

# Responses to the 2012-2013 Grand Jury Report

Every year, when the annual Santa Cruz County Grand Jury Report is published, designated agencies are requested to respond to the findings and recommendations of the report. These responses may agree, partially disagree, or disagree with the findings, and may indicate that recommendations have already been implemented, will be in the future, or will not be implemented, or that further analysis is required.

Comments may also be added to the responses. When a response agrees with a recommendation, further comments are optional. In case of complete or partial disagreement, or in response to recommendations for action, comments should be provided as part of the response.

For each report, the collected responses are published in a separate file on the [grand jury's section of the county's public website](#). Note: The responses are provided as received, and have not been edited, except for minimal formatting to make them appear correctly on this web page.

## Report: [Navigating the Residential Building Permit Process](#)

This report requested responses from the following:

1. Director, Santa Cruz County Planning Department: Findings 1-7; Recommendations 1-7
  2. Santa Cruz County Board of Supervisors: Findings 1-7; Recommendations 1-7
- **Finding 1: Based on our investigation and the comments made at the public forums, it appears that the permit process requires excessive staff time and creates unnecessary foot traffic to the Department counters.**

- Director, Santa Cruz County Planning Department: **PARTIALLY DISAGREE**

There are many factors that affect the complexity of a permit process, including but not limited to the nature of the proposed project, location and constraints of the site, and type of review process required by the County Code. Many applicants appreciate the assistance they receive at the public counter, as development is complex and many State and Local codes apply, and vary by site location, zoning and parcel and building envelope constraints. The quality and completeness of a permit application that is submitted, and how closely it complies with applicable codes, is also an important factor. If a project is reviewed and determined to comply with applicable codes with no need for revisions, the length of time can be reduced.

To provide detailed information beyond public counter service, the Planning Department re-vamped its website last September to provide the public with more information online. Additions include an online building permit fee

calculator, expanded online over-the-counter permits, links to online codes, and instructions on how to determine the zoning for a particular parcel, development standards, and "frequently asked questions" sections.

The "Over the Counter" (OTC) permits available through the Department's website may reduce foot traffic and staff time. The department has added calculators to determine whether a project is a remodel or a replacement so that the public has information for determining which codes apply as well as a calculator for determining water use and applicable regulations in the Water Efficient Landscape Ordinance (WELo).

The Department has added technology into our field inspections (tablet computers and printers in the cars) which has provided improved written communications with applicants, and improved filing/tracking methods for field-produced documentation related to the construction project. This has reduced the number of builders/owners needing to visit the public counter.

The Department is communicating more with the public, and having many public outreach meetings throughout the County in an effort to streamline and improve the permit process (discussed further below).

The Planning Department held public Community Forums in Fall/Winter 2010/2011 to provide information about the services/functions of the Department, and to obtain public input about any aspect of those services. Public input was used to assist with determining priorities for work to modernize planning codes, with the objectives of clarifying the code and streamlining permit processes (where possible and appropriate). Much has been accomplished since that time, which is detailed below:

Code Amendments completed as of March 1, 2013 include:

- New Nonconforming Uses and Structures Ordinance and related changes to remove the "altered wall" approach from the County Code.
- Changed parking requirement for general retail, professional office, and medical office uses to modern industry standards.
- Expanded opportunities for greater reductions in parking requirements through use of shared parking and Transportation Demand Management strategies.
- Expanded height exception provisions to allow commercial structures to request up to five-foot increase in height limit with a discretionary development permit. Also, height exceptions are allowed without a zoning

permit to screen parapets and mechanical equipment.

- Minor Exceptions provisions added to the Code so minor deviations from development standards (such as setbacks, height and lot coverage) can be considered by Planning staff administratively rather than at public hearings as "minor variances" on sites within the Urban and Rural Service Areas.
- Modified setback standards to provide greater flexibility to encourage placing garages at rear of properties.
- Provided an exception to reduce certain setbacks to protect environmental resources.
- Modified permit processing requirements to allow greater use of administrative approvals with public notice rather than public hearings, which allows buildings of 5,000 square feet or less to be processed administratively.
- Increased opportunities for public appeals of administrative decisions to allow for local consideration by Zoning Administrator, Planning Commission, and/or Board of Supervisors rather than the court system.
- New Water Efficient Landscaping Ordinance (WELO) tailored to conditions within the unincorporated area to replace the State standards that had been in effect.
- New fence ordinance that updated standards consistent with current practices observed throughout the County. New simplified low-cost "Over Height Fence Certification" permit established as a mechanism to obtain approval for increased heights in acceptable locations. In most cases for these over-height fences, the "Over the Counter" process is available for a same day building permit issuance.
- New Vacation Rental ordinance that allows single-family units to operate as vacation rental units, within established parameters, with a low-cost vacation rental permit with special provisions in time in the coastal Live Oak/Harbor area (the "Live Oak Designated Area" or "LODA").
- A comprehensive "re-codification" of the County Code incorporating all ordinance amendments and is presented in a more readable format, which is providing greater certainty for anyone using the Code.

- Modified "milestone" approach for building permits to offer greater flexibility and more realistic timeframes for inspection of framing, electrical, mechanical, etc.
- New Administrative Guideline/Practice to clarify "What Counts" as square footage when calculating Floor Area Ratio (FAR) in the zoning districts with an FAR standard, habitable square footage, floor area, and for "Large Dwelling Unit" determination.
- "Level One Change of Use" procedures have been streamlined; further improvements are being evaluated for inclusion in the set of code amendments involving updates of the use charts, development standards, and Chapter 18.10 permit process provisions.
- New "Attics" document outlining what level of improvements may be made to an attic and what level will cause the attic to no longer be considered an attic.
- There is no longer a policy or requirement to have a height survey prepared if the home is within two feet of the height limit; such surveys would only be required in unusual circumstances such as difficult topography.
- There is no longer any policy or requirement to submit house designs when applying for a lot split, parcel map, or tentative map.
- New processes when applying for a Lot Line Adjustment.
- An expanded "Over The Counter" (OTC) process is available for obtaining building permits with the service available during all hours the public counter is open (Monday through Thursday until 3:00 PM but closed for lunch between 12 noon and 1 PM).
- A "Standard Tenant Improvement Plan" has been prepared and is available free for applicant use to assist small business owners in quickly preparing and obtaining building permits without the need to hire and pay for professional expertise.
- A "Standard Residential Type V Plan" has been developed and is available to applicants free of charge to assist homeowners with small home improvement projects. The Plan allows homeowners to prepare simple plans themselves without the need to hire and pay for professional expertise.

- Modification of Large Dwelling Unit design permit requirements to require discretionary permit for homes 5,000 square feet or larger rather than the existing threshold of 7,000 square feet or larger.

The following amendments are currently in process:

- Amendments to Chapter 13.20, Coastal Permit Regulations, to clarify and update provisions for consistency with State law.
- Modernization of select development standards related to hotels to reflect current industry standards.
- Modernization of regulations pertaining to wineries, agri-tourism, and other agricultural provisions.
- Reduction of setback requirements for Soil Dependent Greenhouses/"Hoop Houses" on agricultural lands.
- Sign exceptions process to allow greater flexibility for signage on buildings.
- An ordinance that would expand the ability to apply for Minor Exceptions throughout the unincorporated area rather than just within the urban and rural service areas.
- An update to Chapter 16.01 Environmental Regulations and the County's CEQA Guideline to reflect current State of California CEQA law and guidelines.
- A comprehensive re-structuring and modernization of the County Code relating to development ("Volume 11") is a major priority of the Department. This effort involves a modernization of the use charts of each zoning district as well as certain updates to applicable development standards. Also, Chapter 18, dealing with the permit processes, will be updated and simplified.

However, it is true that certain aspects of the permit process take too long and create delays for members of the public waiting to be served at the public zoning/building counter. One of those factors is the Department's computerized permit tracking system. The system has not yielded the extent of efficiencies desired. The Department is currently testing an updated version of the software offered by the vendor, which may offer significant benefits. Concurrent with that update, the Department will explore other methods of simplifying the structure of the County's permit system so that both staff and the customer have a more user-friendly

experience.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.
- **Finding 2: Some Santa Cruz County building code amendments are difficult for both staff and clients to navigate, which leaves the code open to interpretation by individual staff members.**

- Response from Director, Santa Cruz County Planning Department: **DISAGREE**

In the past, the County had a local Building Code amendment involving a "milestone" approach for building permits, but an ordinance amendment was adopted to remove this local amendment. Regular provisions of the CA Building Code now govern, which offers greater flexibility and more realistic timeframes for the inspection of framing, electrical, mechanical, etc.

Generally, the County's Building Code local amendments are limited and straight forward. The Department has just begun the 2013 code review/adoption process, and will continue to assess whether any local amendments should be eliminated. Staff members know it is not their job to interpret the Code but apply it, and to refer any questions to the Building Official.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.
- **Finding 3: The new cost recovery fee called Construction Unpermitted-Recovery Enforcement Costs (CUREC) will potentially bring more people to the Planning Department for permits.**

- Response from Director, Santa Cruz County Planning Department: **AGREE**

[No further comment]

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.
- **Finding 4: Inconsistency of provided information, most often concerning Zoning and Building code interpretation, exists between members of Planning staff and results in frustration between staff and the public.**

- Response from Director, Santa Cruz County Planning Department: **AGREE**

The Zoning Code cannot anticipate and address every possible land use

situation. Therefore, fact-finding, analysis, and review by many agencies within their area of expertise is necessary to process a development application. Applications are not processed at the counter. Counter staff try to appropriately qualify the information provided because, until an application is filed and routed for regulatory review for compliance with applicable codes, not all information needed for definitive responses is available. The specificity of the request for information at least partially determines consistency and specificity of staff responses.

Interpretation of the Code, based on the specific situation and facts presented, is sometimes necessary. The Department strives to achieve consistency where Code language ambiguity has been identified through formal administrative practice guidelines, ordinance amendments, and staff training. For example, all development review staff now serves shifts at the public counter. Therefore, an applicant is likely to get the same staff person reviewing their actual application as they did when getting initial information.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.
- **Finding 5: The Planning Department was not able to provide us with clear documentation that supported that it was meeting its mandate to be revenue neutral.**

- Response from Director, Santa Cruz County Planning Department: **DISAGREE**

The Department changed permit tracking (including fee tracking) computer software in 2011, and thus was unable to provide the extent of historic information requested by the Grand Jury. The Department did transmit two years worth of information and analysis to respond to the inquiry, and that information did demonstrate that total permit revenue was approximately 103.5% of total costs associated with permit processing.

The Department's fees are calculated to recover the cost of service for the most part (certain fees are deliberately proposed at less than cost to encourage the public to apply, such as water heater replacements). While the fees are calculated to recover costs, if permit activity levels are soft overall due to a downturn in the economy, revenue will be insufficient to meet budget goals and the Department will not meet the cost recovery goal. The construction industry is cyclical and has been even more so in the last several years. In addition, projects can take more than one fiscal year to be completed with fees paid in one year and the services provided in the next.

The information provided to the Grand Jury, shows that the costs and revenues

associated with permit activity were appropriately balanced.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.

- **Finding 6: The online fee estimator is not the same as the official fee calculator used by Building and Safety staff. The two forms use different terminology.**

- Response from Director, Santa Cruz County Planning Department: **DISAGREE**

Building and Safety staff does use the same fee estimator that is online. Zoning staff has an exhibit, Typical BLDG Permit Fees for a New Second Unit/ADU, which provides a range of estimated building permit fees. The exhibit is not a fee estimate.

Between the online calculator and the actual calculated fees paid there are usually only slight (cents) differences. One of the differences is that the Department's software is programmed to round up or down, whereas the on-line calculator is more exact. After running test permits for different types of permits, the only difference that could be found was in the Building Standards Administration Fee. For example, a 490 sq. ft. addition with a 400 sq. ft. remodel and a 200 sq. ft. deck, the difference was \$0.93 due.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.

- **Finding 7: The information provided in the Zoning Prescreen is not binding; it fails to warn the applicant that interpretation could change later.**

- Response from Director, Santa Cruz County Planning Department: **PARTIALLY DISAGREE**

The Zoning Prescreen process is part of Building Permit application intake. During this brief interaction, a Planner reviews the plans prior to the applicant sitting down with a Building Technician to identify whether any major discrepancies exist between the proposed construction and applicable requirements contained in the Zoning Ordinance. These include site standards, such as setbacks from property lines, building height, or the size of an accessory dwelling unit. The purpose of this review is to determine whether from a zoning perspective, the building permit application may be accepted for routing and detailed review. It is intended to prevent the intake of Building Permit applications that cannot be approved because a discretionary zoning permit must first be obtained. This review is intended to prevent review-related costs from being incurred unnecessarily.



This cursory review at the application intake stage is contrasted by the detailed analysis that occurs by Planning Department staff, staff of other County departments, and outside agency reviewers once the building permit application is officially accepted and routed to the reviewing agencies. These various reviews often result in identification of plan deficiencies that must be addressed prior to permit approval and issuance. The identification of these deficiencies, whether by Planning staff or other reviewing agencies, such as Public Works drainage or fire districts, results in a level of analysis that cannot be accomplished at the application intake stage.

The Department does offer applicants a PDSR "Pre-Development Site Review", which was created to provide pre-application clarity regarding needed permits and applicable standards. This process provides a written report that lists the requirements for a particular project, and can be useful for more complex projects or where absolute certainty is required.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.
- **Recommendation 1: The Planning Department should continue to streamline the county building code amendments, with a target completion date of June, 2014.**

- Response from Director, Santa Cruz County Planning Department: **HAS NOT BEEN IMPLEMENTED BUT WILL BE IMPLEMENTED IN THE FUTURE**

The Department will continue our streamlining efforts as part of the upcoming 2013 California Building Code adoption process.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.
- **Recommendation 2: The Department should allow routine OTC permits to be applied for, paid for, and printed out in the applicant's home or office.**

- Response from Director, Santa Cruz County Planning Department: **REQUIRES FURTHER ANALYSIS**

The Department has recently added online "Over the Counter" (OTC) permits that should help reduce the need for foot traffic in the Department as well as staff time. The newly added OTC permits include those for windows, sheetrock and siding, which are some of our more common OTC permit types. Applicants can apply online, but currently cannot pay or print out the application from their home or office. This recommendation will require further analysis. After the upcoming

update of the Department's software, applicants will be able to use credit cards to pay for fees.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.

- **Recommendation 3: The Planning Department should adopt a set policy for Zoning and Building Code interpretations.**

- Response from Director, Santa Cruz County Planning Department: **HAS BEEN IMPLEMENTED**

Building code interpretations are made by the Building Official as set forth in the California Building Code.

With regard to the Zoning Code and other Chapters administered by the Planning Department, there is a set process for developing and disseminating interpretations of the County Code when necessary to ensure that the regulations are being applied in a consistent manner across the Department. The process is called the Policy Forum, and it results in written Administrative Practice Guidelines that are provided to all staff and which are published on the website. There is a formal process by which a staff person may submit a request for guidance on interpreting the Code or resolving conflicts within the Code to the Planner that coordinates this function. The situation is then discussed by key Planners, managers and the Director, along with Planner who requested the guidance. A weekly standing meeting time has been set aside for this process to be used as needed.

Issuance of these Administrative Practice Guidelines is the main product of the Policy Forum, although the Forum is also used to identify needed staff training and to identify instances when Code amendments should be brought to the Planning Commission and ultimately to the Board of Supervisors for consideration and adoption.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.

- **Recommendation 4: The Planning Department should adopt the Minor Exceptions Provisions into the code.**

- Response from Director, Santa Cruz County Planning Department: **HAS BEEN IMPLEMENTED**

The Minor Exceptions and Garage standards ordinance took effect outside the

Coastal Zone on April 22 2011, and took effect inside the Coastal Zone on June 15, 2012.

Certain Minor Exceptions provisions have already been added to the County Code and are available to be requested for sites within the Urban and Rural Service Areas so that minor deviations from development standards (such as setbacks, height and lot coverage) can be considered by Planning staff administratively rather than at a public hearings, as "minor variances". Within nearly all zoning districts (but not within Planned Unit Developments -- which have specifically tailored standards), the following may be considered without a public hearing:

- Up to a 5% increase in allowed height. For example, the usual 28-foot single-family residential height limit may (if administrative permit is approved) be increased by 16.8 inches for a limit of almost 29.5 feet. The usual 35-foot commercial height limit may (if approved) be increased by 21 inches to 36.75 feet.
- Up to a 15% reduction in front, side and rear setback requirements. For example, if a Minor Exception is approved, a 5-foot side setback may be reduced by 9 inches to 4 feet, 3 inches, or a 20-foot front setback may be reduced to 17 feet.
- Up to a 15% reduction in the 10-foot separation between structures requirement, which could allow for an 8.5 foot separation to be approved.
- Up to a 7.5% increase in Floor Area Ratio (FAR) on smaller lots of 4,000 square feet or less, such that the usual 50% FAR standard may increase to 57.5%.
- Up to a 15% increase in total lot coverage (ground floor site coverage), which results in the following possible lot coverage standards:
  - For lots with a usual 40% maximum lot coverage - up to 6% additional (46%) through the Minor Exception process.
  - For lots with a usual 20% maximum lot coverage - up to 3% additional (23%) through the Minor Exception process.
  - For lots with a usual 10% maximum lot coverage - up to 1.5% additional (11.5%) through the Minor Exception process.

In March 2013, the Planning Department recommended to the Board of Supervisors the following revisions to the Minor Exceptions and Garage standards ordinance. As consistent with the recommendations, the Board directed Planning staff to prepare an ordinance for consideration by the Planning Commission implementing the following modifications:

1. Apply Minor Exceptions county-wide
2. Increase the minor exception for lot coverage on small lots (less than 6,000 sq ft) from 6% additional lot coverage to 10% additional lot coverage (50% lot coverage maximum)

3. Change the 40' front setback requirement for garages to qualify for a reduced side and/or rear setback to instead require that the garage be setback a minimum of 40' from the front property line, or within the rear 50% of the parcel. (No recommendation to extend county-wide.)

4. Extend Setback Reductions to protect the environment or public safety county-wide

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.

- **Recommendation 5: The Planning Department should adopt a system to analyze data and track performance.**

- Response from Director, Santa Cruz County Planning Department: **HAS BEEN IMPLEMENTED**

Our permit tracking software (Hansen/INFOR) does provide reports that track performance. One such report that is utilized often is the "Building Permit Application Aging Report". This report shows when each application came in, the status, and which staff member the application is assigned. Managers and all building permit plan reviewers are emailed a copy of this report every Monday morning. In addition, our Counter Management System (CMS) tracks how long each Planner spends with members of the public at the counter. Other performance measures are contained in the adopted budget for the Department each year.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.

- **Recommendation 6: The Planning Department should have the web fee estimator match the one used at the Building Counter.**

- Response from Director, Santa Cruz County Planning Department: **HAS BEEN IMPLEMENTED**

Building and Safety staff does use the same fee estimator that is online. Our test of the estimator that Zoning staff use compared to the online version shows such small variances as to be insignificant.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.

- **Recommendation 7: The Planning Department should include a disclaimer on the Zoning Prescreen indicating the nonbinding nature of the document.**

- Response from Director, Santa Cruz County Planning Department: **WILL NOT BE IMPLEMENTED**

The Zoning Prescreen form is an internal document that is not retained by the applicant. This form merely indicates whether the plans may be submitted to the Building counter for building permit application intake, identifies the Planning Department staff to whom the application should be routed for review, and identifies fees to be collected with the application.

The Department will, however, train the General Information Desk (GID) and the Zoning Counter staff to better explain the purpose of the general review during the Zoning Prescreen process as compared to the detailed analysis which will occur once the application has been submitted.

- Santa Cruz County Board of Supervisors: Approves the response of the Director, Santa Cruz County Planning Department without further comment.