Dear Daisy,

Thank you so much for taking the time to advance the county building codes to include tiny homes on wheels as permanent residences. This is a bold move, and one I feel is imperative for our community, not only for the people, but for the land and environment itself.

I attended your seminar this week and wanted to reach out to let you know that as a total loss victim in the CZU lightning fires this past summer, I am for this change to the code as it will directly improve my chances of remaining on the mountain as a homeowner in Santa Cruz County.

We owned our property at 241 Robles Dr. for thirteen-years. Over that time, we fixed up our overpriced home, it was already too expensive for us when we moved here in 2007, one room at a time. We repaired things. Painted rooms. Replaced single pane windows with double pane firesafe upgrades, one at a time as we had the funds. We planted gardens and raised chickens, bees, and goats. On 8/19/20 we lost every structure on that land, as well as livestock and 40+ huge trees. There was a reason we called the land "Big Trees" and to lose such beauty is devastating.

In addition, PG&E clear cut our entire road, and about an acre of my property, without permission. We now live on a wasteland and will be unable to sell this property for years. Moreover, as bids come in for rebuilding the house (we had a garage previously as well but can't afford to even consider one now), we find ourselves about $500,000 under what is needed to build a permanent, foundation residence that meets all codes. My husband is about to retire, or at least had plans to, and this sort of financial burden is one we can't undertake right now.

Yet we don't want to leave the land. We want to restore it, do the work needed to clean up the standing dead trees, renew the soil after this toxic burn, plant bushes and fruit trees, and lend a hand to nature's renewal. I don't want to leave my community either. Enter the tiny house on wheels. They are beautiful. They are environmental. They are low waste. They are low-impact on the land. Even better, should a fire come roaring up the San Vicente canyon again, with enough evacuation time, we can take it with us. Imagine how well this type of home fits with the climate changes we face.

I believe the county should pass legislation to permit tiny homes on wheels as permanent residences. This will ensure fire survivors, such as myself, return to their land and improve it. We have over $100,000 in tree work needed so that it's not a tinderbox, if we go broke and into debt just to build a 2000 sf home, there's no money left to do that important work. We won't even be able to furnish said home. A tiny home on wheels is affordable, freeing up money to clean the land, and we can expand and contract as our family's needs change.

Permitting in this way can still require some of the items we already have to do: Geotech soils to make sure the land is sturdy, extra water and hydrants for CalFire, making sure that there aren't more on the land that the septic can handle. This is already in the process for the rebuild, you can just add the checks in this regard. We're fine with paying some sort of property tax in order to have the home. I understand they're insured as RVs (that's actually good since soon Bonny Doon will only have the CalFair plan when it comes to fire on a foundation home), but a fee can be charged per unit. In my case, we could start with one, and then add two studios if sons return from college to live with us, which is three bedrooms, and what our septic is permitted for. You can easily add a process to evaluate additions based on

bedrooms and square footage to the environmental health review when pulling a permanent residence permit.

Beyond fire survivors, tiny homes on wheels are good for the land. The construction is streamlined with little waste in the factories, most companies use sustainable materials, the units are energy efficient and can easily be added to a solar array. They run on a 50 amp plug. They are beautiful and fit into the land. Why tear it up to put in a foundation? Why not be less permanent, and live there in our way while we're called to serve the land and then when the land passes into other ownership, that owner can live there in their way? Like taking your trash with you from the beach, you take your home when you sell the land. Long term, this will allow our younger community members to stay as well, for they can buy the land that is sure to go on the market soon, and instead of needing a million dollars (yes, my house bids are coming in at 1 million for a 2000 sf home, which is what I had before) they can add a tiny home on wheels for $100,000 and enter into home ownership without indentured servitude to the bank. Lastly, this code change can keep families together, as some young couples could put a tiny home on their parent's property and save up for home ownership and the elderly can move in with kids in a similar manner. Even longer term is the possibility for tiny home villages in the county, which are beautiful, sustainable and very desirable to the younger generation as well as retirees. Check out this stunning eco-village in Tampa Bay: https://www.escapetampabay.com/. Small is the future.

I would like to see this process adapted. We're about four months out for electricity from PG&E. Most tiny homes take about 3-4 months to ship from the time of order. There's site work to be done. We'd love to return to the land this fall in our tiny house on wheels and turn our sights toward cleaning the land and making it beautiful once again. I'd love to pull a permanent residence permit rather than a temporary one, so that I know I'm home, no clock is running, I'm not in debt, and I'm living with the land rather than cutting it up once again so that I can live in a big house. We are open to working with the county and the Recovery Permit Center to forge this new territory together. In the meantime, I'm getting pre-clearances for a traditional plan, installing the well tanks and hydrant, already repaired the septic, and will hire a geotech soils analysis, all in anticipation of being able to put the tiny house on wheels in the slot on our site plan that is currently slated for the overpriced, oversized home when the timing is right.

We will not be rebuilding the larger home, nor participating in buying a different home in the county, as we've been priced out of both. I think it is important for the county to understand how many of us do not have enough insurance money to rebuild in the traditional route and with homes going for $300K over asking price in town, many CZU victims will abandon their land and leave the area. Allowing tiny homes on wheels as permanent residences is one tool for helping our neighbors return home.

Best,

Nicole Anderson 831-713-6883

Nicole.sallak.anderson@gmail.com

Nicole Sallak Anderson

nicolesallakanderson.com

Sounds good. Thank you for the skill and effort in undertaking this project.

Nancy

Nancy Macy, Chair

Environmental Committee for the SLV

Valley Women's Club

www.valleywomensclub.org

831/338-6578 home

831/345-1555 cell

Hello,

I think it would be beneficial for the county to change the regulation that the Main dwelling has to be same (materials, colors, etc.) as the ADU. This will give a presence to the ADU as if it was a separate home in a smaller lot.

This will help out expedite the process for the people trying to build an ADU to live in as well as those that are for rental purposes. Since the price of homes are skyrocketing this is a simpler approach to make housing more affordable to everyone.

Thanks

Hello Daisy,

Thank you for holding the meeting about ADU's and Tiny Homes last night. I appreciate the calm and informative approach you and the other staff took, and that you made links and more information available. I was impressed with your ability to reply to people's questions on the spot in a way that seemed complete and accurate while not over-simplifying complex issues. It is clear that you are very knowledgeable on the subject. The County's policy on housing development must be a very tough, emotionally charged, and complicated issue for you and the other staff to take on.

I am a licensed Civil Engineer who provides both civil and structural design services for single family residential projects, primarily in Santa Cruz County. I have worked on a few projects in other jurisdictions such as Santa Clara County, San Mateo County, the Town of Los Gatos, and the City of Salinas. While I know that Santa Cruz County has a reputation of being tough in terms of permitting, I will say that I have found the process to be tougher in those other jurisdictions. I have certainly heard that there are other areas in California where permitting is much easier, but I don't think that is always a good thing.

I grew up in the Aptos hills adjacent to Nisene Marks State Park and have lived in Santa Cruz County continuously since 1982. My parents ran a construction company for more than 35 years, after building their Geodesic Dome home there. I worked for my parents during the summers and learned the basics of the Construction trade.

After High School I was hired to do facilities maintenance and construction at a 110 acre camp and conference center in Aptos. I lived in a small cabin and worked at this job for 12 years. During that time I earned an AS degree in Engineering and a certificate of proficiency in drafting technology from Cabrillo. I then graduated from SJSU in 1999 with a BS in Civil Engineering with a Structural Concentration.

In 2001 I started working for a Civil, Structural, and Architectural firm in Soquel. I worked there for 8 years before starting my own Civil/Structural Engineering practice about 13 years ago. Also, for the past 9 years I have been operating a water system that serves about 200 people in the neighborhood where my parents used to live. I have now inherited that water system from my parents who recently passed away. I have lived in Ben Lomond for the past 20 years and fought fires last August to save our home and others on the bottom edge of the CZU fire. I am now working to help my neighbor design a home to replace theirs that burned to the ground.

My wife and I have long considered building an ADU or having a tiny home on our partially forested residential property. If our house had burned down we would likely have purchased a trailer to live in while we rebuilt. I'm only letting you know all of this information about me to say that I have a long and diverse experience that has involved construction, facilities, building design and engineering, public utilities, the natural environment, and fire in this county. I have looked at the development of homes in our County from many angles. I felt compelled to provide feedback on the important issues discussed at last night's presentation.

I can see many sides of the ADU/Tiny Home issue. I know enough to know that it is a complicated topic. Decisions made by the County now will impact many people and the environment for decades to come. Certainly you have a huge task on your plate as you work on policies related to small, rentable, and

potentially affordable housing. The world has become an impatient place, but I want you to know that at least one land and business owner in this County believes that careful analysis, discussion, and consideration of these issues, whatever that takes, is very important. A vocal group of people will want changes right away, but we hire our public employees and officials to look out for all of us, and sometimes protect us from ourselves and our impatience.

I can see the need to create more affordable home options in our County. Homelessness, even among people with the capacity to work, is a real threat. The new category of Tiny Homes demands some regulatory guidance for sure. I have seen first-hand people beginning to seek out this option, even without all of the regulations in place. I ask you to carefully consider as many of the impacts of Tiny Homes and ADU's in our County as possible. These housing options come with a cost to property owners, neighborhoods, competition for resources, traffic, environmental impact, etc. Please take the time you need to come up with balanced policies that consider these and other impacts.

Some might have you think otherwise, but not all design professionals in the County believe that the process to permit an ADU or Tiny Home should take just a few months. Yes, the rules and process should be clear. Yes, it should be possible to build a rentable structure on some lots in our County. But no, it should not be possible for anyone with the ability to finance a $30,000 structure to put a rental home on any property.

We need safe, high quality housing options that are able to be constructed where they are reasonable. Not every project should be approved. Some poorly conceived or underfunded projects should be denied or never get past the dream stage. Our County needs to be sure that projects are well designed, carefully reviewed, and responsibly managed. Let's not give up all that makes our County great and special, simply to provide lower-cost housing options. If a more thorough permitting process prevents poorly developed ideas from being achieved then that is a good thing in my eyes.

These are just my opinions, to throw in the mix with the rest. I have carefully avoided being either pro or anti-growth and pro or anti-progress. I think we need more people and more policies that strive for a balance between these things.

Thank you for your work and for considering my thoughts,

Martin Mills

Principal Engineer

Mills Young Engineering

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– Tiny Homes on <u>Foundations</u> as Primary Residence or Accessory Dwelling Units on Property Zoned for Residential Uses

Santa Cruz County to adopt California Residential Code 2019 Appendix Q: Tiny Houses. Adopt entire appendix.

– Tiny Homes on <u>Wheels</u> as Primary Residence or Accessory Dwelling Units on Property Zoned for Residential Uses

A. Tiny Homes on Wheels in Residential Zoning. Tiny Homes on Wheels (THOW) shall be considered a dwelling or an additional type of accessory dwelling unit (ADU). THOW as ADU shall be allowed as an accessory use to single-unit residential dwellings and multi-unit dwellings, consistent with California Government Code, Section 65852.2, subdivision (g) which allows cities to adopt less restrictive requirements than the State-mandated minimums for accessory dwelling units. A tiny home on wheels that meets the definition in this subsection may be built and occupied as a new dwelling or a detached accessory dwelling unit, by right, if it complies with the standards of this subsection and Section 65852.2, subdivision (a)(1)(A) safety requirements.

1. **Development Standards.** Tiny homes on wheels shall conform with the requirements for dwellings or new detached accessory dwelling units (ADU), except as modified by this subsection.

    a. **Number.** Single-family residential parcels may contain no more than two tiny homes on wheels. A single-family residential parcel may contain both one tiny home on wheels and one conventional accessory dwelling unit on a foundation. Multi-family residential parcels may contain one tiny home on wheels for each residential unit.

    b. **Function.** Each tiny home on wheels is a detached self-contained unit intended for separate, independent living quarters for one household, designed and built to look like a conventional building structure, and which includes basic functional areas that support normal daily routines such as cooking, sleeping, toilet, and bathing.

    c. **Movable.** A tiny home on wheels is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection and cannot move under its own power.

    d. **Location.** When used as an ADU, the tiny home on wheels may be located behind or beside the primary residence or residences. It must be at least 4 feet from the primary residence. It may not be located in an emergency vehicle access easement. It may not block any vehicle traffic sight lines.

    e. **Size.** The maximum habitable floor space for tiny home on wheels shall be 400 square feet, lofts shall not be counted toward the maximum square footage. The tiny home on wheels shall have at least 80 square feet of floor interior living space. The maximum height shall be in accordance with Santa Cruz County zoning codes.

f. **Replacement Parking.** Where a tiny home on wheels occupies a required parking space, a replacement parking space is required. A replacement parking space may be located in any configuration on the same lot as the tiny home on wheels, including but not limited to covered spaces, uncovered spaces, or tandem spaces. Parking shall be permitted only in those locations specified in these Zoning Regulations.

g. **Design.** The design of a tiny house shall resemble the general appearance of a traditional home. The exterior must be manufactured using siding or stucco and roofing. The interior must be manufactured using housing materials. A tiny home on wheels may not be a self-propelled or truck-mounted recreational vehicle, conversion van, van camper, van, camper shell, folding camping trailer, hybrid folding camping trailer, minivan, bus, sports utility vehicle, truck or automobile.

2. **Parking Spaces.** Tiny home on wheels shall not require additional parking.

3. **Utility Connections and Requirements.** Tiny home on wheels used as ADUs shall not require separate utility meters from the primary unit. Tiny home on wheels may be off-grid and not connected to one or more utility systems, but only if the applicant provides sufficient proof, to the satisfaction of the Building Department, that the tiny home on wheels has adequate, safe, and sanitary utility systems providing water, sewer, heating, and electric power. The THOW may have a flexible connection to electric, water, and sewer utilities.

4. **Addresses.** Tiny home on wheels may have a separate street addresses from the primary unit.

5. **Fire Sprinklers.** Tiny homes on wheels are not required to have fire sprinklers but must meet the ANSI A119.5 or NFPA 1192 standards relating to health, fire and life-safety.

6. **Parking Pad Requirements.** Once sited on the parcel of the primary unit, tiny home on wheels shall meet the following foundation requirements:

   a. The tiny home on wheels must be parked on a concrete, durable asphaltic paving, permeable interlocking concrete pavers; permeable pavers; decomposed granite, crushed rock or gravel; plastic or concrete grid system confined on all sides or compacted gravel surface sufficient to support its weight that includes bumper guards, curbs, or other installations that adequately prevent movement.

   b. The tiny home on wheels may remain on wheels or have its wheels removed. If the wheels are removed, adequate leveling/support jacks and/or cinderblocks must be in place sufficient to support its weight, and attached to the parking pad to prevent movement.

7. **Hidden Chassis**. The undercarriage (wheels, axles, tongue and hitch) must be hidden from view from the public right of way by landscaping, skirting, lattice or other materials.

8. **Emergency and Rescue Openings.** Tiny homes on wheels shall meet the requirements of American National Standards Institute (ANSI) A119.5, NFPA 1192, or Appendix Q of the 2019 California Residential Code for emergency escape and rescue openings. Egress roof access windows in lofts used as sleeping rooms shall be deemed to meet one of these requirements which complies with the minimum opening area requirements of California Building Code Section R310.2.1.

9. **Procedure Requirements.** A Tiny Home on Wheels may be installed on a residential property subject to obtaining a building permit. Issuing a building permit is not discretionary. It must be issued, by right, to all applicants who meet the requirements in sections 1-9 within 45 days. One application is required for each tiny home on wheels. Each application must contain proof that:

   a. The proposed tiny home on wheels is licensed and registered with the California Department of Motor Vehicles.

   b. The proposed tiny home on wheels has been certified by a recognized third-party inspector as meeting American National Standards Institute (ANSI) A119.5 or NFPA 1192 including the National Electrical Code 2020 NFPA 70 **(**NFPA 70) requirements, or was built to meet ANSI 119.5 or NFPA 1192 requirements as demonstrated by owner-provided documentation satisfactory to the Building Department. If the tiny home on wheels is not certified by a third-party inspector, it must meet all the standards in 2019 California Residential Code Appendix Q including minimum loft area and dimensions; minimum loft ceiling height; loft access via stairways; stairway width, handrail, safety guards, headroom, treads and riser requirements; landing platforms for accessing lofts; ladder size, capacity and incline; loft guards; and emergency escape and rescue opening requirements.

   c. The applicant must be the property owner, or have sufficient written permission from the property owner, to place the tiny home in the proposed location.

   d. The applicant must submit a signed THOW Checklist form guaranteeing that all the above requirements have been met.

   e. The issuance of a building permit shall be recorded at the Building Department to disclose the structure's status as an acknowledged tiny home on wheels. This permit shall be published on the Building Department's website and shall provide actual notice to all future owners of the property.

   f. If the tiny home on wheels is removed from the property, a Removal of Tiny Home On Wheels notice must be filed by the property owner or applicant with the Building Department upon or before removal.

Questions

Re: (A)(1)(b) some tiny homes, primarily built for homeless housing do not contain plumbing and thus would not be legal under this ordinance. Do you want to change the language to not require all the functions for daily living or make an exception for transient housing? Or simply not address that in this ordinance? They are having this debate now in Portland, OR.

(A)(1)(c) & (A)(1)(c) some people believe that school buses converted to homes (skoolies) and live-in vans should be allowed as tiny homes. If this is approved by Planning, then these two section would be changed to allow tiny homes that can move under their own power and that look like vehicles.

(A) Do you want to address the definition of "residential" zoning? This question relates to properties that are zoned for Agricultural housing and SU zoning, both of which can be considered a type of multi-family residential zoning. I suggest that using tiny homes for agricultural worker housing would be aligned with other county codes. Or, this may be part of phase 2?

3/8/2021

March 23, 2021

Planning Commission
County of Santa Cruz

Agenda Date: March 24, 2021
Agenda Item: 6

Dear Planning Commissioners:

Our office is currently working on over a dozen projects that involve ADUs and/or JADUs.

I appreciate Planning staffs' efforts and in particular the Executive Summary prepared for this study session.

Based on our office's experiences, reading of the HCD guidelines, as well as the review of the legislation we have the following comments, suggestions, and concerns.

1. The legislation regarding ADUs and JADUs are minimums. The intent of the legislation is to encourage ADUs and JADUs. We suggest that referring to the County as being more "lenient" than the legislation in some cases is inappropriate. Rather that the County is proposing ordinances in some cases that are not *specifically* required by legislation but are consistent with the intent to encourage ADUs and JADUs. I realize that is a minor point but goes towards a potential cultural (for lack of a better word) problem in how these ordinances are promulgated and how actual applications are reviewed for permit.

2. Something of critical importance that is not addressed in the Staff report is the required time frames for processing ADU and JADU permits.

a. ADU and JADU permit applications are to be processed and approved in 60 days.
b. State legislation defines "excessive delay" as 45 days total of review time of a building permit application (please see attached). As one can find in the attachment, the County (even prior to the COVID imposed challenges) review time for building permits is considered "excessive delay". When excessive delay occurs in building permit review, the remedy is that County must allow private plan check. This legislation applies to all residential building permits.

How does the County propose to communicate to the public their rights regarding the above legislation and how does the County intend to implement these requirements?

As just one example (we have more) of why this is such a concern as we had one project involving a JADU and a 500 square foot home office addition. The cost of the County requirements and time to review was exceeding the budget to construct the work and how long it would take to build. The owner understandably abandoned the project.

3. Appeals are a critical element of processing permits. Who hears appeals regarding interpretations of code and ordinance of County staff determinations regarding ADU and/or JADU permits? Please note

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that consistent with Lippman vs. City of Oakland that the Planning Director may not be the appeal body. What is the cost for the appeals? How will the applicant be informed of their rights in this regard? What are the costs of the appeals and what is the maximum time allowed prior to hearing an appeal once filed? Current County code and ordinance are not in conformance with current State legislation and law. Current County process in regards to appeals generally requires an attorney to navigate. We suggest simplification in process and clear communication to the applicant should be provided as part of the application.

4. As the State legislation for ADUs and/or JADUs infers (by banning discretionary review) discretionary review is highly problematic for cost effective and timely processing of residential building permits on lots of record. It is readily accepted that planning theory of the 1970s has largely failed when it has come to single family residential construction (please see attached article from the American Planning Association "Design Review Reviewed"). I suggest that any design review requirement associated with single family dwellings on lots of record should be very circumspect especially if an ADU and/or a JADU are involved.

1 thru 4 above are overarching concerns regarding the County's ADU and JADU ordinances and process. Below are concerns, suggestions, and comments regarding information presented in the Executive Summary.

"Should JADUs be allowed on single-family parcels in addition to attached ADUs?"

Response: Yes, JADUs should be allowed on single-family parcels in addition to attached ADUs. This is a complex building code (versus planning) issue and I suggest that the Planning Commission and Board thoroughly vet and consider this matter and staff's analysis and conclusion far from complete. Respectfully the staff report *mischaracterizes* this issue, and it is a significant issue for a number of reasons including it would severely hamper the ability of property owners to construct a JADU and ADU in many cases.

The County senior building plan checker has taken the position that single family dwellings with an JADU may not have an attached ADU without changing the occupancy (CBC California Building Code Chapter 3) of the building. Staff's interpretation is that the addition of a ADU and a JADU creates and apartment building. To be clear that is a position that can be supported under building code. The question is, should it be?

For example, the issue below is not addressed by the staff report.

As County plan checking staff emailed me, there is no definition in building code of ADU and JADU. Section 302 of the CBC states:

*"Where a structure is proposed for a purpose that is not **specifically** provided for in this code, such a structure shall be classified in the group that the occupancy most nearly resembles, according to fire safety and relative hazard involved."*

Now the question: is the current legislative intent regarding ADUs and JADUs inferring that by adding them to an existing residence that it creates an apartment building occupancy of no limit on how many people occupy them (meaning thousands can occupy the building) or is the intent to have these

structures addressed more similarly to Congregate Residences (non-transient) with 16 or fewer occupants?

To me the answer is obvious. It goes against the intent of the legislation, and adds a restriction not included in the legislation (which may be unlawful), to disallow a an attached a ADU and a JADU.

"Should we count ADUs toward large dwelling unit calculations?"

Response: Of course, ADUs and JADUs should not count toward large dwelling unit calculations. See 1, 2, and 4 above. The clear intent of the legislation is to encourage and remove barriers to construction of ADUs and JADUs. Clearly counting JADUs and ADUs toward large calculations is contrary toward that intent and may be unlawful.

"An ADU up to 800 square feet is allowed even if the existing building(s) on a parcel exceed the maximum floor area allowed for the parcel. Should this allowance be counted as an 800 square foot credit?

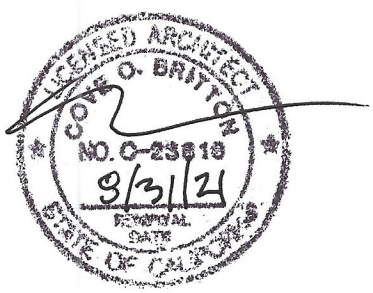
Response: Of course, the 800 square foot for an ADU is a credit. Just as Garages of 225 square feet are a credit. Why would 800 square foot for an ADU not be a credit? Putting the public in the position that your neighbor may maximize the size of their home and add an 800 square feet of ADU in addition when you cannot because you have an existing ADU is highly problematic. For example, we have a project where the owner has a 640 square foot ADU and is adding an accessory structure. For him to obtain the credit of 800 square feet he must either demolish the existing ADU or remove the kitchen and put it in the new accessory structure. A code or ordinance that creates these types of byzantine problems I suggest should be discouraged. The example of the Garage credit and how easily it works I suggest should be followed.

We have a project that because it is a duplex in area that is zoned for single family dwelling it was considered a non-conforming use and the ADU addition could not have a bedroom. Once again, the County's approach appears contrary to State intent and possibly not lawful. The question I find perplexing is why would the County want to retain such code unmodified?

Respectfully I have been asking for a meeting (hopefully with other professionals involved in ADU permit processing) with County staff regarding these matters for several months but understandably that has been difficult to accomplish for staff. That said, many of these issues are complex and direct input from those that are processing these permits I strongly suspect would be helpful. It is frankly just not possible timewise for me to address all my concerns but I wanted to at least provide those included in this letter.

Thank you for your consideration.

Sincerely:



Cove Britton
Architect

Design review reviewed: Administrative versus discretionary methods
American Planning Association. Journal of the American Planning Association: Chicago: Autumn 1999:
Jack L Nasar:Peg Grannis:

Abstract:
Most American cities use design review to improve the visual quality and compatibility of ordinary nonhistoric projects. They often use a discretionary design review process. How well does discretionary design review improve community appearance by keeping building projects compatible with their surroundings? For a neighborhood in Columbus, Ohio, the research team did a physical inventory of the compatibility of 96 projects that underwent discretionary design review and 68 that did not. The latter projects met less restrictive administrative appearance controls present in the zoning ordinance. The team also surveyed 39 residents for their opinions on a subset of projects built according to either the discretionary review of the design or the administrative controls. The results indicate that discretionary design review is not demonstrably better than administrative review. Communities can use these methods to evaluate their own design review programs. They may find that the replacement of discretionary design review with more explicit administrative appearance controls achieves the intended compatibility more efficiently.

Full Text:

Urban form results from many activities by many actors, including governing bodies, developers, banks, and independent groups (Bacow, 1995). To shape the design decisions of these agencies and individuals, urban designers use a variety of administrative, regulatory, and financial techniques (Shirvani,1985). This article centers on one such technique: design review. Design review differs from most zoning, subdivision, and building regulations in its emphasis on appearance. Local governments say they use design review to serve such purposes as improving quality of life, enhancing a unique place, promoting vitality, creating comfortable places for pedestrians, protecting property values, promoting compatible development, or improving community appearance (Scheer,1994). Critics complain that design review is cosmetic, limits designer creativity, and unnecessarily intrudes on private property (Lightner, 1992). Yet most courts support design review and hold aesthetics alone as an adequate public purpose in land use regulation (Mandelker,1993; Smardon & Karp,1993). In early decisions, courts found aesthetics to be an adequate government purpose if it advanced other legitimate purposes, such as the protection of property value. In Berman v. Parker (1954), however, the U.S. Supreme Court went further to state that the values of public welfare include "spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy" (p. 33). Most state courts followed suit. Design review might also raise problems with free speech (Costonis,1989; Lightner,1992; Scheer,1994). For example, if the review goes beyond regulating "the time, place and manner of architectural expression . . . [to] totally exclude an architectural style . . . courts could hold [this an] invalid prohibition on the content of free speech" (Mandelker,1993, p. 479). However, the courts have consistently supported regulation of design over free speech, although in such cases the local government may have the burden of showing that design review serves a legitimate public interest, such as aesthetics (Mandelker,1993).

Design review remains a major tool that local governments use to improve community appearance. A study of 1114 U.S. cities found that more than 90% had architectural appearance controls (International City Management Association, 1984). A later survey of 700 city and county planning departments obtained usable responses from 369 cities and towns (Lightner, 1993). Most of them (78%, 83% when counties were dropped, and 93% of cities having more than 100,000 residents) had some form of design review, and only 3% "limited design review to historic districts" (p. 1). Most of these ordinances apply to single-family residences (Mandelker, 1993).

In areas with design review, private and public proposals for development must be approved by the design review board in order to proceed. Typically, one submits a design to local planning staff, who may approve it, disapprove it, or ask for modifications. A planning (or review) commission or a staff member makes the decision. The review may evaluate many factors, such as architectural excellence, visual bulk, style, scale, materials, or environmental or historical factors, but it most often evaluates the compatibility of projects with their surroundings (Lightner, 1993; Preiser & Rohane, 1988). Court support for zoning rests on the compatibility principle: Courts allow communities to protect areas from incompatible uses. Thus controlling appearance for compatibility eases substantive due process problems (Mandelker, 1993). Psychological studies also suggest that humans need visual compatibility and order, especially in residential areas (Nasar, 1998). Compatibility does not necessarily require one to mimic the surroundings. Rather it refers to the degree to which a proposal has features that make it appear to fit with its surroundings. Project approval often rests on the appraisal of the compatibility of the proposed project.1

Communities vary in the amount of discretion left to the reviewers in deciding whether or not to approve a proposal. Discretionary design review refers to ordinances in which the decision rests on the reviewers' personal discretion. Administrative design review refers to ordinances that limit personal discretion by requiring projects to satisfy clear, precise, and measurable standards (Shirvani,1985). As most U.S. cities lack the standards for administrative review (Lightner, 1993), they typically rely on a discretionary approach. This approach leaves them vulnerable to charges of abuse for being arbitrary, capricious, or vague (Hinshaw,1995; Lai,1994; Poole,1987). To avoid such problems, communities have a compelling need to know how specific modifications of the physical environment will affect community appearance, and they need to develop clear guidelines or controls to support their objectives. They need to know how well design review boards perform, especially with discretionary reviews. Does discretionary design review improve the publicly perceived compatibility and appearance of developments? Previous research suggests that it does not.

A series of studies in California found that more often than not, discretionary design review by a board did not result in buildings that the public found more appealing (see Stamps, 1997a). Consider one case study that examined the performance of discretionary design review in the Oakland Hills Restoration Area, California (Stamps & Nasar, 1997). After a 1991 fire destroyed more than 2500 houses in Oakland Hills, the Oakland Hills Restoration Area rebuilt rapidly. People built many houses without design review. Later, the local planning department set up a discretionary design review process, in which planning staff served as reviewers. The criteria the reviewers had for evaluating the projects were vague. For example, one criterion referred to not having an adverse effect on the "livability of adjacent homes" or "the harmony of neighborhood appearance." At the time of the study, the Oakland Hills Restoration Area had completed 257 projects prior to discretionary design review and 476 under discretionary design review. Because all of the rebuilt houses had many characteristics in common, such as topography, planning process, demography, geographical location, trees, utility poles, street furniture, and car parking, the Oakland Hills Restoration Area provided a good opportunity to evaluate the performance of design review by comparing popular responses to houses built under discretionary design review to ones built with no design review.

Forty-two local and 40 nonlocal observers viewed photographs of seven projects selected at random from the design review projects and seven selected at random from projects with no design review. The results indicated that design review did not make a noticeable difference. Though the observers judged the discretionary design review houses as slightly more pleasant than the houses built without design review or appearance codes, the difference did not achieve statistical significance. Beyond statistical significance, the study examined the magnitude of effect. Cohen (1988) discusses three effect sizes-small, medium, and large. The analysis indicated a small effect (0.14). This means that the Oakland Hills Restoration Area discretionary design review had a nearly undetectable effect on public

preferences.

In cases when design review deals with issues beyond appearance, such as functional effects of a structure through its site plan or building bulk, public opinion may not be the sole criterion. In the more typical case in which design review focuses on appearance, measures of the responses of individuals exposed to the project represent appropriate measures of success.

Design Review in a Columbus, Ohio, Neighborhood

No single study in one city can fully evaluate the performance of design review in the hundreds of communities that use it. The projects, designers, reviewers, criteria, and degree of review board discretion may affect the result. We offer the present research to suggest that individual communities should evaluate the performance of design review, and as an example of how they might go about such an evaluation.

The research reported here adds to the information provided in the Oakland study in several ways. First, it tests the performance of discretionary design review in a different city: Columbus, Ohio. Second, it does so in the context of additions and renovations, rather than new buildings. Third, to improve internal validity, it matches and compares discretionary review projects with neighboring administrative review projects. Fourth, while the Oakland study compared discretionary design review with no design review, the present research compares discretionary review with administrative review of mandatory appearance controls (such as roof pitch) in the zoning ordinance. Fifth, it looks at several dimensions of response and uses a multiple method approach. One method examines the physical compatibility of the houses resulting from the discretionary review and those resulting from the administrative review; the second examines residents' ratings of preference and compatibility of the discretionary review and administrative review projects.2

The study centered on the University District, one of fourteen designated Area Commission Neighborhoods in Columbus, Ohio. Such neighborhoods elect their own commissioners to oversee development issues in the neighborhood and forward recommendations to City Council. The University District contains approximately 45,000 households in an area of 2 square miles. In September, 1990, the City of Columbus extended the jurisdiction of an appearance/compatibility review board from a core area of the University District to the full district on an interim basis for a 27-month trial period. To proceed, proposed projects had to meet zoning requirements for appearance and gain approval from this review board. The review board had no explicit criteria. Many projects in the outer district were completed both before and after the city established the interim design review board to do discretionary review. Prior to this design review process, the neighborhood had only an administrative review process in which residential projects had to satisfy some appearance controls in the zoning ordinance.

The research grew from a request from the City. In December, 1992, city planners asked the first author for help in determining whether the City should continue the discretionary design review for the outer area. The City attorney indicated that for the City to continue, he had to be convinced that the level of regulation would be legally defensible.3 In the research, we compared projects completed under administrative review only with those completed under discretionary review. Recall that we use the term administrative review to refer to a process removing discretion from the reviewers rather than to identify who does the review. City staff in the zoning department conducted the administrative reviews. One city planning staff member and a panel of residents appointed by the City made the discretionary review decisions. Consistent with national data showing that a majority of design review commissioners come from fields other than design, such as business, real estate, education, law, engineering, or home building (Sanders & Getzels, 1987), the panel had people from various backgrounds as well as design professionals.

Methodology

We evaluated 164 projects-96 completed under discretionary review (DR) and 68 completed earlier under administrative review (AR). The 96 DR projects included all applications heard by the interim review board during the 27-month trial period that were approved and eventually constructed. At the time of the study, the board had reviewed applications for 113 projects, 17 of which, though approved, had not yet completed construction. We also selected 68 AR projects from a list of building permits issued during the year prior to the establishment of the interim design review board. We chose AR projects that matched as closely as possible the neighborhood locations and type of work performed on the DR projects. For example, if a DR project involved new siding, we chose an AR project from the same block that involved new siding.

First, we conducted a physical inventory of the compatibility of the specific building features (e.g., roof pitch, siding material, lot coverage, deck size) that were considered in the discretionary review and administrative review work, and gave each relevant feature a compatibility rating. Next, we had the public rate the compatibility of and their preferences for the appeal of selected discretionary review and administrative review projects. We used two approaches to mitigate biases inherent in each one. The physical inventory evaluations allowed us to obtain ratings for a large number of discretionary and administrative review projects, but it did not assess popular reactions. The public ratings obtained popular reactions, but the research design limited these ratings to a small number of projects. Together, the approaches allowed us to get compatibility judgments for every discretionary review and administrative review project completed between September 1989 and December 1992, plus public appraisals of a selected subset of projects from that same time period.

Physical Inventory Evaluations of Compatibility

We constructed a checklist covering a comprehensive set of the physical features in all the projects under study. The checklist included the address, type of modification, broad categories of work, and features within those categories that could affect compatibility (see Figure 1).

Our judges scored whether or not each project feature was compatible with the rest of the building and the surrounding neighborhood. For reliability, we would have preferred to have a large number of judges complete the physical inventory on all 164 projects, but this proved impractical. Instead we enlisted seven graduate students in city and regional planning. To improve consistency, we had these judges run through pretests in which each person rated the same building followed by comparison and discussion of the ratings. The process was repeated until all judges had given consistent responses for three buildings. Then the seven students divided into teams of two or three members to inventory their subset of the properties.

The judges made their evaluations independently. They visited each project location and evaluated only the work completed under design review. While the yes/ no choice may have overlooked degrees of compatibility, this simplification was necessary in order to inventory so many projects in a such a short period. We assigned each project one score between 0 and 100, representing the percentage of the relevant features judged as compatible.

Results. The physical inventory evaluations did not show the DR projects as more compatible than the AR projects; we found no significant differences in scores. The tally revealed a mean compatibility score of 87.7% (SD = 15.00) for DR work and 84.4% (SD = 23.24) for AR work. Though the results seem to favor the DR process, the difference did not achieve statistical significance. Further, the magnitude of the effect was small. This means that the difference may have resulted from chance, and

that discretionary review had a relatively undetectable effect on the rated compatibility.4

The physical inventory evaluations suggested that the addition of DR did not produce a meaningful improvement in compatibility over what resulted from AR It is possible, however, that because the physical inventory was conducted by a small sample of judges, though it was comprehensive, it did not reflect the perceptions of the public who experience the buildings on a regular basis. Also, the sum of the ratings of various elements of each building may not accurately reflect public perceptions. We therefore conducted a second component of the study to gather and examine public evaluations of DR and AR designs.

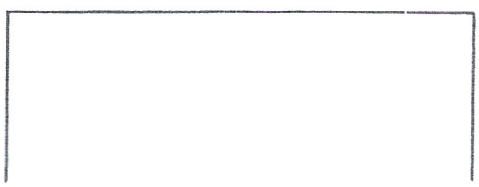
Public Evaluations of Compatibility and Preference

For the public evaluations, we sought pairs of projects similar to one another in location, kind of building, and type of work, but differing in whether they were AR or DR projects. We photographed all AR projects completed during the 12-month period prior to the start of the discretionary review process and all DR projects completed during the 27-month period of the interim discretionary review. Each photograph presented a color view of the target building from directly across the street. To show the building in its setting, the photograph included portions of the building on either side of the target building. We used color photographs because research consistently confirms that responses to color photos accurately reflect on-site response (Stamps, 1990). As the interviewees (see below) lived in the same neighborhood, we assumed they would judge the target buildings against their broader sense of their neighborhood's character.

For purposes of experimental control, we used a subset of the DR and AR projects for the public evaluation. We selected pairs of DR and AR buildings that had similar kinds of structures, locations, types of work, and other site features. For example, we compared DR and AR buildings of similar size: DR porch projects with AR porch projects, DR siding projects with AR siding projects, etc.; and DR and AR buildings that had similar amounts of vegetation. In each case, we tried to control features other than the type of design review that might affect ratings. This process led to six pairs of projects; see Figure 2 for a black and white version of one color photo pair.

For each matched pair, we obtained paired comparison evaluations by surveying area residents. Interviewers worked in teams of two or three in each subarea of the study area, where they selected residences at random to recruit participants for the survey. They randomly choose streets, cross streets, number of houses from the corner, and the side of street. They returned to the selected addresses in early morning and late afternoon. If they failed to get an interview, they selected at random one of the five houses surrounding the target house.

A questionnaire given to participants stated that they would see photos of pairs of buildings. It asked them to respond to a marked building in each photo. The interviewers shuffled the photograph pairs before each interview to reduce potential order effects on responses. They also randomly varied the order of the placement of the DR and AR projects on the right or left. The photographs did not have labels, and we did not inform participants which project had gone through discretionary review and which had gone through administrative review. As each photograph showed several buildings, we placed a dot above the building that we wanted participants to judge.



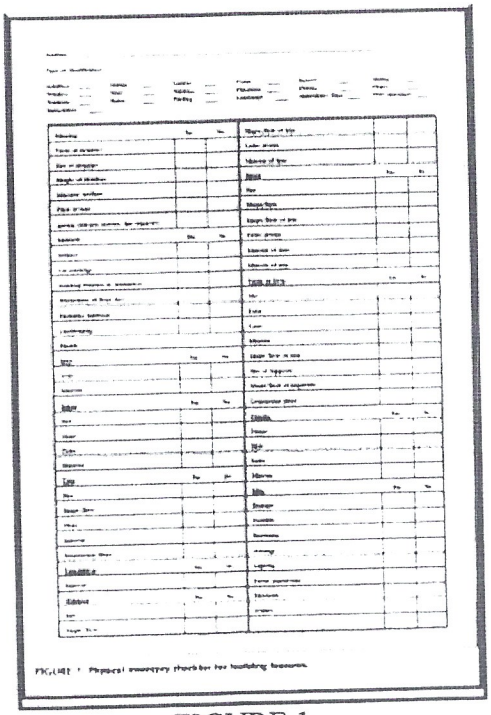


FIGURE 1.

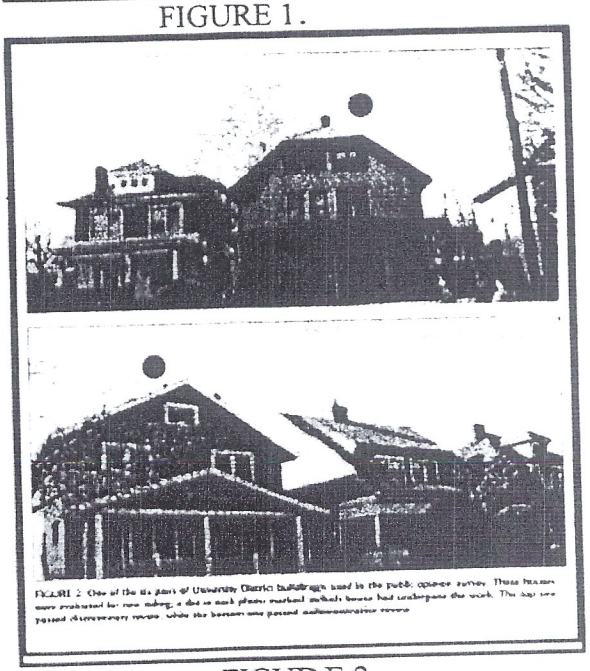


FIGURE 2.

For each pair, the interviewers called attention to the kind of work done (e.g., siding, front porch, roof). To reduce biases from considering other portions of the buildings, participants were instructed to consider only the remodeling work. Participants then answered two or three of the following questions:

1) When you look at the [name of work done] on each pair of buildings, which one better fits with its neighboring buildings?

2) When you look at the [name of work done] on each pair of buildings, which one do you like better?

3) When you look at the [name of work done] on each pair of buildings, which one do you think would

command a higher rent?5 The interviewers told participants that if they felt the same about the two buildings, they could answer "neither."

Design review often seeks to create more compatible and more pleasant results. We used the first two questions to look at those aspects of design review. Of the various ways to obtain responses, we chose a rank order procedure which involved ordering projects relative to each other. We considered other kinds of scales and checklists, but studies have found that these different kinds of measurement scales produce similar results (Gould & White, 1974; Stamps, 1997a). Rank order approach offers additional benefits. It tends to produce a higher level of agreement among respondents, and it has greater efficiency in that it allows one to obtain responses to many scenes rapidly (Brush, 1976; Zube et al., 1974).

Thirty-nine residents took part in the survey. We had 19 participants answer all three questions, and to reduce biases for judgments of like or fit on one another, we had 20 participants answer the like and rent questions only and 20 participants answer the fit and rent questions only. We varied the order of the questions to reduce systematic bias from question order. The interviewers also requested demographic information: whether the respondent had owned or rented, whether they owned any other properties in the area, how long they had lived at their present address, and whether or not they thought the area needs some form of regulation to ensure that new buildings, additions, and changes fit their surroundings. 6

Results. Of the 39 participants, most (72%) said they were renters. Their tenure in the area varied. Most (67%) said they had lived there for more than ayear (1-3 years, 41%; more than 3 years, 26%). They should have had enough familiarity with the area to make judgments about the target house's compatibility with the neighborhood. This sample had enough participants to allow statistical comparisons.

Tests of results by question order did not reveal significant differences. Therefore, we combined the data and examined the 25 responses to fit and the 33 responses to like. Table 1 shows the percentages of participants who evaluated DR or AR work as a better fit to the surroundings, or better liked. It also shows the associated test statistics when differences were significant. For each measure, DR work received scores lower than or equal to those for AR work.

FIT. As shown in Table 1, more participants judged DR projects the better fit in three project pairs (A, C, and D) and AR in two project pairs (B and E), but only one difference achieved statistical significance. For project pair E, significantly more people selected AR as the better fit. Adjusting for multiple comparisons, this effect becomes statistically insignificant. The analysis also looked at the effect size, calculated by transforming the X2 into a standardized difference between the means, d (Judd et al., 1991). Project pair E achieved a large effect (d = 121) strongly favoring the AR project over the DR one. For discretionary review to be justifiable, it should produce work that more than equals the fit of work done under administrative review: It should yield better results. To test whether it did in our study, we compared the number of people judging DR work as a better fit to those choosing AR work or neither. The results of these comparisons suggested that discretionary review is not demonstrably better than administrative review. For all six project pairs, 62.0% of participants rated the fit of the AR projects as equal to or better than that of the DR projects. Considering multiple claims, this became statistically insignificant, but it had a large effect (d = 1.72). The results for each pair paralleled those for the full set: A majority of the participants rated the fit of the AR project as equal to or better than that of the DR project. The differences achieved statistical significance for two pairs, B and E, but with multiple claims, only the comparison in pair E remained significant. The effect sizes varied from medium (B: d = .86) to large (E: d = 1.80) against DR Residents thus judged the fit of these AR projects as noticeably better than the fit of the DR projects.

LIKE. Table 1 also shows that the AR project was better liked in three pairs (A, C, and E), while the DR project was better liked in one pair (B). The differences achieved statistical significance for two pairs, A and B. With multiple claims, only the comparison in pair A remained statistically significant. Both A and B had large effect sizes, with A favoring AR (d = 11.57) and B favoring DR (d = 1.15). The comparison of those judging DR as better liked versus those judging AR as equal to or better than DR does not offer support for discretionary review. For all six pairs, 62.1% of the participants rated the AR projects as equally or better liked than the DR projects. This remained statistically significant under multiple claims. It also had a large effect (d = 1.72). The findings held for the comparisons of each pair. In five of the six pairs, fewer participants liked the DR projects better than liked the AR project equally or better. The differences achieved statistical significance for two comparisons (A and E), but with multiple claims, only the comparison in pair A remained statistically significant. The comparisons for A and E had a large and medium effect size, respectively (A: d = 4.00; E: d = .69).

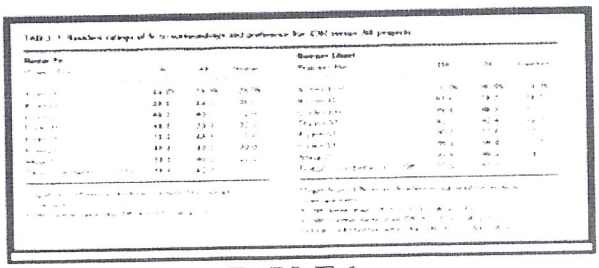


TABLE 1.

In sum, the results show that residents rated DR projects as having a poorer fit for pair E and for the full set, with large effect sizes for each. For preferences, the results show DR projects rated as less liked for pair A and the full set, with large effect sizes for each.

Discussion

The public opinion data on the six project pairs suggest that projects done under discretionary design review produced results that were viewed as neither more compatible nor more preferable than projects undergoing administrative review. These findings agree with the broader findings from the physical inventory, which indicated only minor differences in physical compatibility between the DR and AR projects. Both sets of findings result from a relatively small sample of respondents evaluating a small set of changes, additions, or remodeling of existing houses. Though limited, they agree with findings from larger samples of respondents evaluating the overall impact of completed projects (Stamps, 1997a; Stamps & Nasar, 1997).

As the present research only evaluated completed projects, it does not indicate whether discretionary review had improved any projects as initially proposed. The results do indicate that discretionary review failed to yield projects more compatible than or preferred to those approved through only administrative review. Because discretionary review involves extra cost, resources, and time for both the City and individuals proposing changes, the findings did not support it as a cost effective procedure. Columbus discontinued the discretionary design review process for the tested area.

Can we rely on public opinion over the informed judgment of design reviewers? Yes. Federal and state law support design review to improve the built environment for the public (Costonis, 1989), but the judgments of design professionals and other outsiders on such boards often differ from the judgments of residents (Nasar, 1999). Though some people believe the public will eventually follow the views of the experts, research suggests otherwise. Public preferences are remarkably stable over time. For example, a series of studies of an award-winning building found that negative public evaluations of the building

remained unchanged 10 years after completion of the project (Nasar, 1999). When a developer proposed the Transamerica Tower in San Francisco, local planners objected. Public opinion obtained 2 years, 18 years, and 23 years after construction revealed that the public initially liked the building and continued to do so (Stamps, 1997b). A study of 20 buildings in San Francisco revealed similar stability in public evaluations (Stamps, 1997b). In sum, research indicates that compared to judgments by design professionals, public opinion polls offer a better indicator of likely long-term public preferences.

Conclusion

Through a two-part study, we sought to determine whether discretionary design review adequately served the purpose of enhancing aesthetics in building designs, often mandated by local governments. The approaches also demonstrate methods for evaluating the effectiveness of both types of review. Placing discretionary review and administrative review projects in matched pairs for the survey portion of the present study provided greater internal validity than the previous Oakland study (Stamps & Nasar, 1997) by controlling for extraneous variables. However, its reliance on a small sample of projects and survey participants may have reduced the generalizability of the findings. In response to this limitation, the Columbus study supplemented the small sample by examining compatibility judgments for all of its 164 projects.

The Oakland and Columbus findings differ in detail, but both show potential problems with discretionary design review. For the Columbus additions and renovations, the administrative review projects outscored those subject to discretionary review in popular judgments of compatibility and preference. The physical inventory evaluations showed the discretionary review work as slightly more compatible, but this difference did not achieve statistical significance, and the strength of the effect was small. For Oakland, the discretionary design review houses emerged as preferred to the houses that had no design review, but the strength of the effect was again relatively small. The findings replicate other work highlighting problems with discretionary design review (Stamps, 1997a). Though limited, our research agrees with a larger set of data. A metaanalysis of several design review studies in California indicated an insignificant correlation ($n = 42$, $r = .09$) between discretionary design review and public preferences (Stamps,1997a).

The meta-analysis and the present study did not examine the effects of the makeup of the review board on the results. Research has consistently found that for evaluations of appearance, design professionals and outsiders differ from local residents and the public (Brower, 1988; Nasar,1994). Though these findings may point to some benefits of design review panels of nonprofessionals and residents for issues of community appearance, those who choose to serve on review commissions may judge design differently than their neighbors. Ambiguous criteria may also skew their judgments.

Our results point to the need for continued evaluations of design review in various contexts, and the present research offers methods that planners can use for such evaluations. The present findings suggest that communities could opt for administrative design controls over discretionary design review. Administrative controls involve less cost and time, and, if the present results are accurate, they produce designs that are judged equal to or better than those obtained through discretionary review. However, the lower scores for discretionary review projects may have resulted from the absence of explicit criteria or criteria based on scientific evidence to guide the reviewers' judgments. Communities may reduce problems by improving the discretionary review procedures through replacing ambiguous or unstated criteria with clear, specific, and explicit criteria. Courts have upheld challenges on the grounds of vagueness (Blaeser, 1994; Lai, 1994). For example, in Anderson v. City of Issaquah (1993), an appeals court in Washington decided against unconstitutionally vague provisions such as "compatible," stating that "aesthetic standards . . . must be drafted to give clear guidance to all parties concerned. Applicants must have an understandable statement of what is expected"(p. 82). The Supreme Court has also placed

a greater burden on local governments to demonstrate the benefit of their regulatory actions and has called for heightened judicial scrutiny for land use regulations (Dolan v. City of Tigard, 1994; Nollan v. California Coastal Commission, 1987). Implicit or arbitrary appearance guidelines and controls may not provide an adequate legal basis for design review decisions.

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[Footnote]
NOTES

[Footnote]
1. To prevent monotony, some ordinances require moderate but not excessive variation from the typical appearance in the surrounding neighborhood (Mandelker, 1993).
2. We also examined the minutes of review board meetings to understand the basis for decisions and to make recommendations for guidelines that could help applicants. This article does not include the analysis of the meeting minutes.

[Footnote]
3. Recent U.S. Supreme Court decisions suggest that although aesthetics represents an adequate basis for control, in some cases, local governments may have a greater burden to show an adequate public purpose (Lai, 1994; Mandelker, 1993).
4. For this test, we transformed the F value into the standardized difference between the means (d = .03). According to Cohen (1988), this represents a small effect.

[Footnote]
5. The question about rent related to a specific interest of City officials. As the rent variable does not link to the theoretical framework, we do not present results for it other than to note that they echo the findings for the other variables.
6. The question about support for regulations related to a specific interest of City officials. As the support variable does not link to the theoretical framework, we do not present results for it other than to note that most respondents (63%) favored regulation to ensure that design changes fit their surroundings.

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1200: *Social policy*
9190: *US*
Geographic Names: US

Section 17960.1. (Amended by Stats. 1992, Ch. 839, Sec. 1.)
Cite as: Cal. Health & Safety Code §17960.1.

(a) The governing body of a local agency may authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function.

(b) A local agency need not enter into a contract or employ persons if it determines that no entities or persons are available or qualified to perform the plan-checking services.

(c) Entities or persons employed by a local agency may, pursuant to agreement with the local agency, perform all functions necessary to check the plans and specifications to comply with other requirements imposed pursuant to this part or by local ordinances adopted pursuant to this part, except those functions reserved by this part or local ordinance to the legislative body. A local agency may charge the applicant fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section which the applicant requested.

(d) When there is an excessive delay in checking plans and specifications submitted as a part of an application for a residential building permit, the local agency shall, upon request of the applicant, contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function subject to subdivisions (b) and (c).

(e) For purposes of this section:

(1) "Enforcement agency" means the building department or building division of a local agency.

(2) "Excessive delay" means the enforcement agency of a local agency has taken either of the following:

(A) More than 30 days after submittal of a complete application to complete the structural building safety plan check of the applicant's set of plans and specifications which are suitable for checking. For a discretionary building permit, the time period specified in this paragraph shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the local agency that the project is exempt from Division 13 (commencing with Section 21000) of the Public Resources Code.

(B) Including the days actually taken in (A), more than 45 days to complete the checking of the resubmitted corrected plans and specifications suitable for checking after the enforcement agency had returned the plans and specifications to the applicant for correction.

(3) "Local agency" means a city, county, or city and county.

(4) "Residential building" means a one-to-four family detached structure not exceeding three stories in height.

County of Santa Cruz Board of Supervisors
Agenda Item Submittal
From: Planning: Permit Centers
(831) 454-2580
Subject: Performance Metrics Update
Meeting Date: January 15, 2019

RECOMMENDED ACTION:
Accept and file information on permit process improvement efforts.

EXECUTIVE SUMMARY: Progress continues on making improvements to the development permit review process, with the "PRIMO PIE" initiative providing an excellent vehicle for the improvement efforts across all agencies involved with development and building permits. "PRIMO" is the name of the County's Continuous Process Improvement Initiative, and "PIE" is one of the PRIMO Demonstration Projects – an acronym for "Permit Improvement Effort"

BACKGROUND:
At the Budget Hearing of June 20, 2018, the Board of Supervisors directed the Planning Director in conjunction with the County's other Development Services Department heads to provide a mid-year update report regarding building permit plan check activity and performance goals established for processing of building permit applications.

ANALYSIS:
During collection of performance reporting data, around September 2018, the County Administrative Officer announced creation of the Permit Continuous Process Improvement (PRIMO) Project, intended to streamline and consolidate the building permit process among all reviewing agencies. As part of the continuous permit processing improvements, performance goals will be established for the building permit process and current plan check permit goals and turnaround times will be carefully reviewed to assign realistic timelines and to ensure that resources are being managed appropriately. Some of the continuous improvements will be implemented throughout the PRIMO process, and others will be submitted separately to your Board as work continues among the development departments/agencies. On December 3, 2018, representatives from Planning, Public Works and Environmental Health participated in a week-long issues identification session and to map out a plan to streamline the review process. Over the long term, these departments believe that the PRIMO process will result in permit efficiencies and streamlining improvements that will reduce the required turnaround time allocated to new projects.

One early finding that resulted from the December PRIMO process is that the number and difficulty of building permit applications has increased but staffing levels have gone unchanged Between January 1, 2018 and November 30, 2018, 4,120 residential and nonresidential building permits including 2,366 over the counter permits, and 485 solar permits were processed. The amounts represent a 10% increase over the same period during 2014 and about a 7% increase from 2011. The 4 to 8 week plan check goal or turnaround time applied by departments and agencies was established more than 20

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years ago and is not indicative of the real time required to complete the plan check process. The real (current) time required to complete plan checks for most permit applications is 8 to 14 weeks. As shown on the below table, the level of permit applications continued to expand between 2011 and 2018 while the number of plan checkers has remained about the same. Currently, the Building Division that is staffed by 4 plan checkers receives an average 25 building permit applications per week that require 8 to 14 weeks to process. For comparison, in 2011, the Building Division was staffed by 4 plan checkers and accepted 13 building permit applications per week that required about 6-10 weeks turnaround to complete As noted, from 2011 through 2018, the actual (required) turnaround plan check times increased while the 20+ year old time estimates (goals) provided to the public remained unchanged.

Number of Permit Applications Submitted Jan 1 through Sept 30 of Noted Years

	2011 Submitted Applications	Average Plan Check Review Days	2014 Submitted Applications	Average Plan Check Review Days	2018 Submitted Applications	Average Plan Check Review Days
ADU	15	25	21	28	41	34
SFD	63	16	63	24	62	39
Remodels	80	6	125	14	118	43
Room Additions	98	15	142	15	119	26
Tenant Improvements	29	12	28	11	30	77
Commercial Other	11	Not Available	21	Not Available	25	25
Solar PV	125	Not Available	534	Not Available	488	9
Plan check staff	4		4		4	

To prepare for the December PRIMO process, the Planning Department conducted telephone surveys of Building Officials from Sonoma, Santa Clara and Monterey County and City of Santa Cruz during November 2018 and received information from those jurisdictions that plan check delays affect other coastal Building Departments. Building Officials for those jurisdictions cited delays caused by increased State requirements, local housing and code revisions, subdivision extension approved by the Governor, PVC permit plan check priority, Tier 1 Water and Septic Filtration requirements, and related local housing and sustainability program measures, all combined with a desire by many residents to reside in environmentally sensitive coastal areas of the state. The four surveyed Building Officials expressed difficulty with meeting outdated turnaround timelines with limited staff resources as a primary concern. All of the jurisdictions (Sonoma, Santa Clara County, Monterey County, City of Santa Cruz) have 1) employed outside third-party building plan check firms, 2) increased Building Division/Department staffing to meet the growing demand for plan check services and 3) increased fees to

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reflect expanded plan check review requirements and services. The PRIMO process will assist the Departments/agencies to evaluate similar staffing and plan check measures and to make revisions that will improve customer service and implement permit streamlining measures.

In the short term, a recruitment to fill a vacant Building Plan Checker position has recently been initiated, and two vacant planner positions will also soon be filled (plus one in the Cannabis Licensing Office). Filling vacant positions will further assist with meeting performance goals and with PRIMO improvement efforts.

Staff work groups are being formed to work on implementation of a variety of improvements that were identified during the PRIMO PIE December 3rd week. A more expansive report and presentation about the status of PRIMO efforts is tentatively scheduled for the Board meeting of February 12, 2019.

RECOMMENDATION:

Because the implementation of revised turnaround performance goals and timelines are closely aligned to the PRIMO and budgeting processes, it is recommended your Board direct Development Review Departments to continue work on updated performance measures and goals through the PRIMO PIE effort, and to align the timing of periodic updates to the timing of PRIMO status reports and to the Performance Metric effort that is underway to implement the County Strategic Plan.

Strategic Plan Element(s)

6.D. Embrace innovation and continuous improvement to optimize County operations and maintain fiscal stability.

Submitted by:

Wanda Williams, Assistant Planning Director

Recommended by:

Carlos J. Palacios, County Administrative Officer

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