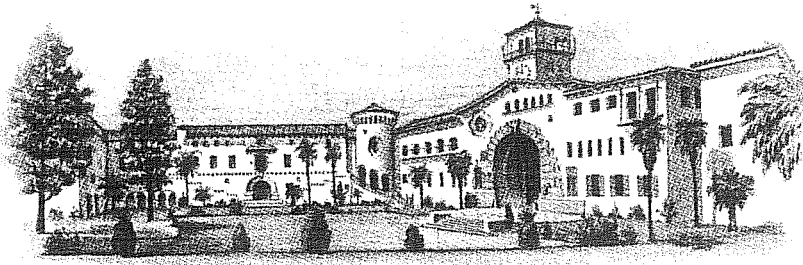
SALUD CARBAJAL
First District

JANET WOLF
Second District, Vice Chair

DOREEN FARR
Third District

JONI GRAY
Fourth District

JOSEPH CENTENO
Fifth District, Chair



BOARD OF SUPERVISORS

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COUNTY OF SANTA BARBARA

May 5, 2009

Honorable J. William McLafferty
Presiding Judge, Santa Barbara County Superior Court
1100 Anacapa Street, 2nd Floor
P.O. Box 21107
Santa Barbara, CA 93121-1107

RE: Response to the 2008-2009 Grand Jury Report, *Got a Planning Problem? Appoint a Committee*

Dear Judge McLafferty:

The Grand Jury requested the Board of Supervisors respond to Findings and Recommendations of the above-referenced report. The County Board of Supervisors formal response follows:

Grand Jury Finding 1a: The County established a Housing Advisory Committee of more than 50 members. The Committee never submitted a report to the Board of Supervisors and disappeared without a trace.

Response to Finding 1a:

Wholly disagree. On October 28, 2003, the Board of Supervisors established the Housing Advisory Committee (HAC), which was to be facilitated and managed by the Housing and Community Development Department (HCD). On July 27, 2004, HCD submitted a status report to the Board regarding the HAC's first six months of activity. Following this status report, on March 1, 2005, an initial set of HAC policy recommendations were presented to the Board by HCD. This first report was followed by a subsequent report on April 19, 2005, with a second set of HAC policy recommendations. HCD staff recommended the Board approve one of the HAC's recommendations by authorizing HCD to develop a Ten Year Plan to End Chronic Homelessness. Following the Board's direction, HCD began working to develop *Bringing Our Community Home*, the County's Ten Year Plan to End Chronic Homelessness, which was subsequently adopted by the Board on October 17, 2006.

Meeting minutes from the HAC indicate that the HAC continued to meet and monitor the implementation of these recommendations through January 2007. The meeting minutes of November 2, 2006 state that the HAC's intention was to meet through 2007.

Grand Jury Finding 1b: The Board of Supervisors and Chief Executive Officer failed to follow through on the progress of the committee.

Response to Finding 1b:

Partially disagree. A progress report along with the HAC's recommendations were submitted to the Board, and formed the basis for further Board's direction on April 19, 2005 to authorize staff to develop the Ten Year Plan to End Chronic Homelessness. The County's subsequent development of that plan represents a clear example of direct follow-through by the CEO on HAC-related work. A number of other the HAC's recommendations were also implemented. Further, the meeting minutes of November 2, 2006 indicate that the HAC's intention was to meet through 2007, and complete its work with a final report to the Board by December 2007. This coincided with the reorganization of HCD and the departure its Director, who was in charge of facilitating the HAC. With the loss of the Director, a final summary report on the HAC's activities was not developed or presented to the Board. Accordingly, although the HAC intended to formally complete its work by December 2007, no final report was made to the Board.

Grand Jury Finding 2a: The County Executive Officer recommended further study of the Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, including those with fewer than five units.

Response to Finding 2a:

Agree. As required by State law, the County's Housing Element must be updated every five years. This update must include an evaluation of existing policies and programs, including the Inclusionary Housing Program and In-lieu Fee, which constitute Housing Element policies 1.2 and 1.3, respectively. To assist with this requirement, Long Range Planning has secured the services of a land use economics and housing consultant to review the recommendations provided by the Affordable Housing Policy Committee, provide an objective determination as to the effectiveness of the existing program, and recommend any necessary changes. Public outreach for the Housing Element update will occur during the summer of 2009, including initiation for environmental review with the Planning Commission and Board of Supervisors.

Grand Jury Finding 2b: The presentation of Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, to the Board of Supervisors did not adequately present the intent and significance of the recommendation.

Response to Finding 2b:

Wholly disagree. On June 19, 2007, the Board of Supervisors adequately discussed and understood the intent and significance of Affordable Housing Policy Committee Recommendation 5, following the presentation and dialogue with staff. Several times during the hearing, staff recommended that the Board allow for further study of Recommendation 5; however, three Board members gave clear direction to staff that Affordable Housing Policy Committee Recommendation 5 should not be studied in further detail. Specifically, these Board members did not want to consider applying the Inclusionary Housing Program and In-lieu Fees to residential developments of less than five units.

Grand Jury Finding 2c: The County Board of Supervisors denied the staff's recommendation to study the application of in-lieu fees to all residential development (AHPC Recommendation 5), and the matter was dropped.

Response to Finding 2c:

Agree.

Grand Jury Recommendation 2: That the County Board of Supervisors request a comprehensive staff presentation as the basis for reconsidering Recommendation 5 from the Affordable Housing Policy Committee to apply variable in-lieu fees to all residential development.

Response to Recommendation 2:

The recommendation will not be implemented because it is not warranted. The Board of Supervisors gave clear direction to staff that Affordable Housing Policy Committee Recommendation 5 should not be studied in further detail. Nevertheless, additional opportunities to review the County's housing policy framework, inclusive of the Inclusionary Housing Program, will be available through the 2009-2014 Housing Element update process.

Grand Jury Finding 7: The Ministerial Permit Process has been the single consistent area of emphasis selected by the Planning and Development Department for analysis and improvement.

Response to Finding 7:

Partially disagree. In addition to the ministerial permit process, the department has worked on the other priorities established by the Board of Supervisors in May of 2005, including appeals, agricultural permitting, customer service and the Zoning Ordinance Reformatting Project (adopted as the County and Montecito Land Use and Development Codes).

Grand Jury Recommendation 7: That the Planning and Development Department and the Process Improvement Oversight Committee immediately focus on the Ministerial Permit Process for analysis, improvement and closure.

Response to Recommendation 7:

This recommendation has not yet been implemented, but will be implemented in the future. A significant amount of work has already been completed related to ministerial permits, including developing and applying the zoning clearance process, improving noticing to encourage earlier input into the process, and clarifying the appeals process. The Oversight Committee is currently completing additional improvements to noticing for ministerial permits and changes to agricultural permitting (expected to be considered for adoption by the Board of Supervisors in summer/fall 2009) which will complete the current efforts related to ministerial permitting. However, the department recognizes that process improvement is an ongoing effort and additional improvements are expected.

Grand Jury Finding 9: The Planning and Development Department and the Process Improvement Oversight Committee have a stated policy of focusing on non-controversial subjects when selecting issues for analysis.

Response to Finding 9:

Wholly disagree. No such policy exists. The mission statement of the Oversight Committee, as endorsed by the Board of Supervisors, is to “make the process easier to navigate, and more time efficient and cost effective, while maintaining quality development in Santa Barbara County”.

Grand Jury Recommendation 9: That the Planning and Development Department and the Process Improvement Oversight Committee identify problems in the process that require analysis and improvement, without regard to the problem’s potential political implications.

Response to Recommendation 9:

The recommendation has been implemented. The Department and the Oversight Committee have brought items of controversy to the Board of Supervisors, including the Oak Tree Protection Guidelines, the Zoning Ordinance Reformatting Project, some of the downshifting proposals and the Director's recommendations presented to the Board of Supervisors in March of 2007, including elimination of tree policies in the community and general plans, standardizing design guidelines and standardizing community plans.

Thank you for the opportunity to respond to the Grand Jury's thoughtful report.

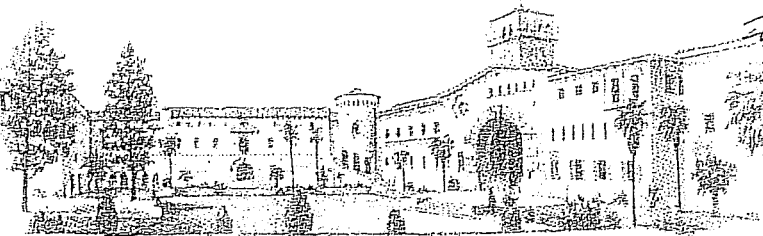
Sincerely,

Joseph Centeno, Chair
Santa Barbara County Board of Supervisors

ATTACHMENT B

MAR 27 2009

S.B. COUNTY
PLANNING & DEVELOPMENT
MAILING ADDRESS:
GRAND JURY ROOM
COUNTY COURTHOUSE
SANTA BARBARA, CA
93101



[http:// www.sbcgj.org](http://www.sbcgj.org)

GRAND JURY SANTA BARBARA COUNTY

March 25, 2009

John Baker Director
Planning and Development Department
1232 East Anapamu Street
Santa Barbara, Ca 93101-2058

Dear Mr. Baker:

Enclosed is the report of 2008-2009 Santa Barbara County Civil Grand Jury entitled *Got a Planning Problem? Appoint a Committee - Worthy Goals, Little Follow-through* in which your department is named as an affected agency.

You are required to respond to each finding and recommendation contained in the report in the manner provided by California Penal Code 933.05(b): Within 60 days of the date of receipt of this report.

Your are required to send your responses to the Presiding Judge of the Superior Court and to the Grand Jury in the form and to the addressed indicated in this letter:

To the Superior Court: (Signed printed original response)

The Honorable Judge J. William McLafferty
Superior Court
1100 Anacapa Street, 2nd floor
P.O. Box 21107
Santa Barbara, CA 93121-1107

To the Grand Jury (Signed printed and computer file copy.) Computer copy on CD-ROM disk in MSWord or PDF format:

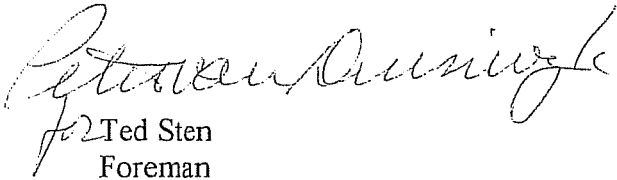
Santa Barbara County Civil Grand Jury
Attention: Foreman
1100 Anacapa Street

Santa Barbara, CA 93101

The report will be released to the public not less than two working days following the date of delivery of this report to you. The report is confidential until public release.

If you have any questions, please contact me at the above address.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Ted Sten".

Ted Sten
Foreman
Santa Barbara County Civil Grand Jury

Enclosure

GOT A PLANNING PROBLEM? APPOINT A COMMITTEE

Worthy Goals, Little Follow-through

SUMMARY

The 2008-2009 Santa Barbara County Civil Grand Jury (Jury) examined the work of four committees appointed by the Board of Supervisors (BOS) to provide assistance in formulating policy with regard to County planning issues. Each committee was appointed as a result of Supervisorial reaction to public frustration with the perceived level of service provided by the Housing & Community Development and the Planning & Development Departments. The County is fortunate to have a significant number of citizens willing to volunteer time and expertise to support these committees. In return for their response to the County's calls for help, these committees were met with passivity from the BOS that could discourage future participation from all but the most ardent citizen volunteers. The Jury found that one of the committees had simply been allowed to disappear without a trace. Another had met its commitment and submitted a report to the BOS, but few recommendations have yet seen the light of day. One of its recommendations, to apply in-lieu fees to all residential development, had been inadequately communicated to the BOS by County staff resulting in what the Jury believes was an ill-informed decision by the BOS. The Jury recommends that the BOS reconsider that recommendation to apply in-lieu fees to all new residential development. The third committee has morphed into a follow-on committee, which, now in its fourth year of operation, is functioning and submitting reports to the Board. In the case of this currently functioning committee, the Jury found that it is comprised of talented people making numerous constructive contributions. But after six years the Planning & Development Department has not adopted a methodology for this committee to establish specific goals, guide its pursuit of these goals, or measure progress toward their achievement. The Jury makes specific recommendations to increase the committee's effectiveness and responsiveness to the BOS.

BACKGROUND

The Santa Barbara County Board of Supervisors (BOS) has a history of establishing committees to assist them in developing policy and processing initiatives related to housing, particularly affordable housing, in the County. Considerable time and talent has been, and is currently being, invested in these committees. The Santa Barbara County Civil Grand Jury selected four committees, each of which was assigned high profile responsibilities by the BOS, to determine whether their efforts were effectively contributing to the goals established by the Board. The four committees examined were the:

- 1) Housing Advisory Committee (HAC)
- 2) Affordable Housing Policy Committee (AHPC)

- 3) Process Improvement Team (PIT)
- 4) Process Improvement Oversight Committee (PIOC)

METHODOLOGY

The Jury reviewed the charters and directives issued by the BOS to establish the committees and their goals, reviewed minutes of committee meetings, examined the reports issued and presentations made by the committees to the BOS. It also interviewed selected members of the committees, and in the case of the PIOC attended a series of its meetings and examined the documentation relating to the issues under review by that committee. To investigate the process employed by the PIOC to guide its efforts, the Jury: 1) examined the techniques used by Planning & Development and the Committee to select issues/processes for analysis, 2) compared the selected issues with the goals set by the BOS, 3) investigated the methods used by P&D and the committee to analyze the processes associated with their selected issues, 4) examined the structure of the committee, and 5) reviewed how committee issues are communicated to the BOS.

OBSERVATIONS

Housing Advisory Committee (HAC)

In order to address a variety of perceived problems with the affordable housing program, the Board of Supervisors (BOS) conceptually approved the HAC in July 2003 and granted formal approval in October 2003. The HAC was designed around a detailed set of by-laws and a code of ethics with the purpose "...to assist in and make recommendations regarding the development of housing within the County, and affordable housing in particular, through the development of policies, projects, strategies, and programmatic goals and objectives."¹ This was to be achieved through a hierarchy of committees:

- 1) A Steering Committee of some 20+ members meeting on a monthly basis,
- 2) An additional seven subcommittees, meeting not less than bi-monthly, focused on
 - a. Multi-family Housing
 - b. Senior Housing
 - c. Homelessness
 - d. Special Needs Housing
 - e. Farm Worker Housing
 - f. Homeownership
 - g. Workforce Housing

¹ Board Agenda Letter 10/16/03: "Approval and Adoption of Housing Advisory Committee, etc."

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- 3) The entire HAC, chaired by the Housing & Community Development Director, would meet at least quarterly, and report to the BOS on an “as needed basis.”

The HAC’s first year assignment was to complete a countywide audit for each housing group in the State-mandated Regional Housing Needs Assessment (RHNA). Its goal was to develop a baseline for growth and to submit the results to HCD. The Committee would then take the numbers and, working with P&D, identify the resources necessary to accommodate projects to address the housing needs. According to its charter, “These findings will be presented to the Board of Supervisors for their consideration and direction...”² During months nine and ten of the first year, the strategy for the second year would be presented to the BOS.

The Grand Jury was unable to locate any evidence that a report was ever submitted to the BOS. The Director of HCD was replaced in January 2007, more than three years after formation of the HAC. Although the HAC was referred to in the 2007-2008 County Operating Budget as “...an advisory body...to the Santa Barbara County HCD and the Board of Supervisors (BOS)”, the Jury concluded that this committee had dissolved well prior to that period with nothing to show for its efforts and with no formal notification to the BOS. The 2008-2009 County Budget contains no references to the HAC.

Affordable Housing Policy Committee (AHPC)

In November 2006 in recognition of the continuing problems associated with affordable housing programs, particularly in the oversight of for-sale units, HCD recommended a five-member Stakeholders Advisory Group. This group was to represent the five Supervisorial Districts to “...review the goals, policies and outcomes of the Inclusionary³ Housing Program and alternatives to the Inclusionary Program.”⁴ Subsequently renamed the Affordable Housing Policy Committee (AHPC), it convened in December 2006 and submitted its report with 13 recommendations to the BOS in June 2007. County staff recommended acceptance of all 13 AHPC recommendations with the condition that nine of the recommendations required further study by County staff. The BOS, in its turn, rejected one of the Committee recommendations and instructed staff to proceed with either further study or implementation of the remainder. In November 2007 HCD, in conjunction with the County’s Planning & Development Department’s Long Range Planning Division, prepared a matrix of the 13 AHPC recommendations with an anticipated schedule for completion. Three of the recommendations had been implemented by May 2008. The remaining approved recommendations required modification of the Housing Element of the County General Plan which is scheduled for completion in August 2009.

² Ibid

³ Inclusionary programs require new residential developments to include some affordable units in the project.

⁴ Board Agenda Letter 11/14/2006: “Affordable Housing Compliance Project”

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The only recommendation not approved by the BOS either for implementation or further study was AHPC's Recommendation Number 5:

The County must do more, and it should do all that it may do within current legal constraints, to develop new revenue sources earmarked for subsidized affordable rental housing construction and a robust secondary mortgage-financing program. Currently, the Inclusionary Housing Program (IHP) applies only to developments of five or more residential units. Appropriate study and related findings are needed to allow the County to apply the IHP to all housing across the community and more effectively finance affordable housing in all Housing Market Areas. It is strongly recommended that in-lieu fees be based on a matrix of sale price and square footage of the property and be paid at the close of escrow, not at tract map recordation. Further study should explore these incentives.

The County CEO's response to the BOS in support of this recommendation stated: "We believe further study is required prior to making a recommendation on this issue."⁵ Nevertheless, the BOS voted to deny the recommendation.

It is the view of the Jury that inherent in the County's commitment to the IHP must be the development of creative approaches to securing additional sources of funding. This particular recommendation appears to offer significant potential for generating that additional funding. Furthermore, a precursor to this recommendation already exists as a proposal in the 2003-2008 County Housing Element, Section V: Housing Goals, ... Goal 1 ... Policy 1.4, Service Worker Housing Policy:

The county shall require that new construction of primary single dwelling units over 5,000 square feet and additions of 500 square feet or more that increase the total square footage of a house to over 5,000 square feet, in the South Coast and Santa Ynez HMAs, (Housing Market Area) pay a fee to offset the disproportionate demand for low wage service workers that dwelling units this size are likely to create.

And as a part of Policy 1.4, Action 1:

Within one year of adoption of this Element, the county shall consider adopting an ordinance that implements the service worker housing policy and establishes the service worker housing fee.

Initially, it was unclear to the Jury why the BOS did not accept the Affordable Housing Policy Committee recommendation, which is an expansion of the Service Worker Housing Policy. However, after reviewing the recording of the BOS meeting when this item was presented and voted on, the Jury concluded that in its presentation to the Board, the staff did not adequately address the intent and impacts of this recommendation. As a result, the BOS did not have sufficient information necessary to make an informed decision.

⁵ Board Agenda Letter June 5, 2007: "Affordable Housing Policy Committee Report, Attachment A"

Process Improvement Team (PIT)

The 1999-2000 Santa Barbara County Civil Grand Jury, having received numerous complaints from citizens, conducted an investigation of the County's Planning & Development Department. It issued some 30 recommendations for improvement, 13 of them focusing on the need for internal process improvement⁶ and "streamlining". Responding to multiple Grand Jury reports,⁷ and to a variety of perceived internal Department problems, the Assistant Director sponsored the formation of a six-member in-house team in February 2003. Its purpose was to "...analyze the ministerial permit process and develop needed improvements." "Ministerial" describes a governmental decision involving little or no personal judgment by the public official. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location. The current Jury was told that the term "identify" is interpreted to mean "define" in the sense of translating a process into a flow chart. In its report to the BOS in September 2003, P&D noted that one of the goals for the Permit-Process steering group was to "Flow chart the order of required departmental approvals...."⁸

In July 2003 the BOS received its first report regarding this in-house team's work, "Process improvement for Ministerial Permitting", and, on the recommendation of P&D, formally approved the creation of a Process Improvement Team (PIT) to "...accelerate the implementation of short-term improvements and develop a full implementation plan, including pilot testing, for the medium-term and long-term improvements." This constituted a significant expansion of the initial in-house, six-member team effort. Four steering groups totaling 150+ members were organized into focus areas with the following initial priorities:

1. Nature of the Interaction
2. Permit Process
3. Policies and Zoning Ordinances
4. Training, Tools, Supervision and Management

In that same year, the 2002-2003 Santa Barbara County Civil Grand Jury issued a report *CAUGHT IN THE WEB* focusing on P&D. One of that Jury's objectives was "... to examine closely the ministerial permitting process. A ministerial permit is supposedly a simple permit to obtain, requiring only administrative approval, as opposed to a discretionary permit which requires more review, time and costs." That Grand Jury tracked three permit applications through the approval process and found it to be "... slow, frustrating and confusing. The permitting process needs to be further streamlined."

The current Jury has been told repeatedly that the process remains "slow, frustrating and confusing."

⁶ Board Agenda Letter 9/25/2007: "Process Improvement Update". P&D defines process improvement as "...a series of actions taken to identify, analyze and improve existing processes within an organization to meet goals and objectives."

⁷ Board Agenda Letter July 10, 2003: "Process Improvement for Ministerial Permitting"

⁸ Board Agenda Letter September 10, 2003: "Process Improvement for Ministerial Permitting"

Process Improvement Oversight Committee (PIOC)

Note: This Jury found that much of the quoted language and many of the terms used in the remainder of this report are not easily understood but are used routinely in the planning environment.

Approximately two years after the 2002-2003 Grand Jury report was released, P&D notified the BOS that as a direct result of the Process Improvement Team, P&D had implemented 1) a customer feedback system, 2) a novice training video, 3) guidelines for grading/slope protection and 4) an internal training course. In addition initiatives were under review including grading standards, an application submittal checklist, and the Zoning Ordinance Reformatting Project (ZORP). However, as reported to the BOS in February 2005,⁹ the four-steering-group structure was proving to be unwieldy and in May 2005 the BOS approved replacing the PIT with a single Process Improvement Oversight Committee (PIOC) consisting of 25 members,¹⁰ and issued a revised (second) set of priorities:

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

As the only active committee of the four BOS improvement committees, the PIOC received the most attention from the current Grand Jury. The Jury wishes to thank the Committee Coordinator for being extremely responsive and forthright and for providing a wealth of background information to the Jury relating to Committee progress.

One year after formation of the PIOC, P&D provided an extensive progress report to the BOS based on input from the Committee and received approval to proceed with a new (third) set of priorities:¹¹

- *“Downshift” agricultural-related LUPs (Land Use Permits) to Zoning Clearances*
- *Change Development Plan threshold for agricultural-related projects*
- *Montecito version of ZORP*
- *Improve inter-departmental coordination...*
- *“Downshift” appropriate LUPs to Zoning Clearances or Exemptions*
- *“Downshift” review of certain discretionary applications*
- *LUPs that follow discretionary approvals*
- *Streamlined process for projects in the Los Alamos Community Plan Area*

⁹ P&D Memo to BOS February 6, 2005 RE: Process Improvement

¹⁰ Board Agenda Letter May 12, 2005: “Process Improvement Plan for P&D”

¹¹ Board Agenda Letter May 11, 2006: “Report on Process Improvement Plan”

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In September 2007 P&D submitted another report to the BOS reviewing actions to date.¹² This time, however, rather than requesting approval for yet another set of priorities, P&D advised the BOS that it had decided to focus on:

1. *Additional noticing improvements*
2. *Shift of some small LUPs to Zoning Clearance*
3. *Shift of some small agriculture-related permits to Zoning Clearances*
4. *Shift of review level for some applications (shifting selected CUP's {Conditional Use Permits} to LUPs)*
5. *Other agriculture-related permits*

Despite P&D's changing set of priorities, the Process Improvement Oversight Committee has demonstrated real staying power over the past five years. The members are highly motivated, knowledgeable and forthright with each other and members of the Jury. The Committee contains advocacy groups, architects, neighborhood representatives, and permit expeditors. P&D, on behalf of the Committee, issues a detailed quarterly progress report with recommendations to the BOS. The Department's stated approach has been to agendize for PIOC consideration non-controversial issues, which they refer to as "low-hanging fruit", in order to demonstrate success prior to tackling the more difficult, potentially higher payoff, issues facing the County.

With this as a backdrop, the Jury defined the parameters of its investigation to clarify the role of the PIOC and establish performance benchmarks to judge its effectiveness.

Issue/Process Selection

In April 2003 the Deputy Director, Planning & Development, conducted a written survey of staff members to ascertain their thoughts regarding problems and possible approaches to improving the ministerial permit process from the standpoints of service to customer and internal work environment. The survey addressed over 70 issues, from overall comments relating to customer service down to evaluations of specific department documents. The Jury makes the following general observations:

- It is commendable that this survey was conducted as a first step toward change.
- It appears that the survey was used as an aid in isolating problems for internal review.
- There is no clear indication as to how the survey results translated into the PIOC process.
- No follow-on survey was conducted to measure progress against the initial "problem list".

The Process Improvement Oversight Committee meets on a monthly basis for two hours. The PIOC acts as a "sounding board" for issues that have been raised by P&D. The Jury was told that the PIOC provides P&D and the BOS with some level of assurance that P&D process improvements have external customer input. In the PIOC Draft Meeting Minutes of February 28, 2008, there is evidence that P&D and the PIOC, after three years, still have some concern with their current approach:

¹² Board Agenda Letter September 25, 2007: "Process Improvement Update"

Strategy for focus of Oversight Committee & process improvement efforts – The Committee agreed that it makes sense to go back to the beginning of the process to look at the applications, checklists and pre-application process. We'll discuss these items plus overall priorities & recommendations for work to be done this calendar year.

Process Improvement Oversight Committee Accomplishments vs. Board of Supervisors' Goals

On March 6, 2007, following four years of update reports to the BOS, P&D issued "Significant Accomplishments and Upcoming Projects", a report including the following list of "significant accomplishments":

Continuous Process Improvement

- *Changes are underway¹³ to provide customer with project time estimates...*
- *Changes have been proposed to the follow-up permit process for Conditional Use Permits ...*
- *Revisions have been proposed to the Coastal Development Permit process ...*
- *Permits for minor developments ... are in development ...*
- *Staff completed the Zoning Ordinance Reformatting Project, ...*
- *The Coastal Zoning Ordinance is in the process of being integrated into the Montecito Land use ...*
- *The level of information provided to the public has been increased significantly ...*
- *A new Petroleum Ordinance tightens the regulatory activities ...*
- *Staff has worked with the Oversight Committee and the Agricultural Advisory Committee on various proposals ... and have been temporarily placed on hold ...*
- *The Oversight Committee and staff have focused efforts on ministerial permitting, appeals processes, agricultural permitting, customer service and the zoning ordinances. The Department will continue to focus on these areas under the Continuous Process Improvement umbrella.*

The Jury was struck by the admission in the P&D statements that after so many years only one of its goals had been fully achieved; and that was the Zoning Ordinance Reformatting Project. This report indicates to the Jury that there was not an effort by P&D, and therefore the PIOC, to develop specific measures of success related to their assigned goals.

This lack of rigor in defining specific goals and developing a system to measure progress toward their attainment is reflected in the ambiguity of the concluding statement of P&D's follow-on status report to the BOS on October 16, 2007:

Some people may believe that the Committee has largely fulfilled its charge relating to the five priorities (Ministerial Permits, Appeals,

¹³ Emphasis added

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Agriculture permits, Customer Serving (sic) and ZORP) whereas others believe there are many issues that could still be addressed.

If the Department Director who recommended establishing the PIOC and its charge does not know if it has fulfilled its charge, who does?

The 1999-2000 Grand Jury noted in its final recommendation, #30, relative to P&D:

No matter what the philosophical split of the BOS, the predictable philosophical division, heavy with political overtones, should stop.... Politics must be put aside if the County is to grow in a way that provides housing and work for its citizens...

It may still be that some level of continuing divisiveness, parochialism, mixed messages, or “don’t rock the boat” attitude has found its way into P&D’s culture with the result that its approach to process improvement continues in the mode of having “... consciously left more challenging issues for later rounds.”¹⁴

The Jury has observed a number of PIOC meetings and was impressed with the knowledge and enthusiasm of all participants. However, the committee members’ conscientious efforts and the P&D staff contributions have not been focused in a way that drives measurably toward achieving the specific goals established by the BOS.

Process Analysis

The PIOC has no written charter or documented process to guide its analysis and efforts. However, the P&D representatives to the PIOC recognize the requirement for flow charts and informed the Jury that flow charts were used to develop the Accela™ software system, which is intended to track and manage activities within P&D. Furthermore, the P&D link on the County Website contains a number of flow charts pertaining to the permitting process.

The Jury was provided a list of 21 P&D processes and their flow charts, and the Jury was told that these charts were used to support the development of P&D’s software. We attempted to examine the most basic and high-use process charts:

- 1) The Ministerial Process, applicable to projects that are exempt from discretionary review
- 2) The Building & Safety Permit Process

Despite the changing priorities and goals established for the PIOC, emphasis on the ministerial permit process is a common thread through the five-year improvement period. The Jury assumed that this process would by now be well defined, but it is not. On the basis of the chart provided, **this process cannot be navigated**. The deficiencies in this chart were also present in the other charts reviewed.

Section III of the 2003-2008 County Housing Element states that the County has “Introduced a ‘fast track’ permit process for projects that provide a large number of units

¹⁴ Board Agenda Letter September 10, 2003: “Process Improvement for Ministerial Permitting”

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at affordable levels or for persons with disabilities.” In fact, the Jury learned that there is no separate fast track process for these projects.

Committee Structure

Members of the Grand Jury attended four Committee meetings and reviewed the agendas and results of 10 meetings conducted during 2008. A total of 34 different people attended these meetings. In the words of the Committee Coordinator “... the membership is somewhat fluid”.

- Although membership in the PIOC is specified as 25, participation from this select group ranged from 11 to 14 people at any particular meeting. This is in contrast to the original 150+ member PIT.
- The overall level of participation was generally consistent at about 13 people per meeting, with a core membership (attending at least half of all meetings) of 11 people from the 25 members.
- The committee agendas and meeting minutes are distributed to 65 people, including all BOS aides.
- Those attending virtually all the meetings included the Committee Chair, the Committee Coordinator, the Executive Director of the Coalition of Labor Agriculture and Business (COLAB), the Director, Development Services (formerly Assistant Director of P&D), a P&D staff member, and a private architect from Santa Barbara. The BOS was rarely represented.

The meetings observed by the Jury were well conducted. The Chair and Coordinator kept to the agenda, the meetings were efficient, all points of view from throughout the County were considered, there was a high comfort level among all participants, the P&D staff offered detailed insights, and consensus was achieved on most issues. We commend these committee members for their involvement and contributions. However, observations on the level of discourse and consensus must be tempered with the realization that P&D has so far:

- limited the discourse to non-controversial issues,
- not effectively engaged other departments that interface with P&D,
- not reached closure on the main goals established for it and the PIOC.

The effectiveness of the PIOC appears to be limited by the level of authority they have been granted and the absence of a disciplined technique to select and analyze the P&D processes.

Reporting to the Board of Supervisors

The PIOC Coordinator and the Director, Development Services have been diligent in submitting reports to the BOS. However, because of a stated reluctance to take on the more controversial or higher payoff issues facing the Department, and the lack of standards against which to report Committee progress, the reports come across as “political documents” that do not, in the opinion of this Jury, distinguish between the wheat and the chaff. Furthermore, the tone and substance of the reports reflect the impression the Jury received from the interviewees – that P&D and the PIOC are more interested in obtaining approval for recommendations than in the recommendations

themselves. This group was not initially formed to engage in a political process; it was formed to engage in process improvement. Its members recognize the realities of the situation, but do not focus on objectively developing concrete quantitative improvements and recommendations that have the potential for high payoff regardless of the perceived response from the BOS.

The Jury learned that the PIOC receives limited support from P&D and is a candidate for the County budget chopping block. The Jury is concerned that the County's failure to support this underutilized resource would further limit progress toward improving a frustrating procedure that has persisted far too long.

FINDINGS AND RECOMMENDATIONS

Finding 1a

The County established a Housing Advisory Committee of more than 50 members. The Committee never submitted a report to the Board of Supervisors and disappeared without a trace.

Finding 1b

The Board of Supervisors and the Chief Executive Officer failed to follow through on the progress of the committee.

Finding 2a

The County Chief Executive Officer recommended further study of the Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, including those with fewer than five units.

Finding 2b

The presentation of Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, to the Board of Supervisors did not adequately present the intent and significance of the recommendation.

Finding 2c

The County Board of Supervisors denied the staff's recommendation to study the application of in-lieu fees to all residential development (AHPC Recommendation 5), and the matter was dropped.

Recommendation 2

That the County Board of Supervisors request a comprehensive staff presentation as the basis for reconsidering Recommendation 5 from the Affordable Housing Policy Committee to apply variable in-lieu fees to all residential development.

Finding 3a

The Planning & Development Department conducted an internal survey in April 2003 to determine staff perceptions of the extent and seriousness of problems facing the Department.

Finding 3b

There is no evidence that the original survey results were integrated into the processing used by the Planning & Development Department or Process Improvement Oversight Committee to identify, analyze, and improve the Department's processes.

Finding 3c

A follow-up survey has not been conducted to determine if staff perceptions have changed.

Recommendation 3

That the Planning & Development Department conduct a follow-on survey to determine staff's current perceptions of the extent and seriousness of problems still facing the Department and integrate the results into the procedures used by the Planning and Development Department and the Process Improvement Oversight Committee to identify, analyze, and improve the Department's processes.

Finding 4

Supervisors' representatives rarely attend meetings of the Process Improvement Oversight Committee.

Recommendation 4

That the Board of Supervisors be represented at all meetings of the Process Improvement Oversight Committee.

Finding 5

The Planning & Development Department is the primary source of issues for analysis by the Process Improvement Oversight Committee.

Recommendation 5

That the Process Improvement Oversight Committee be given additional authority to participate in the selection of issues for analysis.

Finding 6

The existing Planning & Development Department flow charts are inadequate for defining, analyzing and improving the processes they depict.

Recommendation 6

That the Planning & Development Department and the Process Improvement Oversight Committee use properly constructed process flow charts as the basis for defining, analyzing and improving the processes applicable to the Department.

GOT A PLANNING PROBLEM? APPOINT A COMMITTEE

Finding 7

The Ministerial Permit Process has been the single consistent area of emphasis selected by the Planning & Development Department for analysis and improvement.

Recommendation 7

That the Planning & Development Department and the Process Improvement Oversight Committee immediately focus on the Ministerial Permit Process for analysis, improvement and closure.

Finding 8

The Planning & Development Department has not effectively involved interfacing departments in its process improvement efforts.

Recommendation 8

That the Planning & Development Department and the Process Improvement Oversight Committee involve all interfacing departments in the analysis and process improvement effort.

Finding 9

The Planning & Development Department and the Process Improvement Oversight Committee have a stated policy of focusing on non-controversial subjects when selecting issues for analysis.

Recommendation 9

That the Planning & Development Department and the Process Improvement Oversight Committee identify problems in the process that require analysis and improvement, without regard to the problem's potential political implications.

REQUEST FOR RESPONSE

In accordance with *California Penal Code Section 933.05*, each agency and government body affected by or named in this report is requested to respond in writing to the findings and recommendations in a timely manner. The following are the affected agencies for this report, with the mandated response period for each:

Board of Supervisors – 90 days

Findings	1a, 1b, 2a, 2b, 2c, 7, 9
Recommendations	2, 7, 9

County Planning & Development Department – 60 days

Findings	2a, 2b, 3a, 3b, 3c, 4, 5, 6, 7, 8, 9
Recommendations	3, 6, 7, 8, 9

RECEIVED

MAR 27 2009

S.B. COUNTY
PLANNING & DEVELOPMENT

CERTIFICATE OF SERVICE

The undersigned, under the penalty of perjury, does hereby certify that a copy of the report of the Santa Barbara County Civil Grand Jury,

GOT A PLANNING PROBLEM? APPOINT A COMMITTEE Worthy Goals, Little Follow-through

Was delivered to 123 East Anapamu Street
Santa Barbara, CA 93101-2058

Affected Agency: Planning and Development Department

Person accepting: Marian Jones Marian Jones
Printed name Signature

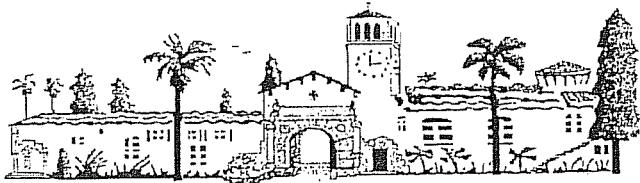
Office Assistant
Title

at 123 E. Anapamu Santa Barbara California
Street address City

3/27 2009 10:35 AM
Date delivered Time delivered

Michael Olson
Signature of Juror

ATTACHMENT C



County of Santa Barbara Planning and Development

John Baker, Director

Dianne Black, Director Development Services

John McInnes, Director Long Range Planning

April 23, 2009

Honorable J. William McLafferty
Presiding Judge, Santa Barbara County Superior Court
1100 Anacapa Street, 2nd Floor
P.O. Box 21107
Santa Barbara, CA 93121-1107

RE: Response to the 2008-2009 Grand Jury Report, Got a Planning Problem? Appoint a Committee

Dear Judge McLafferty:

The Grand Jury requested Planning and Development respond to Findings and Recommendations of the above-referenced report. The department's formal response follows:

Grand Jury Finding 2a: The County Executive Officer recommended further study of the Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, including those with fewer than five units.

Response to Finding 2 a:

Agree. As required by State law, the County's Housing Element must be updated every five years. This update must include an evaluation of existing policies and programs, including the Inclusionary Housing Program and In-lieu Fee, which constitute Housing Element policies 1.2 and 1.3, respectively. To assist with this requirement, the Long Range Planning Division has secured the services of a land use economics and housing consultant to review the recommendations provided by the Affordable Housing Policy Committee, provide an objective determination as to the effectiveness of the existing program, and recommend any necessary changes. Public outreach for the Housing Element update will occur during the summer of 2009, including initiation for environmental review with the Planning Commission and Board of Supervisors.

Grand Jury Finding 2b: The presentation of Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, to the Board of Supervisors did not adequately present the intent and significance of the recommendation.

Development Review
Building & Safety
Energy, Administration
123 E. Anapamu Street
Santa Barbara, CA 93101
Phone: (805) 568-2000
FAX: (805) 568-2030

Long Range Planning
30 E. Figueroa St, 2nd Floor
Santa Barbara, CA 93101
Phone: (805) 568-3380
FAX: (805) 568-2076

Building & Safety
185 West Hwy 246, Ste 101
Buellton, CA 93427
Phone: (805) 686-5020
FAX: (805) 686-5028

Development Review
Building & Safety
Agricultural Planning
624 W. Foster Road
Santa Maria, CA 93455
Phone: (805) 934-6250
FAX: (805) 934-6258

Response to Finding 2b:

Wholly disagree. On June 19, 2007, the Board of Supervisors adequately discussed and understood the intent and significance of Affordable Housing Policy Committee Recommendation 5, following the presentation and dialogue with staff. Several times during the hearing, staff recommended that the Board allow for further study of Recommendation 5; however, three Board members gave clear direction to staff that Affordable Housing Policy Committee Recommendation 5 should not be studied in further detail. Specifically, these Board members did not want to consider applying the Inclusionary Housing Program and In-lieu Fees to residential developments of less than five units.

Grand Jury Finding 3a: The Planning and Development Department conducted an internal survey in April 2003 to determine staff perceptions of the extent and seriousness of problems facing the Department.

Response to Finding 3a:

Agree

Grand Jury Finding 3b: There is no evidence that the original survey results were integrated into the processing used by the Planning and Development Department or Process Improvement Oversight Committee to identify, analyze, and improve the Department's processes.

Response to Finding 3b:

Wholly disagree. The survey results, as well as the recommendations from the internal staff process improvement team's work in 2003, were integrated into the work of the original four Steering Groups which, in turn, has been carried forward into the work of the Oversight Committee.

Grand Jury Finding 3c: A follow-up survey has not been conducted to determine if staff perceptions have changed.

Response to Finding 3c:

Wholly disagree. The staff was resurveyed in 2005 and 2006.

Grand Jury Recommendation 3: That the Planning and Development Department conduct a follow-up survey to determine staff's current perceptions of the extent and seriousness of problems still facing the Department and integrate the results into the procedures used by the Planning and Development Department and the Process Improvement Oversight Committee to identify, analyze, and improve the Department's processes.

Response to Recommendation 3:

This recommendation has been implemented through surveys conducted in 2005 and 2006. The department will conduct an additional survey of staff in the upcoming fiscal year to assist in directing future process improvement efforts.

Grand Jury Finding 4: Supervisors' representatives rarely attend meetings of the Process Improvement Oversight Committee.

Response to Finding 4:

Partially disagree. Attendance by Board of Supervisors representatives over the past four years has varied by supervisorial district.

Grand Jury Finding 5: The Planning and Development Department is the primary source of issues for analysis by the Process Improvement Oversight Committee.

Response to Finding 5:

Partially disagree. The Planning and Development Department works with the Oversight Committee to identify issues to be addressed. The Oversight Committee has independently raised issues in the past, including review of other departments' roles in the development review process, review of application forms and checklists, and improvements to agricultural permitting.

Grand Jury Finding 6: The existing Planning and Development Department flow charts are inadequate for defining, analyzing and improving the processes they depict.

Response to Finding 6:

Wholly disagree. The process flow charts have been successfully used to establish work flows in the Accela permit tracking system.

Grand Jury Recommendation 6: That the Planning and Development Department and the Process Improvement Oversight Committee use properly constructed process flow charts as the basis for defining, analyzing and improving the processes applicable to the Department.

Response to Recommendation 6:

The recommendation will not be implemented because it is not warranted. The existing flow charts developed over the past 18 months provide the information necessary for defining, analyzing and improving the department's process.

Grand Jury Finding 7: The Ministerial Permit Process has been the single consistent area of emphasis selected by the Planning and Development Department for analysis and improvement.

Response to Finding 7:

Partially disagree. In addition to the ministerial permit process, the department has worked on the other priorities established by the Board of Supervisors in May of 2005, including appeals, agricultural permitting, customer service and the Zoning Ordinance Reformatting Project (adopted as the County and Montecito Land Use and Development Codes).

Grand Jury Recommendation 7: That the Planning and Development Department and the Process Improvement Oversight Committee immediately focus on the Ministerial Permit Process for analysis, improvement and closure.

Response to Recommendation 7:

This recommendation has not yet been implemented, but will be implemented in the future. A significant amount of work has already been completed related to ministerial permits, including developing and applying the zoning clearance process, improving noticing to encourage earlier input into the process, and clarifying the appeals process. The Oversight Committee is currently completing additional improvements to noticing for ministerial permits and changes to agricultural permitting (expected to be considered for adoption by the Board of Supervisors in summer/fall 2009) which will complete the current efforts related to ministerial permitting. However, the department recognizes that process improvement is an ongoing effort and additional improvements are expected.

Grand Jury Finding 8: The Planning and Development Department has not effectively involved interfacing departments in its process improvement efforts.

Response to Finding 8:

Partially disagree. The Planning and Development Department has improved the coordination between departments a number of ways through:

- The role of John Baker as both the Department Director and Assistant County Executive Office overseeing the other departments involved in the development review process and
- Mr. Baker's and the department's emphasis on project management through the upgraded Accela permit tracking system which links the processes of other development departments to the P&D project management system;
- Coordination efforts at the Subdivision/Development Review Committee; and,
- Departmental presentations and discussions at the Oversight Committee (Fire, Environmental Health, Surveyor, Transportation, Flood Control and Project Clean Water).

Grand Jury Recommendation 8: That the Planning and Development Department and the Process Improvement Oversight Committee involve all interfacing departments in the analysis and process improvement effort.

Response to Recommendation 8:

The recommendation has not yet been implemented, but will be implemented. This effort will be worked on through FY 09-10 with the implementation of the Accela permit tracking system and increased project management and coordination efforts.

Grand Jury Finding 9: The Planning and Development Department and the Process Improvement Oversight Committee have a stated policy of focusing on non-controversial subjects when selecting issues for analysis.

Response to Finding 9:

Wholly disagree. No such policy exists. The mission statement of the Oversight Committee, as endorsed by the Board of Supervisors, is to “make the process easier to navigate, and more time efficient and cost effective, while maintaining quality development in Santa Barbara County”.


Grand Jury Recommendation 9: That the Planning and Development Department and the Process Improvement Oversight Committee identify problems in the process that require analysis and improvement, without regard to the problem’s potential political implications.

Response to Recommendation 9:

The recommendation has been implemented. The Department and the Oversight Committee have brought items of controversy to the Board of Supervisors, including the Oak Tree Protection Guidelines, the Zoning Ordinance Reformatting Project, some of the downshifting proposals and the Director’s recommendations presented to the Board of Supervisors in March of 2007, including elimination of tree policies in the community and general plans, standardizing design guidelines and standardizing community plans.

Thank you for the opportunity to respond to the 2008-2009 “Got a Planning Problem? Appoint a Committee – Worthy Goals, Little Follow-through” Grand Jury report.

Sincerely,


John Baker
Director

ATTACHMENT D

Thursday, April 16, 2009

Chairman of the Board of Supervisors, Joe Centeno
County of Santa Barbara
511 E. Lakeside Parkway, Suite 141
Santa Maria, CA 93455-1341

RECEIVED
APR 20 2009
S.B. COUNTY
PLANNING & DEVELOPMENT

Dear Chairman Joe Centeno:

After reading the recently released Santa Barbara County Grand Jury report, "Got a Problem? Appoint a Committee", the Process Improvement Oversight Committee (PIOC) unanimously agreed to submit the following response for the Board of Supervisors to consider, in order to clarify, illuminate, and elaborate key points that the Grand Jurors highlighted in its insightful analysis of our operations.

We commend the Grand Jury for the amount of effort and thought it put into examining what we do, have done, and want to accomplish. Grand Jurors attended more than a half dozen of our meetings and conducted detailed interviews with a number of committee members to fully grasp committee activities.

It is the conclusion of the PIOC that the Santa Barbara County Board of Supervisors should grant our committee more authority to select issues to analyze, and that we should not be restricted only to issues pertaining to the Planning and Development Department. It is our opinion, based on hundreds and hundreds of hours of experience working with the county in both the actual development review process and on the Process Improvement Team (PIT), that the most fundamental hurdle to overcome to make land use planning and project design more efficient and effective is improving the interactions between various county departments in order to reduce ambiguous, conflicting, and overlapping regulations and requirements.

The committee, including the county staff that attend our meetings and support our efforts, believe that the PIOC serves an important purpose. We provide the private sector, environmental, and community perspective on how the development process could be improved to better serve all the various stakeholder interests.

Regarding specific Grand Jury recommendations, the Process Improvement Oversight Committee (PIOC) notes:

1. Finding/Recommendation 3, regarding a "follow-on" staff survey – Two follow-up staff surveys have been conducted. Another could be fruitful if done in a few months, when the economy is recovering.

2. Finding/Recommendation 4, regarding attendance by Supervisorial Aides – The aides’ attendance is critical to maintain effective communication between the committee and the decision makers. We recommend that the aides develop a rotational schedule so at least one aide is at each PIOC meeting and is responsible for informing his or her colleagues on committee actions, input, questions, and requests. However, the ideal would be to have aides from all districts present at each meeting.
3. Finding/Recommendation 5, regarding the PIOC being more involved in selecting the issues to analyze - The PIOC members frequently bring issues up for discussion in addition to those county staff raises. The committee’s selection of issues has been limited by the Board of Supervisors directing us to focus on the planning process and to avoid what might be considered policy.
4. Finding/Recommendation 7, regarding the need to focus on Ministerial Permits – We have made a number of changes to Ministerial Permits, most importantly by providing for Zoning Clearances in lieu of Land Use Permits. We have also made progress in the four other areas mandated by the board: Appeals, Customer Service, Agricultural Permits & Land Use and Development Code.
5. Finding/Recommendation 8, regarding involving other departments – Last June, Planning Department Director John Baker came to a committee meeting at our request to discuss issues associated with other departments involved in the development review process. Since then, we have had presentations and discussions with representatives of Clean Water, Environmental Health, Fire, Flood Control, Public Works, Surveyor, and Transportation. While the Planning Department is the “gatekeeper” and responsible for internal department coordination, allowing the committee greater latitude to analyze interdepartmental coordination and suggest how to improve the process would likely result in better internal consistency and coordination of the goals within and between departments.
6. Finding/Recommendation 9, regarding focusing on non-controversial subjects only – We have tried to be pragmatic about what we select to analyze as there are many areas to explore in order to improve the process. We want to spend our time productively. Committee attempts to address potentially controversial subjects have been met with little enthusiasm by the Board, which has discouraged our exploration of more substantive issues.

Finally, we believe that to continue the most effective communications between public members and county staff, with the ability to reach across departmental borders, the committee needs to retain its outside consultant, Pat Saley. She has consistently provided detailed, comprehensive, and accurate work on deadline, and is considered a neutral party, which is essential for the success of the PIOC's effort. She has served as an experienced facilitator with specific knowledge and history of the PIT effort, and deserves a lion's share of the credit for keeping the committee focused, productive, and working amicably together.

We hope you will allow us time to speak at your May 5 board hearing on drafting a county response to the Grand Jury report.

Thank you for considering our input and requests.

Sincerely yours,

A handwritten signature in black ink that reads "David W. Cross". The signature is written in a cursive style with a large, sweeping initial "D".

David Cross
Chairman
Process Improvement Oversight Committee

CC: Grand Jury
Michael Brown, County Executive Officer
John Baker, Director of Planning and Development