



DEPARTMENT OF PLANNING AND BUILDING

TO: Vince Morici, Administrative Analyst
FROM: Matt Janssen, Division Manager, Community Relations
VIA: Kami Griffin, Assistant Director, Department of Planning and Building
DATE: July 16, 2009
SUBJECT: Response to Grand Jury Report on Delayed Building and Safety Code Enforcement

RECOMMENDATION

It is recommended that this report serve as the Department of Planning and Building's response to the Grand Jury Report on the *Delayed Building and Safety Code Enforcement*.

DISCUSSION

On June 19, 2009, the Grand Jury issued a report on the *Delayed Building and Safety Code Enforcement*. This response addresses the findings and the recommendations pertaining to the Planning and Building Department.

The Department's complete response is included in the attached report. It is shown in italics following the specific applicable portions of the Grand Jury Report.

OTHER AGENCY INVOLVEMENT/IMPACT

Not Applicable

FINANCIAL CONSIDERATIONS

Costs for preparing this response are included in the current Department budget.

RESULTS

This response will meet the legal requirements for responding to a Grand Jury report with findings and recommendations.

ATTACHMENT 2

**Response by the Department of Planning and Building to the
Grand Jury Report of June 2009 on the
Delayed Building and Safety Code Enforcement**

The San Luis Obispo County Department of Planning and Building has the following comments in respect to the **Grand Jury's Findings 1-3, and Recommendations 1-3** contained within the report titled: **Delayed Building and Safety Code Enforcement**.

GRAND JURY FINDINGS

1. The County Code Enforcement Division of the Planning and Building Department handles hundreds of cases a year. The vast majority of these are resolved in a fair and timely fashion by a dedicated and professional staff. The three subjects described in this report evidently represent unique code enforcement cases which have festered over time.

Response: The Planning and Building Department agrees with the finding.

2. The County Code Enforcement Division and the Department of Planning and Building have been dilatory in enforcing the county building and safety codes when dealing with cases #2 and #3 of this report.

Response: The Planning and Building Department disagrees with the finding as follows:

Case #2 – This case represents an example of a cooperative responsible party, who over the past few years, and under order of Code Enforcement, has removed tons of scrap, junk, abandoned vehicles and boats, RVs, mobile homes and garbage and turned what was once an illegal mobile home/RV park into a clean and neat property. He has abandoned the septic system that was installed illegally, has obtained permits and is currently working cooperatively with the County to rehabilitate the house and continue to meet the needs of the very low income tenants. At this time, there are no code enforcement violations on this property. Each complaint from neighboring property owners was immediately followed up with the property owner and resolved.

The following is a summary of the status of the active permits on the site and the direction provided to the property owner as of June 10, 2009:

PMT2007-02833 is for a main panel replacement -320 amp - to serve the Single Family Dwelling. This permit was applied for and issued in response to a previous field correction notice. This permit will expire on 6/11/2010. There will be no further extensions available for this permit and all work must be completed and inspected before 6/11/2010.

PMT2008-01821 is a replacement permit to complete required work from previously expired permit #84981. This permit will expire on 4/8/2010. There will be no extensions available for this permit and all work must be completed and inspected before 4/8/2010. Failure to complete all work required under this permit may result in further code enforcement action that may include abatement, fines, and revocation of the coastal land use permit. If the coastal land use permit is revoked, no land use authority will exist for the single family residence. In

order to continue to occupy that residence, a new coastal development permit will be required, and the owner will need to comply with all current land use standards

PMT2008-02132 is for demolition of a 200 square foot shed with the existing septic to be used as a personal dump station. This permit is a result of unpermitted construction and code enforcement involvement. It will expire on 11/17/2009. All work must be completed and inspected before 11/17/2009. We have not been able to verify a permit record for this existing septic system. If no documentation exists, then this system must be abandoned.

Case #3 – The owner of this property has been the subject of several code enforcement actions over the past decade. He has been prosecuted three times and has been the subject of three Nuisance Abatements. He is uncooperative and fights every attempt by the County to resolve current violations. In many cases, while abating one violation, a new one is created. In the past two years two of our six field investigators have been assigned to this case. This property is currently subject to a Board of Supervisors Nuisance Abatement Order, and the responsible party is being prosecuted by the District Attorney on our complaint. The difference between this case and case #2 is that the responsible party in case #2 has cooperated with Code Enforcement and has acted formatively to resolve issues. In this case, the responsible party has not.

The complicated nature of these cases means that the Code Enforcement Section and the Department of Planning and Building have been purposefully deliberate in their enforcement of the County building and safety codes. These two cases reflect two different outcomes. This was based on differences in how cooperative the property owners were, not differences in how the cases were handled. Each case was dealt with in a manner consistent with the manner in which the County reviews and acts on enforcement cases.

3. According to the Department of Planning and Building correspondence to the Grand Jury, three areas of service improvement have been identified: A) Building Inspection record keeping B) Code Enforcement personnel training with an emphasis on implementation and neutrality and C) Public outreach relative to county rules, regulations, and policies.

Response: Response: The Planning and Building Department agrees with the intent of the finding. However, we note the following change that reflects the exact language of the memo to the Grand Jury from Victor Holanda (Planning Director, retired), dated March 6, 2009. This is being provided here for informational purposes. The language that is underlined was left out of the finding of the Grand Jury.

The P&BD management team has already identified three significant areas of improvement: (1) Building Inspection record keeping by emphasizing the use of electronic data processing and record keeping; (2) Code Enforcement (personnel) training with an emphasis on implementation, and neutrality; and (3) Public outreach relative to county rules, regulations, and policies.

GRAND JURY RECOMMENDATIONS

1. The Director of the County Planning and Building Department should provide increased review and oversight of the Code Enforcement Division to insure prompt and consistent attention to difficult code enforcement cases.

Response: The recommendation has been implemented. The Manager of the Community Relations Division (of which the Code Enforcement Section is a part) provides direct review and oversight of the Code Enforcement Division. The Director or Assistant Director is kept informed on some enforcement cases based on their complexity and other factors. In addition, the Director and Assistant Director meet regularly with the Manager of the Community Relations Division to discuss any issues that may be occurring in that Division. Prompt and consistent attention to all code enforcement cases is presently implemented in the Department's standard procedure and practice.

2. As recommended by the County Counsel and noted in a memo to the Grand Jury from the Department of Planning and Building, "Homeless shelters, residential recovery facilities, and group homes, a category of housing currently not specifically addressed by county land use regulations, be considered for inclusion into the County Land Use Ordinance." The Grand Jury strongly supports this effort.

Response: The recommendation has not yet been implemented, but will be implemented in the future. The Housing Element of the County's General Plan is currently being updated. The Planning Commission recommended approval of the updated element on July 6, 2009 and it is scheduled before the Board of Supervisors on August 11, 2009 for final adoption. The updated element contains the following program:

Program HE3.A: Revised the General Plan and ordinances to address emergency shelters, transitional housing, and supportive housing.

The schedule as set forth in the updated Housing Element is to initiate ordinance amendments in 2009 and complete the ordinance amendments in 2010.

3. The three areas of service improvement identified by the management team of the Department of Planning and Building in Finding #3 be implemented.

Response:

(1) Building Inspection record keeping by emphasizing the use of electronic data processing and record keeping - the recommendation has been implemented by expanding the use of the Department's permit tracking system to include inspection information. This will create better record-keeping and provides accurate information to the Code Enforcement section as they investigate potential code enforcement cases.

(2) Code Enforcement training with an emphasis on implementation, and neutrality - the recommendation has not yet been implemented, but will be implemented in the future. The Manager for the Community Relations Division will provide training on implementation and neutrality by December 31, 2009.

(3) Public outreach relative to county rules, regulations, and policies - the recommendation has been implemented. The Department participates in a variety of outreach efforts as a means of educating the public on the value and benefits of effective planning and building processes and county rules,

regulations and policies. These efforts include public workshops, training sessions, speaking engagements at meetings of professional organizations and community advisory council (CAC) meetings. Code Enforcement routinely participates in these outreach efforts. In Fiscal Year 08-09, the Department participated in over 400 of these outreach efforts. A new performance measure to "Promote public education and outreach through workshops, community group meetings and training" was adopted in the Fiscal Year 09-10 budget. The Department has set a target of 433 of these types of outreach efforts for Fiscal Year 09-10.