

July 19, 2005

Honorable Clifford R. Anderson, III
Presiding Judge
Santa Barbara Superior Court
P.O. Box 21107
Santa Barbara, CA 93121-1107

Subject: Response to 2004-2005 Grand Jury Report on Santa Barbara Community Development Department, "An Ounce of Prevention Toward a More Transparent and Responsive Planning & Development Process"

Dear Judge Anderson:

At the Santa Barbara City Council meeting of July 19, 2005, Council reviewed the Santa Barbara County Grand Jury 2004-2005 Report on Santa Barbara Community Development Department, "An Ounce of Prevention Toward a More Transparent and Responsive Planning & Development Process," pursuant to Penal Code Section 933.

The Santa Barbara County Grand Jury's findings and recommendations regarding the Community Development Department, and the City's response to such findings, are provided below.

In responding to the report, certain assumptions were necessary given some of the broad statements made, specifically regarding the difference between customer satisfaction and customer service. Sometimes in dealing with government regulations, customer satisfaction may be difficult to obtain, as customers do not always agree with the laws that are enacted by the City or the processes required to implement those laws. However, excellent customer service may be provided by presenting accurate information diplomatically, explaining in detail the process requirements, and being fair, courteous and respectful when assisting the public. Therefore, it is our understanding that the subject matter is improved customer service.

FINDING 1: Mission statements, when available, were often outdated and did not list customer satisfaction as a primary goal.

RESPONSE TO FINDING 1: (The City partially agrees with Finding 1.)

The Community Development Department consists of the Planning & Zoning Division, the Building and Safety Division, and the Housing and Redevelopment Division. Within the Planning Division there are five sections (Administration/Clerical, Design/Historical Review, Development/Environmental Review, Zoning and Enforcement and Long Range Planning and Special Studies). Each section of the Planning Division has a mission statement of its own that is outlined in the City's budget.

The Community Development Department Mission Statement, which includes the Planning Division, is written as follows:

“Assist the public in managing the development of the community in order to protect and preserve the quality of life, promote a sound economic base and appropriate design, and ensure safe construction, all in balance with the constraints of the City's environment and resources.”

The Mission Statement is current, but it does not include customer service as a primary goal. The reason that customer service is not included in the Mission Statement is that the City has gone one step further by adopting a “Code of Conduct for Excellence in Customer Service,” which acknowledges that all elected officials, appointed members of City Boards and Commissions, and City employees have the responsibility to act according to the City's core values, which focuses on a commitment to excellence in customer service. The Code of Conduct was formally adopted by the City Council on April 15, 1997 (see Exhibit 1).

RECOMMENDATION 1: Planning departments should have mission statements specific to their department. These mission statements should have customer satisfaction as a primary goal.

RESPONSE TO RECOMMENDATION 1: (Implemented with variations, further implementation not warranted.)

The Community Development Department's Mission Statement is specific to the Department, and the “Code of Conduct” emphasizes customer service for the Mayor and City Council, appointed members of Boards and Commissioners, the City's employees and its volunteers. After its adoption in 1997, the City undertook a significant training program to implement the Code of Conduct, and to provide excellent customer service. The program provided training for Board and Commissioners, and staff in the Community Development Department.

The City has recently adopted a training program called, “Learning for Excellence and Achievement Program (LEAP).” The primary goal of the program is to help employees

understand the City's key employee values of exceptional customer service, effective teamwork, interpersonal communication, and using good judgment/ethics., and to prepare for advancement. LEAP requires all full-time and regular part-time employees, except protection/enforcement positions, to attend 16 hours of training each year.

FINDING 2: Planning Departments did not have basic customer satisfaction procedures in place.

RESPONSE TO FINDING 2: (The City disagrees with Finding 2.)

The Community Development Department has several customer satisfaction procedures in place:

- 1) A suggestion box is located in the lobby of the building, and a form (see Exhibit 2) is available at all counters for customers who wish to comment on or provide suggestions regarding customer service. These forms are reviewed by the Land Development Team Counter Committee, which consists of several employees and supervisors from various divisions and departments. The focus of the Counter Committee is to improve service at the all Land Development Team counters (Planning, Building & Safety, Public Works, and Fire). At the monthly meeting of the Counter Committee, comments and suggestions from the public are reviewed and forwarded to the Land Development Team supervisors for consideration and action.
- 2) When customers complain to staff about the planning process, they are informed of the chain of command and are provided with the name of the employee's supervisor and/or manager so that they can voice any concerns or complaints to the supervisor or manager.
- 3) Complaints received from the Mayor's and Council office or the City Administrator's Office are forwarded to the appropriate supervisor or manager for a response.
- 4) Appeal procedures are outlined in the submittal packets for the various boards and commissions. This information is also available on the City's website.

RECOMMENDATION 2: To increase customer satisfaction, each planning department should publicly post the agency's mission statement, post timelines and mitigating factors, provide easy access to all relevant forms with adequate explanations as to their use, post a list of key personnel involved in completing an application, and clearly define the complaint process. In addition, handouts should be provided to each customer explaining the application and complaint process.

RESPONSE TO RECOMMENDATION 2: (The City has already implemented Recommendation 2.)

The Community Development Department's Mission Statement and the City's Code of Conduct are posted on the City's website. Forms and Handouts are provided in the lobby of the Community Development Department, at the planning counter, and on the City's website. For projects that require Planning Commission review, a letter is sent to the applicant, outlining the review process, fees required, and the name and phone number of the staff person assigned to the project. For projects that require Design review, the Design Review submittal packet outlines the review process, scheduling and timeframes, guidelines, and website and contact information. For Modification Hearing Officer requests, the modification submittal process is outlined in a handout and scheduling and contact information is provided in that handout. Customers are provided with handouts regarding the application process at the planning counter. The handouts may also be obtained on the City's website. When complaints are received in the suggestion box, they are forwarded to the Counter Committee and addressed as part of that process (Exhibit 2). In addition, customers are encouraged to follow the chain of command if they have complaints about the planning process.

FINDING 3: Notification of changes to land and property use in most jurisdictions was limited to mandated State minimum requirements to owners only, and within 300 feet from the borders of the property site.

RESPONSE TO FINDING 3: (The City partially agrees with Finding 3.)

The current required distances for notification of property owners and tenants for development applications are described in a handout entitled "Mailing Label Preparation for Property Owners" (see Exhibit 3). Depending on the type of project, the required mailing noticing for property owners ranges from 100 feet to 450 feet from the borders of the property site, and includes tenant notification for most projects in the Coastal Zone. When required, Design Review mailed noticing is sent to owners of property within 100 feet of the border of the subject property. In addition to the noticing requirements outlined in the City's Municipal Code, any interested party may request to be included in the mailing list for a project even if he or she is not within the required distance outlined in the Municipal Code. When such requests are made, this information is entered into the computer system for the particular parcel so that interested parties will be notified of any project requiring mailed noticing for that parcel.

Story poles (poles erected at the corners of proposed buildings to indicate the proposed mass, bulk, and scale of the buildings) are required whenever any portion of a new nonresidential or multiple-family building or substantial addition exceeds 17 feet in height from existing grade, and the project requires Planning Commission review. The Architectural Board of Review and the Historic Landmarks Commission require story poles for new single-family residential buildings or substantial additions when the floor-to-lot-area ratio exceeds 0.40; the height of the building substantially exceeds the

surrounding buildings; the building will block or reduce important public scenic views; is very visible to the public; or is purposed on or to project above a topographic ridgeline, as determined by the Planning Division or the Board or Commission.

Agendas for the City Council, Planning Commission, and the Design Review boards are posted on the City's website (www.santabarbaraca.gov), in the Santa Barbara News-Press, and at three public locations within the City. Planning Commission, Architectural Board of Review, and Historic Landmarks Commission meetings are televised on Channel 18. The City's website contains information regarding Neighborhood Activity, Permit Status Look-up, Case Status Look-up, Major Construction Projects and Major Planning Efforts.

RECOMMENDATION 3: Notification of land use changes should include the owner and occupants within at least 500 feet of the border of the property site.

RESPONSE TO RECOMMENDATION 3: (The City will implement improved noticing in 2006, but not the specific Recommendation.)

The Planning Division is in the process of changing the noticing requirements for projects. The proposed new requirements would require noticing to owners of property within 300 feet of the property for all Planning Commission and Modification Hearing Officer/Staff Hearing Officer applications, posting of signs on the property where the project is proposed for all development applications, and initial notice sent prior to the first Design Review concept hearing for all projects requiring noticing (currently, when a project that requires Planning Commission or Modification Hearing Officer/Staff Hearing Officer approval goes first to Design Review concept review, the Design Review is not noticed unless the applicant agrees or chooses to notice early).

The proposed requirements for signs posted on the subject property are as follows: a sign that is 11" X 17" or larger, laminated, and placed on a wooden lawn stake, including information such as: project description, public hearing information, type of discretionary approval being requested, and contact information to learn more about the project. The sign would be required to be posted 10 days prior to each hearing and during the construction period.

The noticing requirements for Design Review are currently being reviewed as part of the Neighborhood Preservations Ordinance (NPO) update. The NPO was adopted in 1991, and expanded the purview of the Architectural Board of Review. The City Council authorized a public review program to update the NPO on January 13, 2004. The ultimate goal of the NPO update is to define how land use controls should be restructured in order to reflect the preferences and expectations of the community. One of the issues under consideration is the mailed noticing requirements for design review projects. When the process is complete, the NPO update recommendations, including the feedback on mailed noticing requirements, will be presented to the Council for possible consideration and adoption.

The City analyzed the possibility of both increasing the notification distance to 500 feet, and increased noticing of tenants. Mailed notices are generally prepared by City staff with a limited timeframe to accomplish the work. An increased mailing noticing radius would require additional staff time, copying, supplies and postage, and therefore would increase fees to property owners who are required to pay a portion of the mailed noticing costs. Due to budget constraints and the additional staff time and costs required to support the additional noticing requirements, City staff is not recommending the increased noticing radius.

Regarding tenant noticing, the City does not have, and is not aware of, any tenant address database; therefore, obtaining tenant lists would not be feasible. The County Assessor's office also can provide only owner site addresses or owner billing address information. The Assessor's office does not provide extract addresses for multi-family developments with various addresses. Due to potential costs and administrative difficulties of implementing tenant noticing, staff believes it is not currently feasible. The NPO Update proposal of on-site posting will achieve a similar "notice" to nearby residents (tenants).

Currently, the only projects that require tenant noticing per state law and our local ordinances are Coastal Development Permits (100 feet of property boundaries) and Condominium Conversions (tenants of the subject property only). Applicants for Coastal Development Permits must walk the neighborhood to determine the tenant addresses within the noticing area, a system which can result in inaccuracies. Applicants proposing to convert apartments to condominiums are required to notice the affected tenants, rather than surrounding tenants, so the applicant will have the correct address.

FINDING 4: The complaint process in most jurisdictions was not designed for quantifiable analysis and could not be used to find strong and weak points in the planning process.

RESPONSE TO FINDING 4: (The City partially agrees with Finding 4.)

The complaint process currently does not include quantifiable analysis in the format advised by the Grand Jury. The City appreciates the samples given by the Grand Jury of quantifiable analysis forms and will review those forms to implement a similar form within the Community Development Department.

The Community Development Department has taken many measures to address customer complaints, including identifying problems reported by customers to the Counter Committee to create possible solutions. As stated above, complaints and suggestion are addressed on a monthly basis at the Counter Committee meetings and are forwarded to the department supervisors. Based on customer comments and complaints, appropriate adjustments are made to improve customer service at the counter, update forms and handouts, and revise website information.

RECOMMENDATION 4: Planning agencies should track all complaints and conduct random quantifiable surveys of 10% of the customers who have used their services. (See Appendix A for an example of possible customer satisfaction survey.) Agencies should use the results of these surveys to make the planning process more customer friendly. The results should also be added on a quarterly basis to the department website for public viewing. (See Appendix B for an example of how to display the results of the customer satisfaction surveys.)

RESPONSE TO RECOMMENDATION 4: (The City will implement Recommendation 4.)

The Community Development Department tracks complaints from customers who have identified such problems by providing feedback to the City. The suggestions are forwarded to the department supervisors for consideration and possible implementation. Most of the feedback the Community Development Department has received from the public has been favorable.

The City will implement a new complaint form that is more quantifiable, to make the planning process more customer-friendly, and will continue to report the findings to the Counter Committee on a monthly basis, in order to implement changes. In addition, the City will post information on a quarterly basis on either the City's website or in the Land Development Team (LDT) Bulletin.

CONCLUSION:

The City appreciates the Grand Jury's efforts to provide the City with guidance on ways to improve planning and development processes within the City.

Sincerely,

Marty Blum
Mayor

Exhibits

1. Code of Conduct for Excellence in Customer Service
2. Suggestion Box Form
3. Mailing Label Preparation for Property Owners

cc: County Grand Jury, Foreperson