

City of Santa Barbara Community Development Department

Make It a Can-Do Department

SUMMARY

The 2019-20 Santa Barbara County Grand Jury (Jury) received a request for investigation expressing concern that the City of Santa Barbara Community Development Department (CDD) was poorly run with an unhelpful staff. The request went on to describe frustration with the length of time to obtain even the most basic of permits.

The Jury investigated the CDD and its planning permit process, the effect of the current fee structure on development, its management, the culture within the department, its approach to customer service, and the growth philosophy of the City of Santa Barbara.

As a result, the Jury determined that there is a lack of strong leadership at several levels, insufficient coordination and communication between the Building and Safety Division and the Planning Division, an impression of a slow growth policy, inconsistent customer service and a fee structure which could be a deterrent to building development.

BACKGROUND

The CDD has four divisions: Building and Safety, Housing and Human Services, Administration, and Planning. Each division has a manager who reports to the CDD Director. This report only pertains to the Building and Safety and Planning divisions.

The Building and Safety division, headed by the Chief Building Official, has three departments consisting of Building Inspection and Enforcement, Records and Archives, and Plan Check and Counter Services.

The Planning Division, headed by the City Planner, has four departments consisting of Design Review, Development Review, Zoning and Enforcement, and Long-Range Planning and Special Studies.

METHODOLOGY

The Jury interviewed senior members of the CDD along with local land use professionals including architects, developers, housing advocates, a former planning commissioner and realtors. In addition, documents provided by the CDD and various news accounts regarding the department were reviewed.

OBSERVATIONS

Interviews with the land use professionals disclosed that their experiences with the CDD staff led them to believe that a bias existed against growth in the City of Santa Barbara. This bias was most evident in the delay in approval of permits.

A common complaint was the difficulty in getting corrections on submitted plans communicated by staff in a timely and efficient manner, necessitating multiple visits which cause expensive delays. Other

counties and cities routinely provide checklists at the beginning of the permitting process. Checklists are not always handed out by the City of Santa Barbara at the beginning of the process. Another complaint was a lack of consistency in the application of the CDD standards and codes with inconsistent interpretations. In addition, some staff reviews exceeded the authority of their review. Also contributing to inconsistency is the fact that newly hired staff do not have the necessary training or local knowledge and experience. The use of private, third-party plan checkers hired by the applicants helped alleviate some of the delays but adds costs.

To many, a main characteristic of Santa Barbara's permitting process is being overly detail-oriented. Each step becomes time-consuming. At times, there are 10-11 reviewers on a project and some appear to work without regard to the overall timeline. As one developer stated, it seems that they are looking more for violations than to help move the project along. This practice has been described as trying to do the right thing, while keeping Santa Barbara pristine and beautiful. The Jury learned that this practice delayed the approval of projects and that at times the staff in the Planning Division were unaware that they were up to a month behind schedule.

In the Jury interviews with CDD staff, the criticisms of the time needed to complete the permit application process were accepted as fair, with various reasons given in explanation. Department and division leaders provide staff with performance reviews, which are available to City Council members, but there are few repercussions for not achieving performance goals.

When staff members applied their own interpretation of the code, they were admonished, but often without consequence. Remedies for inappropriate actions can include verbal warning, reprimand, performance improvement plan, and suspension without pay. Staff are protected by union agreements and Human Resources policies, sometimes making corrective actions difficult to achieve.

In the City of Santa Barbara there are several review boards, including the Architectural Board of Review, the Historic Landmarks Commission, the Single-Family Design Board and the Sign Committee. Each board has noticing requirements for public review. The discretionary nature of these boards adds to the delays. Several individuals interviewed expressed concerns that the review boards are acting without a sense of urgency and without objective guidelines. To the applicants and to some members of the CDD staff, it appears that the process is personal with each board member having their own set of standards and beliefs about what Santa Barbara should look like. There are published guidelines for the boards but at times they go beyond their responsibilities. The Jury was told of one case where a board reviewed a floor plan for a project when their responsibility was limited to reviewing the façade.

Review boards are part of the city charter. To make any changes to one of the boards, even to reduce the number of people on the boards, would require a vote by the City Council. The boards' authority has been inviolate for some time. Only the City Council can overrule them. Training on timely review and boundaries for the review boards by the CDD staff is underway to seek to remedy this problem. A staff member has also been assigned to each board to help ensure that it will not exceed its authority.

The Jury was told that development fees were seen as too high, especially in light of the service rendered by the CDD staff. The CDD gets some funding from the general fund and is encouraged to fund operations from the assessment of fees. The Jury studied a recent study by Revenue & Cost Specialists in 2019 that recommended increasing many fees in the Planning and Building and Safety

Divisions, usually to cover the costs of the work of employees and overhead.¹ The increase in fees in some suggested areas would total \$1.6 million in additional revenue. This recommendation is incorporated in the 2020-21 City of Santa Barbara proposed budget, which is being considered. Fees which are set based upon the costs to run the department are not necessarily reflective of the market and may not encourage appropriate development.

The City of Santa Barbara has a long list of codes and regulations. Over the years, the City Councils have wanted to maintain Santa Barbara's environmental reputation but also have created layers and delays to the process. Storm water requirements are an example. Typically, those requirements are just for larger projects. A previous City Council voted to have its own discharge permit for all projects, unlike other cities in California. Applicants did not know that they would have to comply with these requirements and were surprised that they had to make changes to comply. The Jury was told when a City Council makes something more restrictive, it often does not understand the ripple effect and delays further along.

While the department as a whole does not have a "no growth" bias, it was admitted by CDD leadership that some staff might have that bias. There are staff members who exhibit independence in the interpretation of the codes that leads to a broader review of the project than is required, causing delays and additional costs to the project.

Management of the CDD department stated that department efficiency needs improvement, with turnover a problem due to early retirements and younger staff moving to less expensive places to live and work. Some management has retired recently, just as Santa Barbara was in a four-year cycle of increased development. Staff felt overworked after workers and supervisors left at a crucial time. This turnover, together with unfilled positions, impacts timeliness and increases the heavy workload. Over time, this causes damage to morale in the department.

The Jury was told several times that there is a lack of good customer service when staff is working with the public. It was also stated that reaching staff by phone or email was difficult and responses were not always timely.

There are no assigned planners, except for commercial and larger projects. Further, there is a practice to rotate staff at the counter in the Planning Division assisting the public, which leads to inconsistent application of the codes and standards. A staff member estimated that plan checkers are constantly interrupted by counter visits and phone calls, allowing them to spend only 35-40 percent of their time to check plans. Management overestimated their capacity to get all projects approved on a timely basis.

There exists a real need to improve workflow with the non-ministerial portion of the department working at a pace that does not always match the expectations of the public. An independent third-party workflow analysis² of the department is underway with results expected by May 2020. The Jury was told that staff efficiency has already improved, knowing that everyone is under observation.

During the Jury's interviews, several ideas to improve efficiency were suggested. One idea suggested to shorten the review process time was to consolidate all building and zoning ministerial approval processes under one staff team, budget and manager, as once was the practice. Another idea was, if the building and zoning ministerial processes were not consolidated, to require that planning and zoning review and approval occur before building permit application.

¹ Revenue & Cost Specialists, LLC. "Land Development Team Fee Study for the City of Santa Barbara." March 2019.

² Land Development and Construction Permitting Workflow and Organizational Study

The coordination and communication between the Planning and Building divisions are not efficient and create bottlenecks in the process. The departments appear to operate independently of each other and at times the public receives contrary information from each of the departments. As a result, permit approval times can be long.

However, the CDD has shown it can mobilize to help development. In 2019, the City created a new program, “ACCELERATE State Street” with the intention of filling retail space on State Street. City Council and CDD provided some services at no cost, including three hours with a planning consultant, and ensured that permit applications were processed quickly with a number approved over the counter. Applications were given priority placement on board agendas. CDD also offered free advisory services for such things as ADA³ requirements, fire safety and storm water. They even held public forums to explain new processes to encourage new projects. In this case, the City saw a need to revitalize not only downtown but its own methods.

While all experiences were not the same among the individuals the Jury interviewed, the common theme was the CDD department suffered from a lack of strong leadership. This lack of leadership manifested itself in allowing a culture that was not customer friendly with some of the staff not interested in helping projects get permitted. The department leadership has recently held meetings to revamp the processes and improve relations with the members of the public who are experiencing delays and are frustrated.

CONCLUSION

The 2019-20 Santa Barbara County Grand Jury determined that there was lack of strong leadership within the Community Development Department at several levels, insufficient coordination and communication between the Building and Safety Division and the Planning Divisions, support of a culture of slow growth, inconsistent customer service and a fee structure and permitting process which appear to be a deterrent to building and development within the City of Santa Barbara.

Now more than ever, considering the effects of the COVID-19 pandemic, the need for a vibrant local economy requires that the Community Development Department be an efficient, can-do agency, working to get Santa Barbara revitalized. The leadership needs to shepherd the department toward promoting vibrant growth in the City of Santa Barbara.

FINDINGS AND RECOMMENDATIONS

Finding 1

There has often been criticism by those that interact with the Community Development Department.

Recommendation 1

That the City of Santa Barbara direct the Community Development Department to develop and present a series of public workshops to explain its processes and procedures and address questions and concerns from the public.

³ Americans with Disabilities Act

Finding 2

The length of time to get a permit issued by the Community Development Department can be discouragingly long.

Recommendation 2

That the City of Santa Barbara direct the Community Development Department to establish and adhere to reasonable definitive timelines for issuing permits.

Finding 3

There is a perception by many who interact with the Community Development Department that some staff do not favor growth.

Recommendation 3

That the City of Santa Barbara direct the Community Development Department leadership team to collaborate with staff to help shift its culture from a perceived slow growth approach to a dynamic growth approach.

Finding 4

There is a lack of coordination and communication and an inefficient work flow between the Planning and Building and Safety Divisions within the Community Development Department.

Recommendation 4a

That the City of Santa Barbara share the results of the “Land Development and Construction Permitting Workflow and Organizational Study” with the Community Development Department staff and direct that the Department implement appropriate recommendations for reorganization and streamlining in a timely manner.

Recommendation 4b

That the City of Santa Barbara direct the Community Development Department to consider consolidating all Building and Zoning ministerial approval processes under one staff team, with one manager and budget.

Recommendation 4c

That, if Recommendation 4b cannot be implemented, the City of Santa Barbara direct the Community Development Department to do building and zoning review and approval before a building permit application is accepted.

Recommendation 4d

That the City of Santa Barbara direct the Planning and Building and Safety Division leaders to brief their employees on each other’s functions, so there is a better understanding of where and why they need to coordinate.

Recommendation 4e

That the City of Santa Barbara direct the Community Development Department leadership team to make promotion of teamwork as a part of every Community Development Department annual employee performance review.

Finding 5

A morale problem exists in the Community Development Department.

Recommendation 5

That the City of Santa Barbara direct the Community Development Department to hire an outside consultant to identify causes for low morale, and recommend solutions for improving working conditions, teamwork and employee-management relations.

Finding 6

The current City of Santa Barbara's permitting fee structure discourages development.

Recommendation 6a

That the City of Santa Barbara direct the Community Development Department leadership to review and analyze its permit fee structure to determine if there are acceptable ways to lower fees, create additional incentives or both to offset costs.

Recommendation 6b

That the City of Santa Barbara fund some costs of the Community Development Department and eliminate the need for the department to be self-sustaining.

Finding 7

There is ineffective oversight and leadership from upper management.

Recommendation 7

That the City of Santa Barbara direct the Community Development Department to hire an outside consultant to work with upper management to improve management and oversight skills.

Finding 8

There is inadequate staff training in the Community Development Department.

Recommendation 8a

That the City of Santa Barbara direct the Community Development Department to review and update the training requirements, including customer service, for each position within the department.

Recommendation 8b

That the City of Santa Barbara direct the Community Development Department to develop comprehensive training programs for all staff positions with target dates to complete new, refresher and cross training.

Recommendation 8c

That the City of Santa Barbara direct the Community Development Department to develop a strong mentoring program within the Department.

Finding 9

There is inconsistent application of building codes in the Community Development Department.

Recommendation 9a

That the City of Santa Barbara direct the Community Development Department to develop, conduct and update building code training sessions for all Department employees that have occasion to use or apply codes, with refreshers when there are code changes.

Recommendation 9b

That the City of Santa Barbara direct the Community Development Department upper management to identify a building code expert from within the Department who can answer employee technical questions and settle in a timely manner any internal application issues that might arise.

Recommendation 9c

That the City of Santa Barbara direct the Community Development Department upper management to ensure that all building codes are interpreted consistently.

REQUEST FOR RESPONSE

Pursuant to *California Penal Code Section 933 and 933.05*, the Santa Barbara County Grand Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within the specified statutory time limit:

Responses to Findings shall be either:

- Agree
- Disagree wholly
- Disagree partially with an explanation

Responses to Recommendations shall be one of the following:

- Has been implemented, with brief summary of implementation actions taken
- Will be implemented, with an implementation schedule
- Requires further analysis, with analysis completion date of no more than six months after the issuance of the report
- Will not be implemented, with an explanation of why

City of Santa Barbara – 90 days

Findings 1, 2, 3, 4, 5, 6, 7, 8, and 9

Recommendation 1, 2, 3, 4a, 4b, 4c, 4d, 4e, 5, 6a, 6b, 7, 8a, 8b, 8c, 9a, 9b and 9c

