



# COMMUNITY DEVELOPMENT AGENCY

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**SUBJECT:** Regulatory Improvements Advisory Committee Report

Building and Safety  
Environmental Health Services  
Planning  
Federal Grants  
Redevelopment Agency

Dear Board Members:

**RECOMMENDATION:**

- 1) Accept Regulatory Improvements Advisory Committee Report and provide feedback to staff

[www.marincounty.org/cda](http://www.marincounty.org/cda)

A copy of the Committee report can be found on the Community Development Agency's web site at:

<http://www.marincounty.org/depts/cd/regulatory-improvements-advisory-committee> .

**SUMMARY:**

At the direction of the Board of Supervisors, the Regulatory Improvements Advisory Committee (RIAC) was formed to critically review the County's development review process and to provide recommendations to improve service for a range of customers, including permit applicants, interest groups, building and design professionals, civic organizations and the general public. While the Committee's initial purview covered an ambitious range of topics, their attention became focused primarily on permit review procedures and communications between reviewing agencies and the public. Two public workshops were held at different intervals during the Committee meeting process to inform the public about the RIAC and to solicit feedback.

The result of the Committee's work is a report identifying eleven top priorities representing the big ideas for improvements that most if not all committee members have agreed upon. The report also includes a longer list of specific action items, most of which relate to one or more of the above priorities. The action items have not been endorsed by the Committee as a whole, but rather represent a compilation of improvements discussed during the Committee's meetings. Together, the top priorities and action items are intended to inform and guide the County's ongoing efforts to improve the development review process. Individual recommendations from the report will be considered and implemented in a phased manner over time and consistent with the agency's staff resources and budget.

**TOP PRIORITIES:**

As discussed below, some of the top priorities reflect recent and current advancements on the customer service front made by the Community Development Agency and other County departments while others represent new initiatives.

Priority 1: Enhance Stakeholder Understanding

Recent improvements in this area include enhancements to the County web site to expand the amount and quality of public information regarding County plans, development regulations, review procedures, fees and status of current projects. However, the large amount of public information produced by the CDA, the inherent complexities of the regulatory process and continued advancements in the field of information technology will undoubtedly create ongoing opportunities for improvement. One example discussed by the Committee is a comprehensive flow chart of permit review processes that would benefit the public's understanding of how and when a permit request moves from initial submittal to final decision. Improvements in this area should continue by updating, adding and consolidating public information pertaining to the development review process, including but not limited to items suggested by the Committee under this priority. Some of this work will likely be implemented through the County's ongoing efforts to improve its web site while other more focused efforts will be pursued by CDA staff with assistance from County Information Services and Technology staff. Staff will also consider the need for additional resources that may be necessary to fully realize the Committee's recommendation.

Priority 2: Improve Efficiency and Simplify Regulations

Several years ago, the CDA initiated a critical review of local planning procedures which resulted in code amendments that clarified and to a limited extent simplified the Design Review process and other discretionary permit procedures. For example, minor additions that had previously been subject to a low-level Design Review process can now be initiated directly through a building permit if the proposal meets a list of well-defined standards for development and environmental protection. Staff will continue to pursue these types of efficiencies by developing options for procedural incentives benefiting small development projects that clearly meet important standards and policies. The potential for permit review efficiencies for larger and more complex proposals may also exist although to a lesser extent given the need for the more in depth analysis, CEQA review and public input. The CDA Permit Efficiency Group is well suited to carry on this work at the staff level.

Priority 3: Expand Online Permitting, Tracking, and One-Stop, Over-the-Counter Permitting

Two of the CDA's recent and most important customer service initiatives provide a head start for this priority. First, a new automated permit tracking system is in the midst of being implemented throughout the agency, although the original implementation schedule has been extended by the need for program redesigns and other fixes tailored to the specific needs of the agency. Second, an express permitting program was initiated in 2013 that allows applicants to submit and receive approved building permits the same day. Express permitting involves a consolidated review of minor permit requests by Building, Planning, Fire, and

Public Works staff. Cycle time objectives have also been set between these agencies to shorten the turnaround time for review of other smaller construction projects that currently do not qualify for express permitting. However, the agency intends to expand over-the-counter processing to a broader range of projects and initiate on-line permitting in the future as the new permit tracking system is implemented for the Building and Safety Division. These continuing efforts are strongly encouraged by the Committee.

#### Priority 4: Create an Ombudsman Program

Acting in the capacity of a third party intermediary, the Ombudsman would serve as a bridge between applicants and agency staff with respect to communicating and resolving issues affecting the permit review process. A similar position was created by the County as an outgrowth of the County's 2001 Agricultural Support Plan to assist agricultural producers with their production facility proposals and other regulatory issues affecting the agricultural community in Marin. Although the Ombudsman and Concierge position (discussed below) are similar in their customer service roles, the Ombudsman differs insofar as it would exist outside of the County organization and work independently from County staff. In that regard, it may also differ from the Agricultural Ombudsperson which works out of the U.C. Cooperative Extension office and is funded by the County.

The prospect of the Ombudsperson should be contingent on addressing at least two issues: 1) if and how the position would be funded and managed in relation to its independent nature; and 2) whether the somewhat overlapping functions and customer service benefits of the Ombudsman position and the Concierge position warrant creating both positions concurrently. Further review of this position is therefore suggested by staff.

#### Priority 5: Provide a Permit Concierge

The Permit Concierge would serve as a single point of contact for customers experiencing difficulties in navigating the permit review process as well as to facilitate communication between County staff, applicants and interested members of the public. This position could also facilitate customer service initiatives related to the County's development review process. A similar position created in Sonoma County's Permit and Resource Management Department several years ago has apparently had a positive impact on that agency's customer service capacity. The success of this position would be contingent upon selecting an individual with a strong customer service mindset, a sufficient breadth of knowledge of regulations and the development review process, and a diplomatic resolve to solve problems. A willingness of all County departments involved in the development review process to realize and take advantage of the potential benefits of this position would also be essential to its success.

#### Priority 6: Create Multi-Disciplinary Reviewer Position

Consolidating the permit review functions of multiple departments into a single plan reviewer would reduce delay when a building permit moves from one department to the next prior to being issued. A critical analysis of this position should be carried out by County staff to determine: 1) the extent to which a single position could adeptly and efficiently administer distinct regulations; 2)

which County department(s) would have oversight of the position; 3) whether the position could be created by reassignment of an existing position or alternatively creating a new position; and 4) the level of support from County departments to delegate review authority to a position that may not be under their direct management oversight.

Priority 7: Improve Efficiency of Building Permit Plan Check Process

Input from building professionals regarding the lengthy review time for major building permits was the impetus for the Committee's recommendation to add another plan check position to the CDA Building and Safety Division. An alternative approach to addressing this issue is presently available through the Building and Safety Division's acceptance of outside plan check review by one of several preapproved private third-party firms. Because the County does not have a contractual relationship with the third party firms, outside plan check is an option made available to applicants and not a routine procedure or requirement. However, because outside plan check firms may not share the same staffing and workload constraints as the County, the typical plan review timeframe can be considerably shorter than internal County review. For that reason, Building and Safety staff have been increasing applicant awareness of this option prior to the intake of building permit plans. County staff intends to continue monitoring plan check timeframes to determine if the objective of reducing plan check processing time can be achieved through the practice of optional outside plan check and if this practice can be sustained from a budget standpoint. The need for an additional County position should be reevaluated in the future if the current optional plan check approach proves to be unsuccessful.

Priority 8: Reexamine Environmental Impact Review Guidelines

Because the California Environmental Quality Act (CEQA) is a large and complex body of laws and procedures dictated by State statute, the Committee chose not to take a deep dive into this topic and instead limited their recommendation to examining possible efficiencies through an update of the County's local procedures for implementing CEQA (Marin County Environmental Impact Review Guidelines). This work will be pursued through the CDA's performance plan process.

Priority 9: Provide Design Review Board Training

Staff currently conducts an annual meeting with the three Design Review Boards appointed by the Board of Supervisors, including the Kentfield Planning Advisory Board, the Strawberry Design Review Board and the Tamalpais Design Review Board. The purpose of the meetings is to develop an annual report that sets forth the Board's goals and work program for the upcoming year. Staff also provides limited assistance to Design Review Boards and other community advisory groups that function in a similar capacity, such as to review updated zoning regulations. There are also a number of other formal and informal community advisory groups that provide input to the Agency on development review applications.

The Committee, and particularly members having past experience with design review boards and community advisory groups, emphasized the important role

these organizations play in the development review process while also recognizing the limits of staff to serve them on a routine basis. The Committee therefore recommends the development of uniform guidelines for the design review boards and community advisory groups to ensure consistency in their review, meeting procedures and communications. Training could cover such topics as the scope of authority for design review boards, meeting procedures and protocols, means of public participation, and completeness and merits review for projects. Staff will attempt to include the preparation of these guidelines through the agency's performance plan process and address training needs when meeting with design review boards and other community advisory groups as staffing resources allow.

Priority 10: Build a Stronger Communications Strategy

One of the primary themes of the Committee's report is the need for improved communications on the County's part. While the agency has expanded its means of communicating with and engaging the public, by way of example through information posted on the agency web site, on-line community surveys, press releases and community workshops, the large amount of public information produced by the agency, options for meaningful public engagement, and the continued expansion of information technology will present opportunities for improvement going forward. Because the need for an improved communications strategy is not limited to a single County department, the Committee's recommendation should be considered as part of a larger strategic approach to enhancing communications for the County organization. In the meantime, CDA will consider the ideas presented by the Committee to help improve public outreach for both specific initiatives and general information.

Priority 11: Correlate Application Fees to Staff Time

Three important concerns came out of the Committee's examination of building permit and other user fees: 1) fees should reflect the actual amount of staff time associated with reviewing and issuing permits to keep fees as low as possible; 2) all applicable fees should be known by applicants before they file their permit requests to avoid unanticipated costs; and 3) applicants should see the connection between the individual and public benefits derived from the development review process and fees paid to engage in that process.

CDA fees are updated and periodically based on estimates of actual staff time and other costs related to work carried out to review and issue permits. A fee recovery policy also guides the County's decisions about the extent to which the County relies upon user fees and the County general fund to recoup the cost of various services available to the permit applicants and the public. Because fee adjustments require Board of Supervisors approval, the Board will have future opportunities to review the relationship between County costs and fees and to revisit the fee County's fee recovery policy. Public information regarding applicable fees and the public benefits of the development review process should be pursued through enhancements to the CDA web site and other public outreach efforts.

In closing, the Committee recommends the process of self-evaluation continue through a committee similar to the RIAC. The RIAC represents what may be the first effort of the County to systematically solicit in-depth feedback from a variety of individuals having an outside perspective of the development review process. Based on the value of the Committee's work, staff agrees with the proposition of reengaging a committee in the future, although making progress on the current recommendations should be a priority for the near term. Launching another RIAC process in the future should be considered through the agency's performance plan, which can also serve as a means of reporting progress on implementing the Committee's recommendations.

Staff acknowledges and appreciates the substantial time, energy and creative thinking the Committee members invested in this process. The culmination of the Committee's work can be attributed to their willingness to listen carefully and to bring issues and solutions to the table in a thoughtful and constructive manner.

**FISCAL/STAFFING IMPACT:**

Accepting the RIAC report will not result in fiscal impacts. County budget expenditures will be considered at the time specific initiatives related to recommendations are pursued.

**REVIEWED BY:**

- |                          |                    |                                     |     |
|--------------------------|--------------------|-------------------------------------|-----|
| <input type="checkbox"/> | Auditor-Controller | <input checked="" type="checkbox"/> | N/A |
| <input type="checkbox"/> | County Counsel     | <input checked="" type="checkbox"/> | N/A |
| <input type="checkbox"/> | Human Resources    | <input checked="" type="checkbox"/> | N/A |

**SIGNATURE:**



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