



March 6, 2023

Via Email

Supervisor Chris Coursey
3rd District Supervisor
Chair, Sonoma County Board of Supervisors
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Christina Rivera
Sonoma County Administrative Officer
Christina.rivera@sonoma-county.org

Re: Permit Sonoma Management Review Implementation Plan

Dear Supervisor Coursey and CAO Rivera:

I am writing you on behalf of the American Council of Engineering Companies, California, North Coast Chapter (ACECNCC) to provide input and recommended actions pertaining to the Permit Sonoma Management Review Implementation Schedule. ACEC is an organization of engineering firms dedicated to enhancing the consulting engineering and land surveying professions, protecting the general public and promoting use of the private sector in the growth and development of our state. ACECNCC's membership includes 22 firms employing approximately 356 full time professional engineers, professional geologists, engineering technicians, professional land surveyors, land surveying technicians, environmental planners, and support staff locally.

It is our opinion that the design professional's role in the process is to work with their clients to develop a plan and provide drawings that comply with the codes, standards, ordinances, policies, general plan, applicable specific plan, etc (Codes). Furthermore, it is Permit Sonoma's role to review these proposed improvements to confirm that they comply with the applicable Codes. We believe that both parties should keep this in their foresights and work collaboratively to achieve the results necessary for our collective clients and work towards the necessary permits and approvals to be issued by Permit Sonoma in a timely manner.

The efforts to improve Permit Sonoma's operations are very much appreciated and overdue. The Stakeholder survey results presented in the Berry Dunn Final Report (Report), show an average ranking of just above 1.9 out of 5. However, if you remove the inspection process, which is not directly addressed in the Report, the score drops to just above a 1.7 out of 5, an unacceptable score. In our opinion these scores could improve significantly by resolving issues identified in the Report.

The issues described result in unnecessary costs or time delays, also costing money. The frustration with extended time frame is that the longer an applicant waits for permission to build a project, the more the project cost escalates due to other factors such as inflation or costs associated with delays in becoming operational. Further, it is noted that planning applications are not listed in the data provided and are not directly addressed in the Report. The planning process can take years, even without a zoning change request. The planning process duration is typically significantly longer than other permitting reviews. It is understood that there are some tasks within the planning process have time frames set by State Statute, however the review process prior to the required State Statute notification periods should have been included in the Report and should be included in the initiative tasks to also improve the planning time frames.

While providing accurate time frames doesn't reduce costs directly, it does allow an applicant to include the necessary time in their project budget before deciding to proceed on a project. Without accurate time frames we as consultants cannot accurately advise a project owner how long pre-construction efforts will take. This results in uncertainty around the project timelines which in turn escalate the project budgets, ultimate project costs, and in some cases erodes project feasibility, effectively terminating the project (i.e. housing, infrastructure, etc.).

The nexus between the uncertainties of application fees, permitting duration and project budgets is undeniable. Under the status quo we as consultants cannot advise clients what planning and permitting fees may be. This uncertainty causes unnecessary variability in project budgets and ultimate project costs.

It comes down to the project applicant's desire to plan for the necessary costs associated with permitting process, including both fees and the timeframes included. Shortening the permitting timelines and making them predictable allows for appropriate planning and budgeting of a project. Certainty in planning and budgeting are critical in determining feasibility before moving forward with a project.

Implementation Plan Comments

While all the initiatives included in the implementation plan are important the following initiatives are those that ACECNCC deems most critical. For each initiative we provide an explanation of why it is important followed by any suggested modifications to increase the initiative's effectiveness and finally a recommended action from the Board of Supervisors (BOS).

Initiative 1 – Expand OTC and Express Permits

Expansion of the OTC (Over the Counter) and Express permit program limits the number of application reviews required and allows staff time to be reallocated to more complex projects, reducing those processing times.

Request: It is requested that the BOS direct the Permit Sonoma Management to implement this initiative and provide funding necessary to implement this program. We also want to encourage Permit Sonoma to look for ways to significantly expand the list of permits that can be streamlined through an OTC process.

Initiative 2 – Application Response and Review Time Frames

Implementation of this initiative would directly address the primary issue of extended planning or permit processing time frames. This initiative establishes targets based on the existing situation which is causing frustration due to the extended time frames. This initiative relies on the existing staff to bring the processing time frames down and it does not take the processing capacity limits of the staff into account. This initiative should establish acceptable time frames and provide an action plan to achieve the established time frame goals.

A suggested action plan is, should the number of applications received exceed the staff's capacity to review, engage Third Party Plan Reviewers (TPPR), as discussed in Initiative 6, to review the applications that exceed the staff's capacity. This action will maintain appropriate review time frames without overworking the staff or further extending the time frames.

The following modifications to the tasks within this initiative are recommended to establish appropriate time frame goals and establish a process to reduce the time frames to an acceptable length using TPPR as described in Initiative 6:

- Task 2.1* In addition to the analysis proposed, analyze the review time frame data to determine the number of applications that can be processed per staff member per day. The results of this analysis will provide management the data necessary to predict when the number of incoming applications are going to exceed staff capacity to complete the required reviews within the timeframes set and require additional reviewer resources such as TPPR to maintain acceptable time frames.
- Task 2.3* This task establishes targets based on the existing extended time frames. This task should be modified to set appropriate time frames for each application type. (The Report states that Napa County has review time frames of up to 28 days.) Setting the time frame goal at an appropriate time frame sets in motion the action plan to correct the extended time frames by resolving issues sooner rather than taking years to slowly whittle down the time frames.
- Task 2.7* This task should be modified to ensure that management tracks the quantity of applications being received and initiates the action plan should the number of applications exceed staff's capacity. It is imperative that the action plan is activated when the incoming application quantity exceeds capacity rather than when the plan review time frames exceed the stated time frames. Waiting until the time frames are exceeded will result in the time frames continually being exceeded. The TPPRs need to receive the projects with enough time to complete the review before the time frame expires.

Request: It is requested that the BOS direct the Permit Sonoma Management to implement Initiative 2 with the above modifications and provide the funding necessary to do so such as engaging TPPRs.

Initiative 6 – Contracts with Third-Party Plan Reviewers

This initiative provides Permit Sonoma Management the tools necessary to reduce the current backlog both in the near term and in the long term. It responds to fluctuations in application volume by reducing the time frames back to the goals and ensures the goals are continually met. The current extended review time frames prove that without additional review staff the backlog will remain or grow. During the recovery from the 2017 Tubbs and Nuns fires the County engaged the services of TPPR because the volume of applications was going to far exceed the Permit Sonoma staff's capacity and it worked. Short review time frames were maintained for projects reconstructing structures destroyed by the fires. Currently, the permit application review time is excessive, often as a result of the application volume exceeding the staff's capacity to reduce the review time. The recovery experience shows that the engagement of TPPR reduces review time frames. Therefore, we believe this strategy should be used again to reduce the review time frames to the targets. Furthermore, this strategy should be used to maintain appropriate time frames by using TPPR on an as needed basis when the application volume exceeds the staff's capacity.

Request: It is requested that the BOS direct the Permit Sonoma Management to implement Initiative 6 and provide necessary funding to engage TPPR.

Initiative 7 – Checklist-Based Review and Resubmittal

This initiative focuses the reviewer on the modifications which respond to comments that were provided during the prior review, which will save time because the reviewer isn't looking at the whole plan set.

The following recommendations address the undiscovered issue that some comments require design modifications that do not address a Code violation.

Task 7.3 Each comment should reference the Code that is violated by the design.

Task 7.6 The Staff's role during resubmittal review is to confirm that design modifications remove identified Code violations. The objective during review is to confirm identified Code violations have been corrected not Staff's satisfaction with the design.

Request: It is requested that the BOS direct the Permit Sonoma Management to implement Initiative 7 with the above modifications and provide the necessary funding.

Initiative 9 – Alternate Third Party Review Process

This initiative allows the applicant, within the permitting process, to decide if it is more important to reduce the time it takes for review or minimize review costs. For the allowable application types the applicant can elect to use the Alternate Third-Party Review Process. The applicant would choose a Third-Party Plan Check (TPPC) firm from the Permit Sonoma list of firms approved to perform TPPC in order to have the review completed in a shorter time frame than Permit Sonoma's review time frame. Removing the reviews for the projects processed using TPPC from the Staff will allow them to focus on the other applications, shortening the permitting process for all projects, not just projects which are reviewed using the TPPC. Additional eligible project

classifications will allow more projects to be processed by this method with a greater impact on the overall staff capacity and shortening the time frame.

Request: It is requested that the BOS direct the Permit Sonoma Management to implement Initiative 9 and provide the necessary funding. We also strongly encourage Permit Sonoma to look for additional application classifications to add to the list of applications that can be processed using TPPC.

Initiative 10 – “Self-Certification Program”

This initiative would eliminate reviews of selected application types. It requires the design professional to certify the design complies with applicable Codes. (It should be noted that this is already the case, as even if an error makes it through plan review and a permit is issued, the project is required to be constructed in accordance with all applicable Codes. Therefore, all projects designed by a licensed design professional are essentially self-certified. The County takes no responsibility for any Code compliance issues not identified by Permit Sonoma before issuing a permit. If there is an issue it is up to the owner, design professional and the contractor to resolve the violation at the time of discovery.). This initiative would eliminate the time required for plan review and free up staff time to dedicate to the remaining projects.

Request: It is requested that the BOS direct the Permit Sonoma Management to implement this initiative and provide the necessary funding.

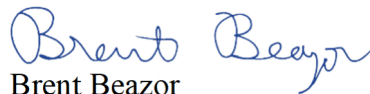
We appreciate this opportunity to provide this feedback on such an important topic and would like to take this opportunity to provide some additional comments collected from our members. We are hopeful that this additional input will help improve the process for us and our community to collaborate with Permit Sonoma staff such that permits can be issued without unnecessary delays.

- Responding to comments in the Plan Room is cumbersome. The interface requires comments to be addressed individually by selecting a hyperlink and this is time consuming. The interface also requires comments to be addressed by the Engineer in responsible charge and doesn't provide a means of allowing other staff working for the Engineer to login and respond to comments.
- Intake process for electronic plan submittals has had significant delays to get invoiced and into the plan check queue. Often the applicant is not aware that their submittal has not officially entered the plan check process.
- ACECNCC has a committee that has been meeting with Permit Sonoma management and we hope to continue in a more effective and collaborative way. We also want to extend an invitation to the Board of Supervisors or their staff to attend any of these meetings. We feel this committee, in conjunction with Permit Sonoma's management team, can help solve issues and streamline efficiencies.
- Training vs. Mentoring: We acknowledge that training is critical, and we applaud those efforts. However, we also don't want to lose sight of the fact that mentoring is also just as critical in the development of staff. We believe training and mentoring, though similar in nature, can be different and require management and seasoned staff to put forth a different effort.

- Collaboration with Permit Sonoma: We feel it is critical and vital to the success of both the County and the community to initiate a more collaborative and accessible experience. Unfortunately, our experiences suggest that lack of accessibility and the desire to collaborate has cost significant time in the process. We live in a world where technology can enhance the accessibility of staff and generate the much-needed collaboration that is needed to get projects permitted and/or approved.

We appreciate that the BOS has recognized that the current operation at Permit Sonoma presents issues that need to be resolved and the enlistment of an outside consultant to assist in identifying those issues and possible solutions. It would be further appreciated if the BOS would provide the resources necessary to resolve the identified issues. ACECNCC members are willing to further discuss or advise on how issues can be addressed as well as providing feedback on the results of the changes made.

Thank you for your consideration and action regarding the implementation of the Permit Sonoma review. Please contact me if you have any questions or would like additional information.



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