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2000-01 Santa Cruz County Grand Jury Final Report

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Grand Jurors

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Citizen Complaint Status

Complaint #	Subject	Status
CC99-110	County Planning Department	Closed
CJ99-113	Citizen Police Review Board	Closed
CC99-118	County Planning Department	Open
CC99-119	County Planning Department	Closed
CC99-121	County Planning Department	Closed
SD99-122	Central Fire District	Closed
CJ99-123	Main County Jail	Closed
CC00-001	Family Support Division	Closed
CC00-002	Family Support Division	Closed
CC00-003	DeLaveaga Golf Course	Closed
HH00-004	Dominican Hospital	Closed
CJ00-005	District Attorney	Closed
SL00-006	CalTrans Aeronautics Division	Closed
HH00-007	HR Agency/Santa Cruz City Council	Closed
CJ00-008	Santa Cruz Police Department	Closed
CJ00-009	Watsonville Jail Farm	Closed
CJ00-010	Family Court	Closed
CJ00-011	Santa Cruz County Sheriff	Closed
HH00-012	Child Protective Services	Open
CC00-013	Ben Lomond Park Hall	Closed
CJ00-014	Santa Cruz Police Department	Closed
CC00-015	District Attorney	Closed
CC00-016	City of Santa Cruz	Open



County of Santa Cruz

Cities & Other County Agencies

Review of the Santa Cruz County Planning Department

Background

The Santa Cruz County Planning Department is part of county government and reports to the five-member elected County Board of Supervisors through the County Administrative Officer. This department was established by and derives its authority from Government Code §65000 *et seq.*

The County Board of Supervisors has absolute discretion to enact county land use ordinances. The Planning Department has the power to enforce county land use ordinances as well as discretionary power to define and implement county land use policies.

The Planning Commission, whose members are appointed by the Board of Supervisors, is responsible for the approval of large commercial and residential projects. The Planning Department provides staff support to this commission.

The County of Santa Cruz General Plan is the primary set of policies for the county's land use that guarantees development is directed in an orderly manner. The Planning Department's responsibilities include drafting and administering this plan.

The four prominent and controlling issues outlined in the 1994 General Plan continue to be primary areas of concern today. These are

- Managing population growth through a comprehensive growth management system (implemented by Measure J, adopted in the 1970's) to assure adequate services, particularly water, to current and future residents
- Providing affordable housing
- Preserving the county's environmental quality
- Preventing conversions of agricultural lands through alternative methods such as "in fill" development

The Planning Director is responsible for the overall management and administration of the Planning Department. Assistant directors manage the two major divisions

- Planning division
 - Development review
 - Environmental planning
 - Advanced planning
 - Resource planning
- Building division
 - Building permits
 - Code compliance
 - Geographic Information System

Scope

Fieldwork for the Grand Jury's report was concluded on April 4, 2001.

This Grand Jury review focused only on the three sections of the Planning Department that have the greatest contact with the general public:

- Development Review Section
- Building Permit Section
- Code Compliance Section

Development Review Section: This section is the key point of public contact for the planning and zoning functions of the county Planning Department. It is the primary information resource for property owners and land use professionals who need to know what can be done with their property. This section interfaces with the public primarily through the zoning counter, located on the fourth floor of the county building.

At the zoning counter, the development review staff provides information on the planning and zoning classifications for land use as established in the county's General Plan and ordinances. These dictate the allowable uses and development restrictions regarding the property, such as property line setbacks and height limitations. This section reviews and processes all proposals for developing land.

Development review requires the exercise of professional judgment on the part of both project review staff planners and decision-makers. Projects requiring a development review permit range from a coastal permit for a single-family dwelling to a subdivision. Project review planners review applications for conformance with county General Plan policies, code requirements, design guidelines, and compatibility with other land uses in the area.

Building Permit Section: This section is responsible for reviewing building plans for conformity with measurable code requirements, routing the plans to all outside reviewing agencies, monitoring that review process, issuing permits and inspecting all permitted work until final completion. The building counter is the main point of contact for obtaining building permits and is located on the fourth floor of the county building.

Code Compliance Section: This section is responsible for enforcement of county codes relating to land use, building code, zoning ordinance and resource protection ordinances. It administers an abatement program for dangerous conditions on properties as well as an abandoned vehicle program. These programs operate in response to citizen complaints about alleged code violations initiated by telephone or by visiting the Planning Department. This section investigates the complaints and, if appropriate, issues warning or violation notices. When a property owner refuses to comply, the county may correct the violation and charge the property owner for the work completed. Such actions may be followed by additional legal sanctions such as code violation recordations, fines or civil penalties. The overall objective of the code enforcement process is to protect the health and safety of the public and to put an end to illegal land use.

The Grand Jury reviewed the following areas to determine the adequacy of the Planning Department to administer the highly complicated processes for which it is responsible.

- Training programs
- Attitude and morale of department staff
- Number of employees in relation to the workloads
- Proficiency of the staff
- Policies, procedures and computer programs

To obtain the findings that serve as the basis of this report, the Grand Jury employed the following measures:

- Conducted interviews
 - Current Planning Director and one former director
 - Two current members of the Santa Cruz County Planning Commission
 - Two Assistant Planning Directors
 - Six employees, representative of the support services of the Santa Cruz Planning Department, with varied lengths of service
- Reviewed documents
 - The 1994 General Plan
 - The department's organizational chart
 - The department's current web pages
 - The employee's standard rating form
 - The department's current public brochures
 - The November 1993 Code Compliance Investigator's Manual
 - Department's current Code Compliance Investigator's Manual
 - 1997-98 Grand Jury Report reviewing the code compliance division of the Planning Department
 - The June 8, 1999 ordinance covering the adoption of the uniform codes and amendments
 - The August 16, 2000 Planning Department's Final Conversion Plan for eliminating old unresolved code compliance complaints. The plan included information regarding staff capacity for handling new complaints and reducing the backlog of outstanding complaints
 - The October 17, 2000 Planning Department's Operations Report to the County Board of Supervisors
 - The November 30, 2000 report from the Planning Department to the Board of Supervisors regarding the year 2001 annual population growth goal
 - Board of Supervisors resolution adopting Annual Population Growth Goals for 2001: Resolution No. 396-2000 passed and adopted December 5, 2000
 - The California Government Code pertaining to Planning Departments

The Grand Jury also:

- Requested from the Planning Department computer lists of applications and complaints received during the first quarter of 2000 and all outstanding applications and complaints at the end of 2000. The following lists were prepared:

Computer Lists Reviewed	Received in Q1 2000	Outstanding at the end of 2000
Applications for development approval of land use requests	246	456
Applications for building permits and the inspection process from issuance to completion	465	717
Code compliance violations from complaint to resolution	258	3,848

- Randomly selected and reviewed 27 files from the above computer lists and compared them to their respective physical files.

Type	Sample	Population
Development review section	8	243
Building permit section	10	465
Code compliance section	9	258

- Compared the 27 files selected to the Planning Department’s web site to determine their status as of April 4, 2001.

This investigation was conducted without participation by one juror of this 2000-01 Grand Jury who is related to a county employee.

Findings

1. The California Planning and Zoning Law (Government Code §65300 *et seq.*) requires adoption of a comprehensive long-term General Plan that determines the development of the county.
2. The Board of Supervisors determines the annual allocation of the maximum number of building permits to be issued in accordance with Measure J’s growth management program. The 2001 building permits allocations are set at 0.5% over the number of housing units on December 31, 2000.
3. Land use codes and ordinances are broadly constructed and, therefore, susceptible to multiple interpretations.

Personnel Findings

1. The Grand Jury found that the department employees were cooperative and professional at all times. The Planning Director offered help, even during this very busy time in their department.
2. There are approximately 110 positions in the department, including 12 new staff positions recently approved by the Board of Supervisors.
3. The Graphic Information Systems department is a sophisticated operation and was very helpful in providing the Grand Jury with maps and other data.
4. The planning staff's responsibility is to explain to applicants the limitations imposed on the applicant's use of their own property by (1) state laws, (2) county codes and (3) county ordinances. Often these rules conflict with the property owner's desires.
5. Political influence by the Board of Supervisors places added pressure on the planning staff. Supervisors act for the best interest of their constituency. When membership on the board changes, direction from the supervisors changes.
6. City governments in the county and many neighboring counties pay higher salaries than Santa Cruz County does. Salaries in Santa Cruz County government are based on a nine-county comparison using Contra Costa, Fresno, Marin, Monterey, Napa, San Mateo, Santa Clara, Solano, and Sonoma.
7. Employee morale is low and turnover is at an unprecedented high. This resulted from failure in negotiations to successively challenge the nine-county comparison. At the peak, there were 24 vacancies in the department. This necessitated taking staff from the advanced planning section to cover shortfalls in other sections.
8. The personnel department has been unable to attract the necessary people with requisite qualifications to fill vacancies in the Planning Department staff. Some vacant positions are difficult to fill because they are classified as temporary positions. The Planning Department requested hiring an outside consultant to assume the recruitment effort.
9. According to interviews with employees, workloads continue to be excessive. Also, employee performance evaluations have not been conducted on a consistent basis.
10. The department has budgeted 125 computer classes, approximately one day's training for each employee of the Planning Department. The managers of each section are responsible for budgeting additional training courses for staff as needed to enhance their skills.
11. The Planning Director has implemented a program to acquaint new hires with the operations of the department as well as familiarize current employees with functions of other areas within the department. Additional training for new hires is left to other employees in the area where the person works. The responsibility for ensuring that employees obtain continuing or additional training lies with each manager.
12. In the fall of 2000, the Planning Director has obtained approval from the Board of Supervisors for a new staff position devoted to training. This staff position will evaluate the training needs of the department and devise strategies and methods to satisfy those needs.

13. The Planning Director proposed that employees be assigned to planning teams to be responsible for virtually all the development activity in a particular geographical area. Each team leader will be responsible for acquiring a thorough understanding of the assigned geographic location.

Development Review Section Findings

1. Review of the 8 selected files revealed
 - 7 of the 8 files selected were completed. The department is correctly handling the incomplete file. It is still incomplete because an outside agency, over which the Planning Department has no control, has yet to give its approval.
 - 6 of the 7 completed files were processed in an average of three months; 1 took almost a year to complete.
 - 3 of the 7 completed files were not shown as completed on the computer system.
 - 1 file approved on June 1, 2000 erroneously showed a future hearing of August 4, 2000.
As of April 4, 2001, it still showed as scheduled for that hearing.
 - 1 file is shown as withdrawn however there is nothing in the file to support this.
2. Planners must possess a high degree of proficiency in diverse land use regulations in order to handle the increased development applications for “in fill” projects. These projects are located in heavily developed areas that require highly technical planning, engineering, geologic and/or hydrologic issues. According to the Planning Director, the current capacity of the department to administer such sophisticated processes is limited.
3. A single development permit application may have several separate files associated with it. This happens when more than one reviewing department is involved. However, no cross-indexing exists for files in circulation. Anyone attempting to review these files has no way of knowing how many files exist. Only when the process is complete are the files put together.

Building Permit Section Findings

1. Review of the 10 selected files revealed the following:
 - 9 of the 10 files were complete by the date of the review
 - 6 Complete
 - 3 Withdrawn
 - 1 Not approved
 - 10 Total
 - 1 physical file could not be found
 - 4 of the 6 files were completed in less than 45 days and the other 2 were completed in 60 days