

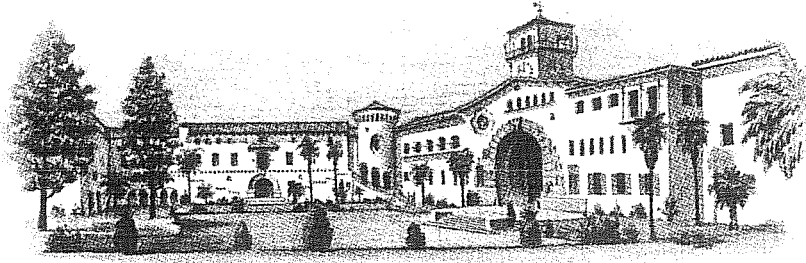
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COUNTY OF SANTA BARBARA

May 5, 2009

Honorable J. William McLafferty
Presiding Judge, Santa Barbara County Superior Court
1100 Anacapa Street, 2nd Floor
P.O. Box 21107
Santa Barbara, CA 93121-1107

RE: Response to the 2008-2009 Grand Jury Report, *Got a Planning Problem? Appoint a Committee*

Dear Judge McLafferty:

The Grand Jury requested the Board of Supervisors respond to Findings and Recommendations of the above-referenced report. The County Board of Supervisors formal response follows:

Grand Jury Finding 1a: The County established a Housing Advisory Committee of more than 50 members. The Committee never submitted a report to the Board of Supervisors and disappeared without a trace.

Response to Finding 1a:

Wholly disagree. On October 28, 2003, the Board of Supervisors established the Housing Advisory Committee (HAC), which was to be facilitated and managed by the Housing and Community Development Department (HCD). On July 27, 2004, HCD submitted a status report to the Board regarding the HAC's first six months of activity. Following this status report, on March 1, 2005, an initial set of HAC policy recommendations were presented to the Board by HCD. This first report was followed by a subsequent report on April 19, 2005, with a second set of HAC policy recommendations. HCD staff recommended the Board approve one of the HAC's recommendations by authorizing HCD to develop a Ten Year Plan to End Chronic Homelessness. Following the Board's direction, HCD began working to develop *Bringing Our Community Home*, the County's Ten Year Plan to End Chronic Homelessness, which was subsequently adopted by the Board on October 17, 2006.

Meeting minutes from the HAC indicate that the HAC continued to meet and monitor the implementation of these recommendations through January 2007. The meeting minutes of November 2, 2006 state that the HAC's intention was to meet through 2007.

Grand Jury Finding 1b: The Board of Supervisors and Chief Executive Officer failed to follow through on the progress of the committee.

Response to Finding 1b:

Partially disagree. A progress report along with the HAC's recommendations were submitted to the Board, and formed the basis for further Board's direction on April 19, 2005 to authorize staff to develop the Ten Year Plan to End Chronic Homelessness. The County's subsequent development of that plan represents a clear example of direct follow-through by the CEO on HAC-related work. A number of other the HAC's recommendations were also implemented. Further, the meeting minutes of November 2, 2006 indicate that the HAC's intention was to meet through 2007, and complete its work with a final report to the Board by December 2007. This coincided with the reorganization of HCD and the departure its Director, who was in charge of facilitating the HAC. With the loss of the Director, a final summary report on the HAC's activities was not developed or presented to the Board. Accordingly, although the HAC intended to formally complete its work by December 2007, no final report was made to the Board.

Grand Jury Finding 2a: The County Executive Officer recommended further study of the Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, including those with fewer than five units.

Response to Finding 2a:

Agree. As required by State law, the County's Housing Element must be updated every five years. This update must include an evaluation of existing policies and programs, including the Inclusionary Housing Program and In-lieu Fee, which constitute Housing Element policies 1.2 and 1.3, respectively. To assist with this requirement, Long Range Planning has secured the services of a land use economics and housing consultant to review the recommendations provided by the Affordable Housing Policy Committee, provide an objective determination as to the effectiveness of the existing program, and recommend any necessary changes. Public outreach for the Housing Element update will occur during the summer of 2009, including initiation for environmental review with the Planning Commission and Board of Supervisors.

Grand Jury Finding 2b: The presentation of Affordable Housing Policy Committee Recommendation 5, to apply in-lieu fees to all residential development, to the Board of Supervisors did not adequately present the intent and significance of the recommendation.

Response to Finding 2b:

Wholly disagree. On June 19, 2007, the Board of Supervisors adequately discussed and understood the intent and significance of Affordable Housing Policy Committee Recommendation 5, following the presentation and dialogue with staff. Several times during the hearing, staff recommended that the Board allow for further study of Recommendation 5; however, three Board members gave clear direction to staff that Affordable Housing Policy Committee Recommendation 5 should not be studied in further detail. Specifically, these Board members did not want to consider applying the Inclusionary Housing Program and In-lieu Fees to residential developments of less than five units.

Grand Jury Finding 2c: The County Board of Supervisors denied the staff's recommendation to study the application of in-lieu fees to all residential development (AHPC Recommendation 5), and the matter was dropped.

Response to Finding 2c:

Agree.

Grand Jury Recommendation 2: That the County Board of Supervisors request a comprehensive staff presentation as the basis for reconsidering Recommendation 5 from the Affordable Housing Policy Committee to apply variable in-lieu fees to all residential development.

Response to Recommendation 2:

The recommendation will not be implemented because it is not warranted. The Board of Supervisors gave clear direction to staff that Affordable Housing Policy Committee Recommendation 5 should not be studied in further detail. Nevertheless, additional opportunities to review the County's housing policy framework, inclusive of the Inclusionary Housing Program, will be available through the 2009-2014 Housing Element update process.

Grand Jury Finding 7: The Ministerial Permit Process has been the single consistent area of emphasis selected by the Planning and Development Department for analysis and improvement.

Response to Finding 7:

Partially disagree. In addition to the ministerial permit process, the department has worked on the other priorities established by the Board of Supervisors in May of 2005, including appeals, agricultural permitting, customer service and the Zoning Ordinance Reformatting Project (adopted as the County and Montecito Land Use and Development Codes).

Grand Jury Recommendation 7: That the Planning and Development Department and the Process Improvement Oversight Committee immediately focus on the Ministerial Permit Process for analysis, improvement and closure.

Response to Recommendation 7:

This recommendation has not yet been implemented, but will be implemented in the future. A significant amount of work has already been completed related to ministerial permits, including developing and applying the zoning clearance process, improving noticing to encourage earlier input into the process, and clarifying the appeals process. The Oversight Committee is currently completing additional improvements to noticing for ministerial permits and changes to agricultural permitting (expected to be considered for adoption by the Board of Supervisors in summer/fall 2009) which will complete the current efforts related to ministerial permitting. However, the department recognizes that process improvement is an ongoing effort and additional improvements are expected.

Grand Jury Finding 9: The Planning and Development Department and the Process Improvement Oversight Committee have a stated policy of focusing on non-controversial subjects when selecting issues for analysis.

Response to Finding 9:

Wholly disagree. No such policy exists. The mission statement of the Oversight Committee, as endorsed by the Board of Supervisors, is to “make the process easier to navigate, and more time efficient and cost effective, while maintaining quality development in Santa Barbara County”.

Grand Jury Recommendation 9: That the Planning and Development Department and the Process Improvement Oversight Committee identify problems in the process that require analysis and improvement, without regard to the problem’s potential political implications.

Response to Recommendation 9:

The recommendation has been implemented. The Department and the Oversight Committee have brought items of controversy to the Board of Supervisors, including the Oak Tree Protection Guidelines, the Zoning Ordinance Reformatting Project, some of the downshifting proposals and the Director's recommendations presented to the Board of Supervisors in March of 2007, including elimination of tree policies in the community and general plans, standardizing design guidelines and standardizing community plans.

Thank you for the opportunity to respond to the Grand Jury's thoughtful report.

Sincerely,


Joseph Centeno, Chair
Santa Barbara County Board of Supervisors