COUNTY OF MARIN

REGULATORY IMPROVEMENTS ADVISORY COMMITTEE REPORT

MAY 2014

COUNTY OF **MARIN** LWC

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Regulatory Improvements Advisory Committee Report

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ACKNOWLEDGEMENTS

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1. EXECUTIVE SUMMARY

In an effort to improve transparency and user engagement with the entitlement process, the Marin County Board of Supervisors formed the Regulatory Improvements Advisory Committee to review the County's development and environmental review requirements and procedures and to provide recommendations to simplify and improve the process. The intent was to illuminate the path for projects that are consistent with and implement the Marin Countywide Plan.

In developing its final recommendations, the Committee established the following objectives:

- Improve the level of service provided by the County to all parties participating in the review process,

- Minimize delays and eliminate unnecessary procedural impediments,

- Improve access to information about the review process,

- Increase overall public awareness on how projects are reviewed,

- Increase permit processing efficiency,

- Facilitate communication and collaboration among applicants, County staff, regulators, stakeholders, and the general public, and

- Save money for all parties participating in the review process, including, but not limited to the County, applicants, consultants, neighbors, community groups, and members of the general public.

The Committee spent a considerable amount of time analyzing and discussing procedures and processes, fees, and departmental organization that may be improved or enhanced to achieve the objectives above. While discussion covered a broad range of topics, the Committee primarily focused on permit review procedures and fees over which the Community Development Agency (CDA) has control.

In this report, the Committee recommends eleven priorities and a targeted implementation program of specific action items (see Sections 3 and 4). The eleven priority recommendations target CDA efficiency, availability of information, balanced incentives for applicants, and the County fee structure as listed below:

1. Significantly enhance stakeholder understanding of project application procedures, development and environmental review, and the appeals process.

2. Improve overall Agency efficiency by simplifying regulations and organizing them in a manner that is easily accessible to all.

3. Support the CDA in its current efforts to expand online permitting, processing, and tracking, one-stop permitting, and "over-the-counter" permitting to improve customer service.

4. Develop an ombudsman program to facilitate problem-solving and mediate

differences between CDA staff and others involved in the project review process.

5. Improve service by adding or designating "permit concierge" staff to the Agency's front counter.

6. Improve service by adding or designating a "multi-disciplinary" reviewer to the Agency's front counter.

7. Improve Agency efficiency and service by processing building permits in a timely fashion and adding a full-time Plan Checker position.

8. Re-examine the County's Environmental Impact Review Guidelines.

9. Provide regular and timely training to design review boards to foster effective communication and engagement with local communities.

10. Build a stronger communications strategy to increase awareness and easy public access to all information about the review process.

11. Project review and permit fees should reflect the amount of actual staff time required to perform reviews and issue permits.

As the functions of the CDA are extensive and complex, the Committee also developed a list of recommended action items that support each of these eleven priorities. The action items are listed by category, not priority, illustrating the interrelatedness of processing, department structure, permit review, information, and fees. The following is a list of the action item categories:

- Permit Processing
- Permit Tracking
- Design Review Boards
- Building Department and Permits
- Express Permitting (General)
- Express, Over-the-Counter, and Same-Day Permitting
- Express Permitting (One Week Approval)
- Full Distribution Permit
- Plan Check
- Staffing
- Communications Strategy, Web Content, and Online Access to Services
- Fees
- Other

The priorities and action items are intended to help inform and guide the County's future efforts to improve its development review process and to meet the objectives identified by the Committee above. The results of the Committee's work will be presented to the Board of Supervisors for consideration and implementation.

2. INTRODUCTION

PURPOSE OF THE REPORT

In May 2012, the Marin County Board of Supervisors directed staff of the Community Development Agency (CDA) to form a Regulatory Improvements Advisory Committee (Advisory Committee or Committee) to assess the County's land use and environmental review processes. The initial goals of the Committee, as set by the Board of Supervisors, were to improve efficiencies in the entitlement review process and to identify procedural incentives for projects that are consistent with the Marin Countywide Plan. Together, these goals reflect the CDA's ongoing initiative to improve service to the citizens of Marin County and to facilitate implementation of important Countywide goals and policies. For reasons stated below, the Committee focused on the first of these two objectives.

The Board of Supervisors identified four areas of the County's land use and regulatory programs to be evaluated for possible improvements by the Advisory Committee:

- Permit Review
- California Environmental Quality Act (CEQA)
- Countywide Plan
- County fees related to the entitlement process

REGULATORY IMPROVEMENTS ADVISORY COMMITTEE

County staff assembled an Advisory Committee composed of eleven individuals with relevant experience with the regulatory process and land use issues. Through a series of meetings, the Committee reviewed a wide array of issues and identified recommendations for changes to policies, procedures, regulations, and communications protocol.

Agency staff took part in the Advisory Committee meetings to provide relevant information and to assist with facilitating the Committee's discussions, where appropriate. In addition, several CEQA and entitlement professionals attended two separate meetings to provide insight on the County's application process and offer suggestions to improve environmental and permit review procedures.

The Committee also participated in a public workshop in March 2013 to gather broader community input. In addition, an online survey was posted. However, the response was not robust and the survey results provided limited value.

At least one member of the Advisory Committee was representative of the following fields or industries: community advisory organization, non-profit sector, Planning Commission, environmental community, affordable housing, and architecture.

In response to issues identified by the Committee, the focus shifted away from two of the four areas initially identified by the Board of Supervisors (i.e., permit review, CEQA, the Countywide Plan, and fees) and instead focused primarily on the permit process itself and, secondarily, on related fees and other issues. The County has limited local authority over how CEQA is implemented. Additionally, the Committee would have been required to focus a larger amount of time to fully address important policies in the Countywide Plan. For these reasons, the Committee wanted to concentrate on processes within the CDA that could be more easily and effectively changed in a timely manner.

Collectively, the Committee identified opportunities to reduce bureaucracy, achieve a more timely process for reviewing development proposals, and allow for greater customer choice and flexibility for permit-related services. The result of the Committee's efforts is reflected in the following "Top Priorities" and "Table of Action Items".

3. TOP PRIORITIES

This Section describes the eleven "Top Priorities" that the Committee believes will have the greatest positive impact on improving the entitlement review process. The "Top Priorities" include background information on the problem requiring resolution, why the proposed action was deemed a priority, and the specific steps that should be taken to implement the priority. They are not ranked in order of importance.

As the functions of the CDA are extensive and complex, the Committee also developed a detailed list of recommended "Action Items" that support each priority (see Section 4).

PRIORITY 1

SIGNIFICANTLY ENHANCE STAKEHOLDER UNDERSTANDING OF PROJECT APPLICATION PROCEDURES, DEVELOPMENT AND ENVIRONMENTAL REVIEW, AND THE APPEALS PROCESS.

The Regulatory Improvements Advisory Committee ("Committee") determined that by enhancing stakeholder understanding of project application procedures, development and environmental review, and the appeals process, projects would get off to a smoother start and could better maintain a more positive course throughout the process. The Committee encourages the County to work more closely with all parties participating in the review process in order to make sure the broadest possible audience understands the purpose, nature, and requirements of the development and environmental review process. The Committee believes that participants in the process include not only the project applicant and the design team, but also individual neighbors, businesses, employees, community groups, adjacent property owners, tenants, environmentalists, public agencies, and the general public. This priority should apply to both ministerial permit processing procedures and discretionary permit processing procedures.

A concerned public can contribute to project deliberations much more productively and substantively when it is informed and knowledgeable about the purpose of review, its procedural steps, the relevant policies and standards affecting the County's decision, and the milestones involved when the County evaluates a development project. Therefore, enhancing all stakeholders' understanding of the scope and intent of the process will smooth the way for all projects under review. Increasing awareness of application procedures, e.g., how projects are measured against County planning and environmental protection standards, how planning decisions can be appealed, and other important steps of the project review, will also improve the ability of all participants to engage successfully in the process.

The Committee believes that particular emphasis should be placed on helping applicants and other participants at the earliest point in the process, typically before an application is submitted for review. Providing information at the pre-application stage helps flesh out issues and possible obstacles early in the process and reduces potential delays and costs for applicants, the County, and others. In cases where significant environmental issues are expected to arise, an applicant with early pre-application advice from the County has time to amend his or her project before it is formally submitted and to assemble information that will be required later.

Therefore, the Committee recommends that the County make sure all participants understand what to expect as early in the process as possible, including but not limited to the following:

- A detailed description of the information required to submit a project for review.

- The number and description of agencies and community groups involved in reviewing the project.

- The sequence and timing of procedural steps.

- The potential costs and fees associated with project and/or environmental review.

- A schedule of time estimate as to when a permit is likely to be granted.

- A description of how decisions can be appealed and by whom.

It is also necessary to supply printed and web-based educational and procedural information regarding development regulations, submittal requirements, procedures, and key policies in the Countywide Plan, applicable community plan, and Local Coastal Program.

See related action items: 1 to 3, 5 to 9, 11, 12, 14, 15, 19, 22, 32, 33, 34, and 38.

PRIORITY 2

IMPROVE OVERALL AGENCY EFFICIENCY BY SIMPLIFYING REGULATIONS AND ORGANIZING THEM IN A MANNER THAT IS EASILY ACCESSIBLE TO ALL.

The Committee encourages the County not only to simplify the planning process and consolidate regulations whenever possible, but to greatly increase the ease with which all participants can access key information about the process and projects under review.

As in many jurisdictions, the permit review process in Marin County has become increasingly cumbersome and difficult to understand over the years. State and federal agencies require more detailed project information from the County at a time when local and agency budgets and staffing levels render it difficult to review applications in a timely fashion. Outside agencies' regulations and implementation requirements often overlap or conflict with the County's own requirements, creating confusion and redundant/duplicative steps in the process. Sometimes, County regulations are internally inconsistent between departments.

The complexity and confusion associated with securing project entitlements or other determinations causes many to perceive Marin County's review process as overly burdensome, frequently redundant, internally-problematic, and unnecessarily costly. For applicants and the public, this often-complicated process creates frustration and anger, undermining the ability of people to solve problems and inciting damaging communication between participants and decision-makers.

Such negative perceptions cause participants to assume the process is set up to favor one party over another. Assumptions like these lead to adversarial and combative public interactions in which the tenor of a conversation fueled by confusion and anger quickly devolves to the point of creating decision-making log-jams. Some avoid the process altogether by building projects without securing appropriate approvals.

Making it easy to for everyone to stay informed will reduce costs and delays across the board. By providing accessible information, all participants in the review process can obtain the answers and information they need to engage in public hearings successfully. Data can be confirmed for accuracy and completeness. The demand on staff to answer basic questions, provide project data, either in person or electronically, will be reduced and staff's efficiencies on other tasks will be achieved.

Educating and informing participants about the review process will take time and the commitment of all levels of the County. The Committee urges the County to organize information in a complete and understandable manner, to make all information easily accessible in a variety of formats, and to actively inform all members of the community about how to successfully participate in the review process as soon as feasible.

See related action items: 1, 3, 4, 6, 10, 11, 13, 14, 21, 38, 39, 40, and 47.

PRIORITY 3

SUPPORT THE CDA IN ITS CURRENT EFFORTS TO EXPAND ONLINE PERMITTING, PROCESSING, AND TRACKING, ONE-STOP PERMITTING, AND "OVER-THE-COUNTER" PERMITTING TO IMPROVE CUSTOMER SERVICE.

Prior to the creation of the Committee, the CDA initiated an effort to analyze and improve the County's development review process. In 2010, a Permitting Efficiency Group (PEG) was established by the CDA in conjunction with staff from the Planning Division, Building and Safety Division, Environmental Health Services Division, Department of Public Works, and Marin County Fire.

Internal collaboration across these divisions has resulted in several initiatives to make it more convenient and less time-consuming to submit a permit application to the CDA. Some of these initiatives were in the process of being implemented as this report was being prepared.

In many cases, project applicants now can save time by applying for 'express' permits, eliminate some on-site building inspections by submitting digital building inspection images directly to staff for review, and review inspection tracking online.

Ongoing initiatives include establishing cycle time objectives for processing planning permits, creating an express permitting process (building permits), and providing electronic building permit inspections and tracking, among others.

The Committee also supports the ongoing work of the Permit Efficiency Group and encourages the Board of Supervisors to continue funding CDA's efforts to improve the quality and timeliness of service to all participants in the review process.

See related action items: 13, 19, 20, 21, 23 to 28, 32 to 34, and 38 to 43.

PRIORITY 4

DEVELOP AN OMBUDSMAN PROGRAM TO FACILITATE PROBLEM-SOLVING AND MEDIATE DIFFERENCES BETWEEN CDA STAFF AND OTHERS INVOLVED IN THE PROJECT REVIEW PROCESS.

Applicants and other participants in the review process can encounter problems they feel are difficult to resolve directly with CDA staff. The Committee recognizes that the availability of an impartial third party or 'ombudsman', who is knowledgeable about County procedures and the needs of individual participants, may be able to help navigate an application towards a resolution and/or a more clear understanding of the problem for all concerned.

The Committee supports the creation of a formal Ombudsman Program to help applicants and others resolve problems. The purpose of the Ombudsman Program would be to allow an impartial intermediary to intercede on the behalf of an applicant, or other concerned party, to communicate the nature of the problem and negotiate its resolution with Agency staff. The Ombudsman would be particularly helpful to applicants who do not have knowledge of or familiarity with Marin County, the County's development standards, permit review procedures, or the local community.

See related action items: 35 and 36.

PRIORITY 5

IMPROVE SERVICE BY ADDING OR DESIGNATING "PERMIT CONCIERGE" STAFF TO THE AGENCY'S FRONT COUNTER.

Agency staff receive complaints from project applicants and members of the public about the lack of a single point of contact for a project under review. Instead, applicants and other interested parties are directed from one County agency or department to another without completely understanding the procedural linkages or decision-making hierarchies embedded within County project review procedures. Confusion arises about which agencies take part in project review and at which point those agencies become engaged. This confusion leads to complaints and increases time and money spent for all concerned. It also contributes to the increasingly combative and frustrated tenor of testimony provided during public hearings.

The Committee recommends creating or designating a formal "permit concierge" position/staff member to serve as a primary point of contact among the CDA, applicants, and other members of the public, and to generally be responsible for facilitating the flow of information between all parties involved in reviewing specific projects. The "permit concierge" would interact with all levels of County staff responsible for reviewing building permits to assist with resolving problems and meeting departmental performance targets.

Duties could include, but would not necessarily be limited to, the following:

- Serving as the primary means of communication, coordination and problem solving among the applicant, departments, and agencies involved in the building permit review process.
- Providing general information about zoning, the Marin Countywide Plan, building permits, etc.
- Responding to specific requests for information.
- Answering procedural inquiries.
- Explaining the roles played by other agencies, departments, and decision-making bodies involved in the review process, their associated timelines, etc.
- Providing information about when and how members of the public may provide comments about specific projects.

The concierge would make it easier and faster for applicants and members of the public to speak directly with the CDA about the status of specific projects, reducing time delays and expediting decision-making.

See related action items: 33 and 38.

PRIORITY 6

IMPROVE SERVICE BY ADDING OR DESIGNATING A "MULTI-DISCIPLINARY" REVIEWER TO THE AGENCY'S FRONT COUNTER.

The Committee recognizes the importance of reducing the time, cost, and staff resources necessary to process permits. To improve service and reduce processing time, the Committee recommends that the CDA refine the manner in which it routes building permit applications to the various departments and staff responsible for submitting comments about the project to Agency staff.

Specifically, the Committee recommends that certain types of permits be directed first to a staff member qualified in multiple disciplines, e.g., planning, zoning, building, environmental health, and public works. This staff person would perform multiple review functions, reducing the need to route permits to all departments for review, thus saving both the County and applicants significant amounts of time and money through procedural consolidation.

For example, a site plan review for a residential addition currently necessitates the Planning Department to review zoning requirements, and the Public Works Department to review the grading and drainage of the site. If the project is located in West Marin, the Environmental Health Services Department reviews the septic/

leach-field impacts and the private potable water source. Under the refined system, the "multi-disciplinary" reviewer (also referred to as a "generalist") would review the permit application for zoning compliance (e.g., setbacks, building height and floor area standards), parking, drainage, and septic system standards according to the County's Additions and Remodel policy. Therefore, in this case, three reviews can be reduced to one performed by a planner or land development engineer.

See related action items: 21, 25, 29, 34, and 37.

PRIORITY 7

IMPROVE AGENCY EFFICIENCY AND SERVICE BY PROCESSING BUILDING PERMITS IN A TIMELY FASHION AND ADDING A FULL-TIME PLAN CHECKER POSITION.

Based on anecdotal information provided by industry professionals and applicants, and the experiences of several members of the Committee, the Committee encourages the Board of Supervisors to fund an additional full-time building plan checker position.

The bottleneck created by insufficient plan check staffing, considered by many building permit applicants to be a significant cause of project delay, contributes to the high cost of development in the County and is in urgent need of resolution. High development costs accrue during a long review process and can have a significant negative impact on the local economy.

While some applicants can afford the cost of a supplemental fee to expedite review of their submittals, others cannot. The Committee has serious reservations about the equity of offering some applicants access to a higher level of service, because it creates the suspicion of favoritism towards wealthier applicants.

Therefore, the Committee urges the Board of Supervisors approve a request from the CDA to consider funding an additional Building Plan Checker position.

The Committee also recommends that building permit approvals be tracked as to the length of time required to process applications and to establish annual performance metrics that can be compared with the performance of other counties similar to Marin.

See related action items: 16 to 18, 25, 30, 31, 37, and 41.

PRIORITY 8

REEXAMINE THE COUNTY'S ENVIRONMENTAL IMPACT REVIEW GUIDELINES.

The purpose of the California Environmental Quality Act (CEQA) is to gather and disclose information and to consider mitigation measures and alternatives that avoid or minimize environmental impacts in advance of development. The process of administering CEQA has become increasingly complex, confusing, time consuming, and expensive due primarily to legislative changes and court rulings.

In an effort to engage the public and meet the requirements of State law, the County adopted Environmental Impact Review Guidelines and developed a robust environmental process that in some respects exceeds State standards for CEQA review. The County's Environmental Impact Review Guidelines describe the content and procedures for all County departments to follow in complying with CEQA.

The Committee recommends that the County's Guidelines be updated with consideration to changes in State law and Guidelines and that an effort be made to inform applicants early in the permit process of possible CEQA requirements, which can be costly and time-consuming for the applicant.

The update process should clarify where the County procedures go beyond minimum statutory standards, identity where the County has opportunities to reduce time and costs associated with the CEQA process consistent with State statute and Guidelines, and ensure that County decision makers and the public are fully informed regarding environmental consequences of projects.

See related action items: 1, 4, 6, 7, and 10.

PRIORITY 9

PROVIDE REGULAR AND TIMELY TRAINING TO DESIGN REVIEW BOARDS TO FOSTER EFFECTIVE COMMUNICATION AND ENGAGEMENT WITH LOCAL COMMUNITIES.

The Committee recognizes the importance design review boards (DRB) play in providing the County with community feedback on projects. Design review boards are often the first point of contact for residents to learn about proposed development projects and are, therefore, an important venue for community discussion.

The Marin County Board of Supervisors appoints three official design review boards to a specific term of office. These boards schedule regular public meetings in compliance with the Brown Act. County staff transfers applications and receives DRB meeting minutes in a timely manner. Other community review groups operate with a varying degree of standards, procedures, and requirements.

Unfortunately, uniform guidelines and review protocols are not provided for DRB members. Consequently, different boards will operate with different standards. This lack of consistency can create confusion and delays in the overall review process and undermines public perception of how the County reviews proposed projects.

The Committee recommends that DRB informational materials be created and distributed to all involved parties, such as the following:

- The DRB's scope of authority and duties as an advisory body to the County.
- A DRB handbook and/or web link for members and applicants which define how meetings are conducted, how to participate, procedural requirements, preparation, and potential reasons for completeness continuation.

The Committee also recommends that the Agency provide official DRB members with regular training information to improve the consistent performance of their duties. Timely training will create a more professional atmosphere that is commensurate with Agency procedures and will encourage more public participation at the community level.

Ideally, this procedural information could be adopted by unofficial DRBs and community groups that also engage in significant local review. The County-adopted DRB guidelines could serve as a model to improve local review throughout Marin County.

By providing pertinent design review board procedural information to project applicants, the overall process should run in a more efficient and timely manner.

See related action items: 14 and 15.

PRIORITY 10

BUILD A STRONGER COMMUNICATIONS STRATEGY TO INCREASE AWARENESS AND EASY PUBLIC ACCESS TO ALL INFORMATION ABOUT THE REVIEW PROCESS.

Providing up-to-date, accurate information is critical at all levels of the development and environmental review process. Projects proceed more efficiently and cost effectively when all participants in the process have access to the same information and are willing to work together. When a community is uninformed (or mis-informed) about how to participate, and/or expects a process weighted towards one party over another, the process is imbued with distrust, misunderstanding, and embitterment.

The Committee recommends that the Board of Supervisors and CDA fund a comprehensive initiative to proactively inform all participants about the development and environmental review procedures used by Agency staff. Building a strong communications policy around CDA's role, duties, scope, procedures, and structure will go a long way to foster trust, promote realistic expectations, and increase collaboration during the review projects.

Given the broad range of project applicants and engaged citizens in Marin, CDA should target efforts to equip project applicants, residents, stakeholders, and advisory boards to participate in the process in a timely, positive manner.

Specifically, the Committee recommends that the Board of Supervisors and the CDA accomplish the following:

- Create a strong written communications plan with the goal of informing the public about CDA's role in project review, policy determination, and its accomplishments. This plan should set forth a variety of print and electronic tools that can be used to substantially increase awareness and support all phases of the review process.
- Investigate the different ways applicants, residents, and stakeholder groups learn about CDA and incorporate those informational resources in the new communications strategy, e.g., newspapers, brochures, social media, community media, etc.
- Develop a user-friendly online resource to form the backbone of the communications strategy. Using online tools as more than just 'bulletin boards' for posting of current documents is strongly encouraged. Make navigation as simple as possible.

- Provide information and graphic resources that lead applicants and the public through the review process in a straightforward manner, e.g., flow charts, organizational diagrams, etc.
- Equip stakeholders to participate constructively in the development review process.
- Address the communications role Design Review Boards play within their communities. (See also Priority #9).
- Create feedback loop(s) for applicants, residents, and stakeholders to offer ideas for improving the development and environmental review process and/or for specific projects.
- Consider additional new tools to improve communication and disseminate information, e.g., expanded user-driven website, educational workshops, newsletters, targeted outreach to organizations which frequently commenting on proposed projects, etc.

Please see the Appendix for specific suggestions and ideas relating to creating a comprehensive communications strategy.

See related action items: 38. However, due to the nature of Priority 10, it relates to most or all action items in Section 4.

PRIORITY 11

PROJECT REVIEW AND PERMIT FEES SHOULD REFLECT THE AMOUNT OF ACTUAL STAFF TIME REQUIRED TO PERFORM REVIEWS AND ISSUE PERMITS.

Some projects require multiple development permits, each of which has its own fee and may also be subject to impact fees for schools, transportation facilities, and affordable housing. Depending on the size of a project, the aggregate of these fees may be a significant cost factor for applicants. In some cases, prospective applicants decide not to apply for any permits at all, therefore projects are constructed in unincorporated areas of the County without code compliance oversight or inspection.

Based on the personal experiences of several members of the Committee and anecdotal information provided by Agency staff and others, the Committee deems the relatively high cost of obtaining a development permit(s) from the County to be an impediment to legitimate prospective applicants seeking permits. The Committee questioned whether building permit fees are based on the actual staff time required to perform the work and if the fees are being imposed fairly. The Committee recommends that the Agency continue its efforts to re-evaluate the current fee structure for building permits and to set fees that are commensurate with the amount of actual staff time required to perform permit review services.

The Committee also recommends that the Agency use multiple communication tools to provide applicants and the public with a clear, easily accessible explanation as to how fees are calculated and ways in which fees can be reduced.

It is essential that the Agency make a significant effort to explain to all prospective applicants and the public why issuance of building and other permits is an essential service and why the need to comply with building codes and other regulatory standards is critical to maintaining public safety across the County.

See related action item: 44 to 46.

4. TABLE OF ACTION ITEMS

The Table below represents a complete list of action items that support implementation of the Committee's Top Priorities (Section 3). While the action items were discussed by the Committee, they were not universally agreed upon by all Committee members. Nonetheless, these actions can serve as a guide to the CDA for successful implementation of the Committee's Top Priorities. As such, the Committee agreed to include them in the report.

Table 1 Recommended Action Items	
PERMIT PROCESSING	
	Reference Priority:
Action Item 1: Create a more detailed outline of the application review process than currently in use for both typical applications and more difficult applications (new construction, coastal projects, commercial, institutional, etc.). This outline should indicate the following: • Names of the various agencies and interest groups that would normally weigh in on a project. • All documents that are generally required during the review process, e.g., stability or soils reports, biological assessments, etc. • Recommendation to seek input from neighbors, community advisory groups, and other affected stakeholders early in the design stages of the project and before an application is filed with the County.	1, 2, and 8
Action Item 2: Make sure that applicants are aware of the opportunity to conduct a pre-application review and offer appointments for pre-application reviews.	1
Action Item 3: Focus on getting the pre-applicant (potential applicant) off on a good start through clear communication and printed or electronic application material, such as the lot size requirements, and floor area ratio (FAR), building height, setbacks, important plan policies, definitions, etc. Offer pre-application meetings and the CDA Application Submittal Checklist with highlights of the requirements needed for their particular project.	1 and 2
Action Item 4: Provide Agency staff with improved tools for anticipating early in the application process when special studies or other requirements should be requested before an application can be considered complete. The intent here is to minimize the need for serial requests for additional information during the process.	2 and 8
Action Item 5: Study the feasibility of advising applicants about a pending design review determination at least 72 hours before that determination becomes final. Allow applicants the opportunity to address or clarify issues, correct errors, and/or make revisions before the Agency issues a final decision.	1
Action Item 6: Ensure that planners assigned to work on discretionary permits (e.g., Design Review) make themselves available to applicants in the first phase of the review process to provide and discuss project flow charts, timetables, and applicable permitting costs.	1, 2, and 8

Action Item 7: Ensure that CDA staffing, structure, and training support the following: • The planner is the project leader for planning permits within the Agency and acts as a point person to the applicant to ensure that the project is consistent with CDA regulations and fits appropriately within the context of the community at large • The planner's function should be to help the applicant uncover all obstacles to obtain project approval. He/she should objectively and constructively help the applicant achieve their goals consistent with County plans and regulations. It is the responsibility of the planner to guide the applicant /owner through the conditions of approval, potential negative outcomes, appeals, interpretation of the Countywide Plan, coordination with other County Departments, and to coordinate with the public in identifying current issues in the community that can have an impact on the project • The planner verifies that all requirements for submittals and information are met, complete and included in the final submittal package prior to a hearing and/or local design review board presentation	1 and 8
Action Item 8: Make the planning process more time sensitive: • CDA staff should focus on the application process with respect to the Zoning Code, Marin Countywide Plan, and community plans for the unincorporated area in question. • Design review boards should provide input on discretionary permit applications primarily in the early stages of the review process so applicants are aware of community-based issues affecting project design. • Re-examine standard conditions of approval and identify conditions that can be satisfied with submittal of more detailed plans during building permit stage, instead of the planning permit stage. Encourage advisory review bodies and other commenting groups to utilize this guidance to avoid requiring excessive details during the conceptual design review stage of the project review process.	1
Action Item 9: Notify applicants as early as possible when/if staff does not receive any negative feedback on a project at the conclusion of the minimum public notice period for a discretionary permit. If no comments are received, the final decision should be issued as soon as possible and should not need to wait for the 60 day period allowed by the current procedures to expire. It could be made mandatory that a decision be made in 2 weeks, subsequent to there being no public comments on an application.	1
Action Item 10: Determine whether there are additional conditional uses and design review approvals that could be conducted at the staff level (ministerial). Develop clear standards to facilitate staff review and to increase certainty in the entitlement process.	2 and 8
Action Item 11: Create a review category with a timely, inexpensive review process for projects that were previously approved but not vested, and therefore require reauthorization after the initial permit approval has expired.	1 and 2
Action Item 12: Establish different time objectives for the duration of processing current planning permits to reflect the following degrees of project complexity: easy, moderate, or difficult.	1

PERMIT TRACKING	
	Reference Priority:
Action Item 13: Finalize improvements to the Agency's new permit tracking software system and implement those changes as soon as possible. Integrate with special districts and other County departments, and provide public Internet access to permit records and real time application status.	2 and 3

DESIGN REVIEW BOARDS	
	Reference Priority:
Action Item 14: Ensure that Design Review Boards (DRB) understand the scope of their duties, their role in the design review process, and how to collaborate successfully with applicants and members of the public, by accomplishing the following: • Work with current DRBs to develop uniform design review practices and timelines for submission of comments in a timely fashion. • Provide regular information and training to DRB members so that their performance is consistent with CDA expectations and needs, e.g., submission of minutes to Agency staff, providing proper notice of meetings, agenda requirements, Brown Act regulations, etc. • Make sure DRB members understand their role as communicators of accurate information about projects under review and Agency policies. • Create a design review board handbook and provide to all DRB members. • Clearly define standard procedures and apply to all County-appointed DRBs. • Provide easier DRB access to Agency staff to provide information and updates. • Develop and publicize metrics and standards to assist DRBs in determining when a continuance may be requested during the design review process. • Provide regular face-to-face opportunities for DRB members to meet with Agency staff to share ideas and solve common problems. • Develop clear information about DRBs and their responsibilities. Make DRB information accessible online and in print media.	1, 2, and 9
Action Item 15: Increase applicant and public awareness of the differences between DRBs and other non-county appointed organizations providing comment on projects. Provide homeowners' associations, community, and neighborhood groups with copies of the DRB handbook so that the differences are understood. Encourage non-county appointed organizations to adopt practices similar to DRB procedures, as appropriate, in order to expand transparency and retain community consensus on projects affecting them. Invite members of non-county appointment organizations to participate in DRB training. Distribute relevant DRB information and guidelines to interested groups.	1 and 9

BUILDING DEPARTMENT AND PERMITS	
	Reference Priority:
Action Item 16: Establish the Building Department as overseer for protecting the public from substandard construction, verifying health and safety standards, and keeping public records up to date.	7
Action Item 17: Evaluate the amount of staff time required to process building plan checks and building inspections as compared with staff time required by other Marin and North Bay jurisdictions, taking into consideration staffing and workload factors. Consider ways in which staff can accomplish these tasks in less time, such as establishing more stringent goals for plan check turnaround and inspection scheduling.	7
Action Item 18: Establish separate permit processes for residential and commercial projects so that differing code compliance requirements are handled more efficiently.	7

Action Item 19: Support the following CDA initiatives for implementation: • Work Flow Reform: express permitting, annual home improvement permit, overtime plan review, 3rd-party plan review, electronic inspection, overtime inspection, and 3rd-party inspection. • Regulatory Reform: original materials and methods retention, limited density owner built rural dwellings, joint living and work quarters, straw-bale construction permits, and architecturally significant structures permit. • Building Community: County as a facilitator for sustaining the built environment.	1 and 3
Action Item 20: Remove duplication in plan check process, number of building permits issued for one project, and multiple fees: • For projects with multiple components, unless the applicant or contractor requests multiple permits, consider issuing a single permit to reduce the property owners' expense for a project. • Re-evaluate rules of plan distribution, since arbitrarily sending plans to multiple departments for review without previous verification of need creates time delays and higher building permit cost. • Plan checkers and other staff shall work, coordinate, and collaborate with professional applicants and avoid micro managing and redesigning work that meets the code and was submitted by a California Licensed Professional. This conduct creates delays, increases professional fees due to unnecessary work and builds resentment towards CDA staff from applicants and property owners.	3
Action Item 21: Application reviewers, acting as "multi-disciplinarians" should perform several functions, while providing preliminary information to the applicant. As required, the application reviewers: • Grant a same day express/over-the-counter permits. • Route a project for review with a plan checker for "same day express permit". • When the submitted information is incomplete, move a potentially "same day express permit" project to a "one week permit approval" project. • Advises that the applicant submits the project for comprehensive review due to its potential complexity, and for distribution to the necessary departments. • Prepare, for the applicants' review and approval, project flow charts, time tables, and/or cost tables for building permits	2, 3, and 6
EXPRESS PERMITTING (GENERAL)	
	Reference Priority:
Action Item 22: Increase the types of projects that can utilize the "Express Permitting" process, including small commercial tenant improvements.	1
Action Item 23: Enhance the "Express Permitting" process to include projects that are either small in scale, within an existing building envelope, or with minimal environmental impact.	3
Action Item 24: Ensure adequate funding/staffing to enable "Express Permitting" to be offered at least two days each week.	3
EXPRESS, OVER-THE-COUNTER, AND SAME DAY PERMITTING	
	Reference Priority:
Action Item 25: On relatively minor permits, provide over-the-counter sign-offs by fire personnel of the various fire departments through a unified or delegated plan checker.	3, 6, and 7
Action Item 26: Create an online permit submittal and approval process for specific types of projects (e.g., a straightforward reroofing job).	3

Action Item 27: Consider the following for "Same Day Express Permit": • Foundation replacements within the building footprint, with a soils engineer recommendation/report and submitted by the structural engineer of record. • Dry rot repair, siding, addition of windows and doors. • Roofing replacement. • Deck replacement or new deck, porch or patio within setbacks (foundation work submitted by engineer / architect of record). • Interior remodels and kitchen /bathroom upgrades (non-structural). • Rooftop solar panels. • HVAC upgrade. • Others to be determined.	3
EXPRESS PERMITTING (ONE WEEK APPROVAL)	
	Reference Priority:
Action Item 28: Provide one-week approval for any "Same Day Express Permit" application that does not have complete plans and the required information, as well as for small-to medium-sized remodels and additions that are within the prescribed setbacks, building height and floor area standards. If presented to the plan checkers by the architect and the engineer of record, these projects can be approved within one week. Assuming the applicant can submit adequate information in a timely manner, all questions by plan checkers are resolved in 1 or 2 meetings.	3
FULL-DISTRIBUTION PERMIT	
	Reference Priority:
Action Item 29: Establish criteria for the "multi-disciplinary" application reviewer to advise the applicant to file the project, due to its complexity, for "full distribution permit", for distribution to the necessary departments. Examples of the types of applications that might require full distribution include: • Any "one week permit approval" where the applicant does not complete the information requested in a timely manner. • Projects that require change of occupancy. • New buildings. • Complete and extensive alterations and remodels.	6
PLAN CHECK	
	Reference Priority:
Action Item 30: Consider conducting meetings between plan checkers and applicants to go over plan check comments. Applicants should be able to meet with the plan checkers assigned to the project and contribute the necessary answers to move the project forward.	7
Action Item 31: Fund an additional plan checker to help expedite projects.	7
STAFFING	
	Reference Priority:
Action Item 32: For projects that do not need a planning permit, establish a single-point-of-contact in Planning during the review of building permits and building permit plan checks. *(Note: Often applicants consult with a planner to verify information. When more than one consultation is needed, make every effort to enable the applicant to communicate with the same planner.)*	1 and 3
Action Item 33: Establish a permit "concierge" service with pre-application consultations required, or strongly encouraged, in certain situations. A CDA permit "concierge" could carry out a counter review of a project and direct the applicant to either planning or a building.	1, 3, and 5

Action Item 34: Establish a planning "generalist" at the front counter that gives preliminary information and guidance to the applicant. Depending on the complexity of the project, the "generalist" assigns it to a planner to continue the project review (e.g., initiate a formal pre-application review). Planning "generalist" qualifications include: • Knowledge of the CDA, Countywide Plan, applicable community plans, Local Coastal Program, and other County departments' course of actions. • Understand the private sector. • Strong communication skills and problem solving skills.	1, 3, and 6
Action Item 35: Consider maintaining a list of referrals for outside application-facilitators.	4
Action Item 36: Create an Ombudsman Program with a person or committee that would be a mediator between the applicant, the Agency, and the public, depending on the scope of the project. The Ombudsman position is independent of the CDA, Public Works, and the Fire Department. This could be established using a panel of retired professionals who understand the CDA, its partners, and its processes, and functions similar to the court mediator program.	4
Action Item 37: As vacancies occur, consider hiring at least one staff member with an architectural education and practice background to provide the CDA with a deeper understanding of design, architecture, and construction.	5, 6, and 7
COMMUNICATIONS STRATEGY, WEB CONTENT, AND ONLINE ACCESS TO SERVICES	
	Reference Priority:
Action Item 38: Develop a comprehensive Communications Strategy to increase awareness and understanding of how projects are reviewed by the County. Support the completion of the "Current Planning Website Redesign" in an expeditious manner. (See Appendix for additional information.)	1, 2, 3, and 10
Action Item 39: Expand the scope of project-related information available to applicants and the public by providing online parcel information by "property address" that includes: • Assessors parcel number, important development standards, such as allowed uses, setbacks, height limitation, floor area maximum, septic requirements, stream setbacks, and flood information. • Property Building Permit history: filed permits, pending projects, projects under construction, or completed projects. • Applications in process including project description, status, and assigned staff. • Information on availability-for-viewing of archived construction documents. • Local DRB and other agencies with jurisdiction on parcel. • Link to on-going projects in the neighborhood. • Link to process flow charts and opportunities for public involvement, if applicable.	2 and 3
Action Item 40: Support and enhance the current "online" project the CDA has implemented for electronic applications and approval procedures to expedite processing of applicable planning and building permits.	2 and 3

Action Item 41: Allow ePlan Check for commercial building plans so applicants can submit plans electronically, reducing the need for them to submit hard copy building plans.	3 and 7
Action Item 42: Allow licensed contractors to apply for simple permits online.	3
Action Item 43: Post building permit submittal information on the CDA website within 48 hours of either filing or obtaining a building permit. For complex projects: • Within a week of filing, the website should show the department, the plan checker's name and contact information, and the departments to which the project has been routed. • Information should be updated as the project moves through different departments.	3
FEES	
	Reference Priority:
Action Item 44: Modify the charges for cost accounting of staff time to a 6-minute increment to increase the precision of application fees that are assessed on a real-time basis. CDA currently charges by 15-minute increments for responding to phone calls and emails.	11
Action Item 45: Make the permit fee structure more transparent to applicants. Provide processing fee information with over the counter inquiries, including hourly fees and all possible impact fees. A copy of the Building Permit invoice should be mailed to the property owner when the owner is not the applicant.	11
Action Item 46: Establish a plan of action to lower fees as CDA successfully implements the changes proposed in this report that result in timesaving for staff.	11
OTHER	
	Reference Priority:
Action Item 47: Accelerate updating of community plans (as well as creation of community plans for recognized communities that do not have plans). Promote the benefits of creating a "model" community plan as part of an effort to bring greater focus and consistency to the content, structure and formats of community plans. Create a matrix of common key community plan elements that would enable planners, applicants, and the public to quickly ascertain special features of individual community plans.	2

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5. CLOSING STATEMENT FROM THE COMMITTEE

In closing, the Committee would like to stress the importance of self evaluation. It is crucial to the health of our community, our environment and the future sustainability of Marin County as a whole, that we continue this process.

We have attempted to address a very complex and continuously fluid process and have come up with, what the Committee feels are "attainable" goals. However, it is not enough just to identify the problems. It is also important to ensure accountability, follow-through and further evaluation.

Additionally, there were important issues that the Committee could not address due to the size and scope of our task. Included in these issues are discussions concerning the California Environmental Quality Act (CEQA) and the Countywide Plan. These discussions and evaluations must include Professional Planners and other professionals with "large project" experience.

With that spirit in mind, the Committee wishes to include one last "Priority". We believe that this process of self-evaluation should continue. We feel that the CDA's Permitting Efficiencies Group (PEG) should continue the work of the RIAC and be structured with similar representation as this committee.

We thank the County Supervisors for the opportunity to participate and contribute in this very important issue involving the future landscape of Marin. We also applaud the efforts of Brian Crawford and his CDA staff in generously providing their time, expertise and resources to the Committee.

As every member of this committee stated in our first meeting, we all share a professional and personal stake in the future and well being of Marin County. We look forward to the next step in this process and any future opportunities to lend our time and expertise in moving this process forward.

We believe that this process of self-evaluation should continue. We feel that the CDA's Permitting Efficiencies Group (PEG) should continue the work of the RIAC and be structured with similar representation as this committee.

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6. APPENDIX: SUGGESTIONS FOR ACCOMPLISHING PRIORITY #10

The following additional suggestions and ideas are offered to the Board of Supervisors and CDA for consideration in addressing Priority 10. The suggestions do not necessarily represent consensus of the committee, however.

BUILD A STRONGER COMMUNICATIONS STRATEGY TO INCREASE AWARENESS AND EASIER PUBLIC ACCESS TO INFORMATION ABOUT THE REVIEW PROCESS

I. **Create a strong communications policy and plan with the goal of informing the public about CDA's role in project review, policy determination, and its accomplishments.**

    A. Requires buy-in and support of all levels of County government and staff.

    B. Develop CDA 'message' to communicate core County and CDA values.

    C. Adopt the perspective that applicants are not the only "customers" of CDA. Even though applicants pay fees to defray the costs of processing projects, the County's fiduciary responsibility also applies to all of its tax-paying residents and businesses.

    D. Improve public perception by demonstrating and communicating fairness throughout all of CDA's activities.

    E. Survey communications tools/resources employed by other planning departments, agencies, etc. Compile list of tools/resources others have used successfully for consideration.

    F. For CEQA-affected projects, or those which are expected to be controversial, explore the idea of organizing early public forums to vet stakeholders' attitudes, concerns, solutions, etc. BEFORE the project application is deemed complete. Record comments and incorporate in completeness review, initial study, etc.

    G. Build public's expectation that County policies and CDA exists to help everyone participating in the review process. For example, video and/or written articles could be used to:

        1. Communicate the public benefits of the planning and building permit process.

        2. Tell stories of local benefit and accomplishment achieved through collaboration.

        3. Tell stories of what is possible to achieve when everyone works together.

        4. Tell stories about specific projects which have benefited unincorporated Marin and its economy, health, agriculture, ecosystems, air, water quality, etc.

5. Tell stories of how environmental protection benefits our communities, economy, health, agriculture, ecosystems, air, water quality, etc.

6. Tell stories about successful planning or project-related efforts to address and reconcile deep community divisions and reach under-represented/disadvantaged communities within the County.

7. Tell stories illustrating adopted County policies, e.g., affordable housing, watersheds, etc.

8. Explain the impacts of NIMBYism on the review process and our communities.

H. Enhance residents' and business' understanding of each other's concerns.

I. Instead of reacting to outside inquiries and opinion about projects, engage in actively informing the public about CDA achievements, news about proposed projects, notices of zoning changes, staffing changes, etc.

J. Explore the possibility of the CDA becoming an active advocate of the environment, sustainability, and economic vitality – not just through documents/policies/actions, but also by providing media with story ideas, video content, and outreach to stakeholder groups.

K. Create a more personal connection between staff and communities served by incorporating staff information and bio's in written and online content.

L. Use technology to establish a dedicated communication venue or blog to update/inform stakeholders.

1. Convene and video public forums on key issues of concern, e.g.:

   a. Proposed development in areas prone to seasonal flooding or inundation due to sea level rise.
   b. Priority development areas.
   c. What is an EIR?
   d. Dispelling the myths of affordable housing. What does it look like? Where is it?
   e. Address the perceived pubic conflict between the need for affordable housing and the subsequent need for expanded services which are not financially-supported by affordable housing projects.
   f. How to use technology to submit permit applications and provide progress documentation.
   g. Recommended behavior appropriate for public hearings and meetings.
   h. What is the purpose of enforcement? How is action taken to enforce conditions of approval, use permits, etc.?

II. Investigate the different ways applicants, residents, and stakeholder groups learn about CDA.

A. Identify other organizations which facilitate flow of information to stakeholders.

B. Build a publicly accessible database/resource of stakeholder groups, agencies, HOA's, other jurisdictions, nonprofits, etc.

C. Survey published comments about CDA and the review project, e.g., editorials, Marin Voice, letters to the editor, local blogs, etc. Identify common themes and information venues for future consideration.

III. Equip stakeholders to participate constructively in the development review process.

A. Create a public one-stop and easily accessible online resource containing all information pertaining to the CDA, its policies, procedures, projects under consideration, etc.

1. Consider a stand-alone website that can be accessed directly AND via www.marincounty.org.

2. Make it easy to stay current on changes in regulations, process, codes, and policies.

3. Use lay language whenever possible; minimize use of hyper-technical or planning jargon.

4. Create an easily accessible FAQ resource about the development review process.

5. Improve content and expand the means by which all parties learn about:

   a. Legal context, regulatory duties, scope, procedures, and internal structure of the CDA.
   b. How CDA is funded.
   c. How projects are reviewed by the CDA; describe the process.
   d. How to submit a project for review by CDA.
   e. The hierarchy of County agencies which participate in CDA's review process, i.e., design review boards, public works, deputy zoning administrator, planning commission, board of supervisors, etc. Develop an organizational chart graphic to show the relationships between departments and agencies.
   f. Other stakeholder agencies participating in the CDA's review process, e.g., water districts, sanitary districts, homeowners associations, neighboring jurisdictions, etc. Include in organizational chart graphic (see above).
   g. CEQA & Marin's environmental review process.
   h. CEQA consultants and advisors.
   i. Upcoming and ongoing proposed projects.
   j. Marin Countywide Plan, Title 22 – Zoning Code, Community Plans.
   k. How to participate in the review process.
   l. Use timeline-style graphics to show stakeholders when and how to participate in the review process.
   m. How to appeal a project determination. How are "frivolous" appeals handled?

B. Sponsor leadership training institutes to help community groups, nonprofits, and stakeholders to understand:

1. How to effectively advocate one's concerns and ideas. How speakers can increase the ability of decision-makers to 'hear' what they are saying.

2. How to effectively communicate with elected officials.

3. How CEQA works in Marin. How to read and comment on an EIR.

4. Key milestones in the development review process.

5. How a community group or homeowners' association can participate successfully in the review process.

IV. Address the communications needs of Design Review Boards and how they interact within the communities. (See also Priority #9).

    A. Recognize that DRB members are often residents' first point of contact with the County during the project review process.

    B. Ensuring that a resident's first experience is a positive one helps build a sense of collaboration and sets the stage for a more positive outcome.

    C. Include DRB representatives in countywide policy discussions.

    D. Increase public awareness of role and functions of design review boards in CDA review process.

    E. Provide feedback about County-DRB interactions and relationships.

V. Create a feedback loop(s) for applicants, residents, and stakeholders to offer ideas for improvements to the development review process and/or specific projects.

    A. Initiate a web-based tool for submission of public comments and suggestions and the means by which Agency staff can respond to comments and implement changes as appropriate.

VI. Provide all information about procedures, regulations, and project review information in a single, user-friendly and widely-accessible online format.

VII. Consider additional new tools to improve communication and disseminate information, e.g., expanded user-driven website, educational workshops, newsletters, targeted outreach to organizations which frequently commenting on proposed projects, etc.

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