



# City of Santa Barbara

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This letter is in response to the 2019-20 Santa Barbara County Grand Jury's Report on the City of Santa Barbara's Community Development Department. This response is provided pursuant to the requirements of State Penal Code Section 933 and 933.05. The 2019-2020 Grand Jury Report was received by the City on May 28, 2020 and includes nine Findings and 18 Recommendations.

It is important to note that the City was in the midst of a Land Development Team<sup>1</sup> Workflow and Organizational Study (LDT Study), led by The Novak Consulting Group, while the Grand Jury was investigating and conducting interviews regarding the Community Development Department. The LDT Study was undertaken to identify and recommend opportunities for organizational and process improvements, including streamlining and improved communications and customer relations regarding land development. The Community Development Director is considered the lead of the City's LDT processes and services and a majority of staff in the Building and Safety and Planning Divisions provide services related to land development. That LDT Study is nearly complete and many of its recommendations relate to the findings and recommendations of the Grand Jury. Additionally, Community Development Department (CDD) staff continually look for opportunities to enhance services, given the resources allocated to those duties, and identify opportunities for ordinance or procedural changes that align with adopted policies and programs.

With this important background information in mind, responses to the Grand Jury's Findings and Recommendations are provided below.

**Finding 1:** *There has often been criticism by those that interact with the Community Development Department.*

**Response to Finding 1:** **The City agrees with this finding.**

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<sup>1</sup> The City's Land Development Team (LDT) is composed of staff from the following departments who review land development and construction applications: Community Development, Public Works, Parks and Recreation, Finance, and Fire.

As part of the LDT Study, The Novak Consulting Group interviewed City staff, Councilmembers, and held six stakeholder focus groups composed of process customers (e.g., architects, builders, and developers), neighborhood group representatives, and land development process volunteers (e.g., Planning Commission and design review board members). In addition, an electronic survey was distributed to customers as a supplement to the focus group feedback. The staff interviews, focus group, and surveys demonstrated that all user groups value the outcomes of the land development process – the look and feel of the community – but process challenges and issues were identified.

CDD staff are aware that the Department is subject to criticism. The land development process, by its nature, involves conflict. Applicants are seeking to complete a project as efficiently as possible, with the least possible cost. City staff are tasked with ensuring that all development meets adopted design, zoning, environmental, accessibility, and life/safety requirements. Residents and neighborhood groups want to ensure that the look and feel of the community are maintained, that their voices are heard, and that their interests are protected in the land development process.

The finding that there has “often” been criticism of the Department is difficult to gauge and potentially overstated, in light of the volume of customer interactions staff has on a daily basis. To put it into perspective, the Planning and Building and Safety Division counter staff assist close to 25,000 customers each year, including project applicants, property owners, and interested parties of development projects; general inquiries about allowed uses and the permitting process; and concerned citizens wanting to view project plans or ask questions about the land development process.

CDD staff regularly discuss areas for improvement and proactively identify opportunities for customer service enhancements, or ordinance or procedural changes that align with adopted policies and programs; however, a high volume of work and staffing vacancies make it challenging to implement all of the ideas put forward to management.

**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.*

**Response to Recommendation 1: Recommendation has been partially implemented. A brief summary of implementation actions taken is below.**

#### Existing Outreach Efforts

The City’s LDT staff have hosted “Open Houses” in recent years to provide information and respond to questions from stakeholders in the LDT process. Open Houses have been scheduled at least annually when new regulations are adopted or other procedural changes will affect the LDT process. Additionally, anyone may register to receive electronic LDT Bulletins to stay apprised of changing regulations and procedures, or public workshops, and provide feedback when the City is considering process improvements or regulatory changes. In addition, the Chief Building Official, the City Planner, and other department staff present at special interest group meetings when requested, including the Santa Barbara Chapter of the American Institute of Architects, the Santa Barbara Contractor’s Association, the Santa Barbara Association of



Realtors, and local commercial real estate brokers to inform the development community of relevant policy and ordinance updates.

Individual major work efforts in the Department also involve public outreach and provide opportunities for the public to get involved in shaping regulations that affect them and the community at large. Recent examples include the creation of Residential Multi-Unit Objective Design Standards, changes to Accessory Dwelling Unit regulations, updates to the Grading Ordinance, and amendments to the Average Unit-Size Density Incentive Program and Historic Resources Ordinance. The City has also provided a series of videos on the City website with information on regulations and City services related to starting a business.

#### Future Outreach Efforts

The City recognizes there is substantial room for improvement with the Community Development Department's online presence and how it communicates with its constituents. Staff has worked for several months to reimagine and redesign the department's written and digital communications, and to produce short informational videos detailing how to submit application materials online and videos explaining the discretionary project review and permitting processes. The goal of this work effort is to create user-friendly, approachable printed and online content that guides the user through the permitting process, whether seasoned architect, contractor, or homeowner.

A significant amount of traffic is generated from the Department's website, and the numbers have only increased since transitioning to electronic plan submittals in April 2020. The Department is focused on three main areas for improving our communications: the Department website and the Accela Citizen Access portal (online portal for electronic plan submittals); department handouts, including project applicant checklists and process flowcharts; and other web-based communications such as videos. These communication tools are designed to reach a wider audience, with content that can be tailored to meet the applicant's individual needs.

This is an undertaking that will continue throughout Fiscal Year 2021. Updates to handouts, the Department website, and Accela Citizen Access Portal will occur on a rolling basis as material is developed. LDT Open Houses can continue to be held as needed when new regulations or procedures are implemented.

**Finding 2:** *The length of time to get a permit issued by the Community Development Department can be discouragingly long.*

**Response to Finding 2:** **The City disagrees partially with this finding because many factors determine the length of time from application acceptance to permit issuance. An explanation is below.**

The length of time it takes to review and approve a building permit application is dependent upon the following factors, and the cumulative time spent on each step:

- a. Applicant time to prepare a building permit application, which may include construction drawings, calculations, forms, legal agreement/easement documents, etc.;
- b. City staff review of the permit application materials, which includes project queuing time (based on workload and staff resources/availability); quality of the application materials (e.g., legibility of plans, internal consistency among application materials, project compliance with applicable regulations); the project scope and extent of review by the City (see Finding 3 of this report); and the clarity of staff comments and corrections returned to the applicant;
- c. Applicant time to respond to staff's corrections, which involves understanding the staff's comments/corrections, and either modifying the project to comply with applicable regulations (often including detailed technical codes) or responding to staff's comments with further information to explain an item needing clarification;
- d. Additional iterations (rounds) of items b. and c., above until approval can be granted by the City;
- e. Applicant time to provide the City with the contractor or owner/builder information and pay permit fees needed to issue the permit.

In summary, accountability for the time required for building permit application approval and permit issuance lies with both the applicant and the City. Poorly prepared or incomplete application materials, or non-responsive application resubmittals delay the approval process. In April 2020, in response to the COVID-19 pandemic, the City expedited its transition to online application and plan submittal. Since then, all LDT staff can access plans at the same time and complete concurrent review, eliminating a sequenced review required when only three sets of hard copy plans were available. This should facilitate a more expedient staff review of project plans and materials in the future.

Each division in the LDT has measurable performance objectives for timely building permit plan review, which are submitted to the City Council with proposed operating budgets each fiscal year. The City does not currently publish these measures more than once per year, and information about an applicant's performance or turn-around time is not currently published. Within the next six months, the City will increase how frequently it shares information with the public about staff plan review and resubmittal performance.

**Recommendation 2:** *That the City of Santa Barbara direct the Community Development Department to establish and adhere to reasonable definitive timelines for issuing permits.*

**Response to Recommendation 2: Recommendation has been partially implemented. A brief summary of implementation actions taken is below.**

The City's LDT staff have a matrix of agreed-upon deadlines for building permit plan review. With the recent conversion from hard copy plan review to electronic plan review, all staff can access plans at the same time and complete concurrent review, eliminating a sequenced review required when only three sets of plans were available for routing to up to eight City divisions.



Due to this change, staff recently adjusted the deadlines and now assign initial plan review times based on project scope (ranging from five to 28 working days) and number of permit applications being processed at any one time (three working days are added when more than 85 plan checks are pending; 5 working days are added when more than 110 plan checks are pending).

The City can improve its communication with the public and customers about expectations and performance. Currently, the following information is available online for a specific building permit application:

- Permit Application Status
  - Application Received
  - Plan Review
  - Corrections Required
  - Returned to Applicant
  - Making Ready to Issue Permit
  - Permit Issued
  - Completed

Along with that information, a project applicant can access the following information about their own permit application:

- Each Reviewing Entity
- Reviewer Contact Information
- Review Target Due Date
- Review Actual Completion Date
- All Plan Review Corrections

Within the next six months, the City will make the following project-specific information available:

- Number of days from application submittal to completion of staff review
- Number of days with applicant between each review cycle
- Business/homeowner acknowledgement of required plan corrections

In addition, the City will make the following general permit application and plan review information readily available to customers and the public within the next six months:

- Weekly number of building permit applications currently undergoing City review
- Weekly status of each LDT Division's performance for plan review (percentage of on-time reviews)
- Weekly number of building permits issued

**Finding 3:** *There is a perception by many who interact with the Community Development Department that some staff do not favor growth.*

**Response to Finding 3:** The City disagrees partially with this finding because it is staff's responsibility to implement policies, regulations, and guidelines adopted by federal, state, or local officials. Further explanation is below.

**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.*

**Response to Recommendation 3:** **Recommendation requires further analysis. The completion date is subject to direction from the City Council.**

City staff are tasked with implementing the policies, ordinances, and regulations adopted by federal and state officials, and the City Council. General Plan policies most relevant to the subject of this Grand Jury report call for controlling nonresidential growth and viewing housing (including preservation of existing units and production of new units) as the highest priority land use in the City. When implementing a wide range of policies and ordinances, including health and safety regulations, all interests of the community are taken into account, including the welfare of other residents, business and property owners, and the general public. This can require a careful analysis of development projects for compliance with regulations and, in the interest of applying regulations fairly, some Community Development staff do a more thorough review of the plans than others. While this more thorough review is not intended specifically to slow growth or development, it can extend the review process.

To remedy this and ensure that project plans are reviewed for Building Code compliance in a more consistent manner, the Building and Safety Division will continue developing checklists, including a checklist of limited items for structural plan review and to confirm compliance with the Americans with Disabilities Act in existing buildings.

Planning Division staff review project plans against the City's Zoning Ordinance, in addition to other City policies and guidelines, and state and local ordinances. Title 30 of the Municipal Code (Zoning Ordinance – Inland) states that “no land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zone, except in accordance with the provisions of the Zoning Ordinance.” In order to ensure this section of the Municipal Code is met, Planning Division staff must consider and review other improvements on the site, even if outside the scope of the subject permit application. On June 2, 2020, CDD staff recommended that City Council initiate a Zoning Ordinance amendment to explore modifying that language and potentially allow staff to reduce the extent of plan review to just the scope of the current project. That ordinance amendment was not initiated at that time; however, CDD staff anticipates bringing that option to the Council LDT Oversight Committee for consideration, along with other process improvements recommended by The Novak Consulting Group.

**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.*

**Response to Finding 4:** **The City disagrees partially with this finding because some aspects of the workflow were modified during the Grand Jury's investigation. Further explanation is below.**

**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.*

**Response to Recommendation 4a: Recommendation has been implemented. A brief summary of implementation actions taken is below.**

The Novak Consulting Group shared their initial observations and recommendations stemming from the LDT Study with staff on May 28, 2020. The same information was presented to the City Council on June 2, 2020. On June 23, 2020, City Council formed a Land Development Oversight Committee to oversee implementation of The Novak Consulting Group's recommendations. From June 23 to 25, 2020, LDT staff participated in a Process Improvement Exercise, which generated 16 priority recommendations to improve the LDT process. The Novak Group's final LDT Study will be submitted to the City soon and the first Council LDT Oversight Committee will be scheduled in the next few weeks. In the meantime, the more immediate and short-term recommendations are already underway.

**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.*

**Response to Recommendation 4b: Recommendation requires further analysis as it may impact other department responsibilities and overall service delivery of the Land Development Team.**

This recommendation will need to be evaluated holistically with recommendations of The Consulting Novak Group to ensure maximum efficiency in LDT service delivery.

**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.*

**Response to Recommendation 4c: Recommendation has been partially implemented; to fully implement it will require further analysis as it may impact other department responsibilities and overall service delivery of the Land Development Team.**

This recommendation will need to be evaluated holistically with recommendations of The Novak Consulting Group to ensure maximum efficiency in LDT service delivery. If a development project is subject to discretionary review (Planning Commission, Staff Hearing Officer, Architectural Board of Review, Historic Landmarks Commission, or Single Family Design Board), Planning staff reviews the development application for completeness and ensures compliance with the Zoning Ordinance prior to a decision on the project by one of the review bodies listed above. After the discretionary actions (and any applicable appeal periods) are complete, the applicant submits a building permit application for review. In those instances, unless the project changed between the discretionary approval and permit application, the zoning review of the building permit application is typically straight-forward and in alignment with this recommendation, as it involves simply confirming the outcome of the prior Planning staff review. Whenever possible, the same Planning staff person reviews the project for zoning compliance from initial application to building permit approval.



If a development project is not subject to discretionary review by one of the bodies listed above, applicants have the option of submitting for a Preliminary Plan Review by Planning staff to confirm compliance with the Zoning Ordinance prior to submitting a building permit application. To date, very few applicants have opted to take advantage of this service. If the Preliminary Plan Review became a prerequisite to submitting a building permit application, this recommendation would be fully implemented; however, it might result in an overall longer permitting process, and project applicants might not support this procedural change.

**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.*

**Response to Recommendation 4d: Recommendation has been partially implemented. A brief summary of implementation actions taken is below.**

Land Development Team staff meet on a quarterly basis to update one another on major projects and highlight ordinance or policy changes that affect the LDT. At these meetings, staff from one section of the LDT makes a presentation to the group titled "Who We Are, What We Do," to familiarize the other staff with their duties and role in land development.

In addition, the Community Development Department holds quarterly meetings to cover similar topics at a department level, discuss emerging issues of interest to the department, and to recognize employees with milestone City service awards and to announce the department Employee of the Quarter. In the past, when the Department was more fully staffed, Building and Safety and Planning counter staff would shadow each other and learn some of the functions of their respective public counters. Due to several long-standing vacancies in the Department and a heavy workload, there has not been adequate time for cross-training or job-shadowing.

The Planning and Building and Safety Division managers acknowledge that more can be done to educate each other's employees about the roles and responsibilities of both divisions. With so many new and amended state laws each year and changing regulations and procedures at the local level, the division managers have recently committed to holding more frequent small group meetings of department staff with interrelated job duties (e.g., counter services, plan check and inspections, code enforcement) to stay more informed about applicable regulations, procedures, and workload, and to better coordinate with each other.

**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.*

**Response to Recommendation 4e: Recommendation has been implemented. A brief summary of implementation actions taken is below.**

All City employees receive, at a minimum, a written evaluation each year. In the written evaluation template are criteria against which employees are evaluated, including teamwork, timeliness, flexibility, and compliance with workplace policies and the City's Customer Service Code of Conduct and organizational values.



**Finding 5:** *A morale problem exists in the Community Development Department.*

**Response to Finding 5:** **The City disagrees partially with this finding.**

Morale of individual staff and work groups in the CDD fluctuates due to a number of factors, some of which include workload, changing state and local regulations and internal policies, shifting City and department priorities, the state of the economy and its effect on the disposition of customers and the public, relationships with peers, and relationships with and among superiors. For these reasons, the City agrees that some staff do occasionally experience low morale. However, in general, the CDD staff have a positive attitude toward their work and are motivated to serve the City.

**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.*

**Response to Recommendation 5:** **Recommendation has been implemented. A brief summary of implementation actions taken is below.**

The Novak Consulting Group recently completed an LDT Workflow and Organizational Study, which kicked-off in February 2020 and wrapped up with a final written report submitted in August. The Novak Consulting Group found staff to be very engaged and motivated to discuss what currently works well and what aspects of the LDT processes could be improved.

In addition to The Novak Group's independent findings, a subset of the LDT staff participated in a Process Improvement Exercise for three half-days, working to identify recommendations to carry out two primary goals: Vision and Customer Service, and Process and Consistency. Early on in the Process Improvement Exercise, some LDT staff noted that there is a lack of respect and trust between some City divisions, and especially between the Planning Division and Building and Safety Division. In order to address this, the two division managers have committed to improving communication and coordination between each other and among the division staff. As recommended by the participating staff, specific efforts will be made to:

- Respect every person and every division's role in the LDT process and foster a culture of respect and trust
- Hold staff, supervisors, and managers accountable to these values
- Support and empower leaders at all levels of the organization
- Publicly defend staff and their decisions
- Be responsive and follow through
- Engage with conflict in a timely manner
- Be decisive.

At the conclusion of the Process Improvement Exercise, 16 priority recommendations were developed by the LDT staff with respect to: Customer Service and Accountability; Public Communication; Simplify Rules and Regulations; Design Review; and Process Clarity. The Novak Consulting Group's independent recommendations and the 16 additional staff-generated recommendations will be further studied and implemented, in direct coordination with the Council LDT Oversight Committee.

**Finding 6:** *The current City of Santa Barbara's permitting fee structure discourages development.*

**Response to Finding 6:** **The City disagrees partially with this finding because the fees directly relate to the land development processes established by the City Charter and Municipal Code, which reflect the community's desire to allow development within the City's available resources.**

The City hired Revenue and Cost Specialists, LLC, to conduct an LDT Fee Study in 2018/2019 and issued a final report and recommendation in May 2019, with the objective of moving the City's LDT services toward full-cost recovery (i.e., without General Fund subsidy). The LDT Fee Study identified the total cost of providing each land development-related service, including development review, design review, zoning review, building permitting, engineering, transportation, inspection, code enforcement, and administrative fees. Revenue and Cost Specialists determined that the City had been historically subsidizing the land development process (i.e., charging less than the full cost of the service provided) by approximately \$2 million each year. Based on initial City Council direction and a recommendation by Revenue and Costs Specialists, in June 2019 the City Council approved an updated fee schedule for land development services that significantly moved toward full-cost recovery.

It is critically important to note that the City of Santa Barbara does not charge Development Impact Fees (DIFs). DIFs are imposed by many local governments on a new development project to pay for all or a portion of the costs of providing public services to the new development. DIFs are commonly charged in communities that have geographical area to grow and extend roads and utilities or are underserved by parks or libraries, and rely on the DIFs to provide these community benefits. Because Santa Barbara is largely built out and most commonly subject to infill development, DIFs are not charged. Therefore, a comparison of the City of Santa Barbara's land development fees with other nearby communities must take into consideration other less obvious fees, such as DIFs.

For example, the City of Goleta charges DIFs for services related to public administration, library, parks, storm drains, transportation, bicycle and pedestrian, and fire. For a mixed-use project with 29 residential units, the DIFs alone can amount to \$535,000, in addition to approximately \$33,000 in review and permit fees. In contrast, the City of Santa Barbara project review and permit fees for the same project would total approximately \$86,000, and no DIFs are charged. The DIFs for a similar project in the City of Ventura are approximately \$93,000, in addition to a rough estimate of \$65,000 in project preview and permit fees.

**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.*

**City Response to Recommendation 6a:** **Recommendation has been implemented. A brief summary of implementation actions taken is below.**

On June 23, 2020, the City Council considered and adopted the Fee Resolution for Fiscal Year 2021 and did not direct staff to lower land development fees.



However, since implementation of the City's Accelerate Program in August 2017 to foster economic development and assist State Street businesses located between Cabrillo Boulevard and Sola Street, certain land development services have been provided at no cost. These services currently include Certified Access Specialist (CAsp) assistance to help obtain compliance with the Americans with Disabilities Act; written assessment of required plumbing fixtures in a tenant space; up to three hours of Planning staff time to research and provide a written assessment of potential zoning, land use, design review, and other site-specific issues that might warrant further consideration and analysis by the applicant before an application submittal; and pre-application consultation on Fire Department requirements, determination of storm water management tier level, and trash/recycling/food scraps space needs.

If implementation of recommendations in The Novak Consulting Group's LDT Study or further optimization of the Accela permit tracking software result in process efficiencies, the City could embark on an updated fee study and consider fee adjustments at that time.

**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.*

**City Response to Recommendation 6b: Recommendation has been implemented. A brief summary of implementation actions taken is below.**

The City hired Revenue and Cost Specialists, LLC, to conduct an LDT Fee Study in 2018/2019 and issued a final report and recommendation in May 2019, with the objective of moving the City's LDT services toward full-cost recovery (i.e., without General Fund subsidy). In June 2019, the City Council considered and adopted the proposed Fiscal Year 2020 fees for Planning and Building and Safety Division services, which included adjustments to move gradually toward full-cost recovery. The City Council recently adopted the Fiscal Year 2021 fees for land development services, based on the findings of the 2019 LDT Fee Study, and did not direct staff to reduce any of the proposed fees.

The 2019 LDT Fee Study identified several Planning service fees that were significantly lower than the cost to provide the service. Staff and the City Council decided to raise those service fees incrementally over a three-year period. One year remains in that three-year plan, so the Division should be nearly full-cost recovery by Fiscal Year 2022.

Some Planning Division and Building and Safety Division services that provide a broader community benefit continue to be subsidized by the General Fund to varying degrees, and the associated fees do not represent full-cost recovery. These services include:

- Appeals
- Minor Coastal Development Permits (without public hearing) to incentivize Accessory Dwelling Units
- Historic Resource evaluations
- Voluntary Pre-Application Review Team (PRT) review
- Mills Act Program application fee
- Permit fee for electric charging stations and photovoltaic systems
- Permit fees for electrical generators and festival wiring

**Finding 7:** *There is ineffective oversight and leadership from upper management.*

**City Response to Finding 7:** **The City disagrees partially with this finding because it is vague and might not account for all aspects of the Department's responsibilities.**

The Community Development Department includes four division managers and a department director responsible for affordable housing and human services, rental housing mediation, graphic design, general administration, budget management, long range planning and special studies, design review, development review, zoning and enforcement, records and archives, building permit plan review, and building inspection. While this Grand Jury report focuses on the Planning and Building and Safety Divisions of the department, a finding this broad does not seem to account for the wide-ranging services and responsibilities of the entire department.

**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.*

**City Response to Recommendation 7:** **Recommendation has been partially implemented. A brief summary of implementation actions taken to date is below.**

In January 2020, the City hired the Novak Consulting Group to complete an LDT Study to identify and recommend opportunities for organizational and process improvements, including streamlining and improved communications and customer relations regarding land development. The Community Development Director is considered the lead of the City's LDT processes and a majority of staff in the Building and Safety and Planning Divisions provide services related to land development. That LDT Study is nearly complete and many of its recommendations will be implemented in coordination with the Council LDT Oversight Committee.

Some of the Novak Consulting Group's initial recommendations include defining a consistent land development process vision, targeted outcomes, and customer service expectations, and to communicate those service level and process expectations to applicants, stakeholders, and staff. Establishing a clear vision and set of priorities will help upper management allocate staff resources appropriately and hold all parties accountable for their role in the land development process. The Community Development Director and Planning and Building and Safety Division managers will work closely with the Council LDT Oversight Committee over several months to establish expectations and performance objectives that reflect the values of the community and the department.

**Finding 8:** *There is inadequate staff training in the Community Development Department.*

**Response to Finding 8:** **The City agrees with this finding.**

**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.*

**Response to Recommendation 8a:** **Recommendation will be implemented. An implementation schedule is provided below.**



The Planning and Building and Safety Divisions have experienced significant staff turnover in the last two years due to retirements, staff being promoted and/or transferred to other City departments, and some staff moving out of the area. The workload has remained constant over that time period and it can often take several months to fill vacant positions once approved, leaving remaining staff to cover essential duties. The management's focus on filling vacant positions or reassigning and training staff to cover positions that cannot be filled in order to continue day-to-day project review and inspection operations has left little time for staff training.

The CDD Fiscal Year 2021 budget approved by City Council in June 2020 includes filling several long-standing vacant positions. Once those positions are filled, the CDD managers and supervisors can spend more time training new and existing staff. See further explanation below, in Recommendation 8b.

**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.*

**Response to Recommendation 8b: Recommendation will be implemented. An implementation schedule is provided below.**

As part of the CDD's Fiscal Year 2020 budget, the City Council approved reclassifying an existing (vacant) Project Planner position to an Administrative (Planning) Analyst II, and having that position report directly to the City Planner. One of the Analyst's primary duties is to help develop and implement administrative programs, including maintaining written Planning Division policies and procedures, developing and maintaining a training program for new and existing Planning staff, and collecting and analyzing performance objectives and measures. That position was filled in August 2019; however, due to staff vacancies and other division priorities, work on some of these efforts did not begin until November 2019. The Planning Analyst is currently dedicating most of her time to managing remote Board and Commission meetings and developing training and procedural materials related to those duties. When time allows, the Analyst also works on updating public handouts/brochures and the department's website.

In Fiscal Year 2020, an Administrative Specialist position was added to support the Chief Building Official. Since being hired in March 2020, the Administrative Specialist has compiled all of the Building and Safety Division's written and digital policies and procedures into one network location and facilitates registration and accommodations for staff trainings. The Building and Safety Division supervisors monitor and ensure that Division staff have opportunities to complete trainings required by State law. Coordinating the efforts of Building and Safety Division supervisors and the new Administrative Specialist will make implementation of a comprehensive Division staff training curriculum achievable in Fiscal Year 2021.

As noted above, the CDD Fiscal Year 2021 budget approved by City Council in June 2020 includes filling several long-standing vacant positions. Once those positions are filled (anticipated by October 2020) and the Accela Administrator position is filled in the Information Technology Department (anticipated by November 2020), the CDD managers and supervisors can spend more time training new and existing staff, and the Planning Analyst can continue developing training materials and an electronic resource library for the Planning Division.



**Recommendation 8c:** *That the City of Santa Barbara direct the Community Development Department to develop a strong mentoring program within the Department.*

**Response to Recommendation 8c: Recommendation will be implemented. An implementation schedule is provided below.**

When new staff are hired in CDD, they are typically provided with their own set or access to a set of codes, regulations, policies, and guidelines applicable to their duties; a copy of formal written procedures, when available; and often time to shadow more senior staff for a while. In the past, when the Department was more fully staffed, Building and Safety and Planning counter staff would shadow each other and learn some of the functions of their respective public counters. With several long-standing vacancies in the Department and a steady workload, there has not been adequate time for cross-training or job-shadowing.

The CDD has never had a formal mentoring program, but it is something that can be developed after vacancies are filled and several longer-term work efforts are completed. It may be challenging if in-person interactions remain limited for an extended period of time, but we can assess the best way to implement job-shadowing and mentoring in a remote environment over the next six to eight months.

**Finding 9:** *There is inconsistent application of building codes in the Community Development Department.*

**Response to Finding 9: The City disagrees partially with this finding. An explanation is below.**

**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.*

**Response to Recommendation 9a: Recommendation has been implemented. A brief summary of implementation actions taken is below.**

The Community Development Department plan review staff have varying levels of certified building code knowledge and experience applying state and local development codes and guidelines.

The Building and Safety Division follows State law and confirms that all Plans Examiners, Inspectors, and the Building Official have obtained and maintained national certifications of building code and administrative knowledge. In order to improve the consistency of plan reviews, Building and Safety plan review and inspection staff meet at least every two weeks to discuss code interpretations. When needed, the Division Manager establishes written policies and/or procedures to help staff apply the code consistently and predictably.

The Planning Division holds a weekly meeting with all division staff to discuss emerging planning issues, policy changes, and longer-term work efforts, and to brief staff on relevant City Council and Planning Commission meeting agenda items and major development projects on design review board agendas. Occasionally, staff will present material learned from a conference



or webinar, or provide general information about new ordinances or procedures. The managers and supervisors in the Planning Division meet weekly to discuss department-wide matters, upcoming City Council items, projects of note on board and commission agendas, and personnel and budget matters, and to make decisions on complicated code interpretations and identify policies or procedures that need updating. Each of the four sections of the Planning Division hold bi-weekly meetings to discuss updated policies or procedures that relate more directly to that work unit. Case planners in the Development Review section hold a weekly meeting to review major development projects, discuss application of relevant policies and ordinances, and indicate staff support or concerns about the projects.

All of these standing meetings are supplemented with regular email communication to relevant staff when a new policy or procedure is implemented. As discussed above, the newly created Planning Analyst position is tasked with maintaining updated written Division policies and procedures and developing and maintaining a training program for new and existing staff. Once four of the five vacant positions are filled in the Planning Division, the Planning Analyst will have more time to devote to their primary duties, and will also develop a resource library for the planners to ensure greater consistency in following established procedures.

**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.*

**Response to Recommendation 9b: Recommendation has been implemented. A brief summary of implementation actions taken is below.**

Generally, the supervisors within the Department who oversee the land development process discuss and resolve any internal issues or application of regulations that cause a conflict for project compliance. This organizational structure was established in the late 1990s as part of the City's Green Book, which established land development procedures and best practices at that time. When necessary, more complex issues can be elevated to the division managers.

The Chief Building Official is the building code expert in the department and has the authority to make interpretations and approve code alternates when the proposed design is satisfactory and complies with the intent of the provisions of the Building Code. The Building Official also verifies that the proposed material, method, or work is, for the purpose intended, at least the equivalent of that prescribed in the code with respect to quality, strength, effectiveness, fire resistance, durability, and safety.

**Recommendation 9c:** *That the City of Santa Barbara direct the Community Development Department upper management to ensure that all building codes are interpreted consistently.*

**Response to Recommendation 9c: Recommendation has been implemented. A brief summary of implementation actions taken is below.**

To ensure that project plans are reviewed for Building Code compliance in a more consistent manner, the Building and Safety Division will continue developing plan review checklists, including a checklist of limited items for structural plan review and to confirm compliance with

the Americans with Disabilities Act in existing buildings. As noted above, if interpretations differ among staff, the Chief Building Official has the authority to interpret and approve code alternates and to verify that the proposed material, method, or work is equivalent in quality, strength, effectiveness, fire resistance, durability, and safety prescribed by the code.

Should the Grand Jury have any questions regarding the City's response or wish to follow up with the City, please contact me, City Administrator, Paul Casey or City Attorney, Ariel Calonne.

Sincerely,



Cathy Murillo  
Mayor

Cc: City Councilmembers  
Paul Casey, City Administrator  
Ariel Calonne, City Attorney  
Rebecca J. Bjork, Interim Community Development Director  
Renee Brooke, AICP, City Planner  
Andrew Stuffer, Chief Building Official