

AUG 06 2024



COUNTY of VENTURA

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Response to 2023-2024 Ventura County Grand Jury Report Form (Please See California Penal Code Section 933.05)

Report Title: *Building Better Together: Suggestions for Smoother Permitting Processes*

Responding Entity: Director Jeff Pengilley, City of Oxnard

FINDINGS

- I (we) agree with the Findings numbered: See attached Response
- I (we) disagree wholly or partially with the Findings numbered: F-01, F-02, F-03
(Attach a statement specifying any portions of the Findings that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

- Recommendations numbered See attached Response have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered See attached Response have not yet been implemented but will be implemented in the future.
(Attach a summary indicating the timeframe for implementation.)
- Recommendations numbered See attached Response require further analysis.
(Attach an explanation to include: scope and parameters of the analysis or study and timeframe for the matter to be prepared for discussion with the agency or department head. The timeframe shall not exceed six months from the date of publication of the report.)
- Recommendations numbered See attached Response will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 7/3/2024

Signed:

Title: Community Development Director

Number of pages attached: 3

COUNCIL APPROVED
7/30/24 L.G.
DATE

Response to Grand Jury Report Form

Report Title: Building Better Together, Suggestions for Smoother Permitting Process

Report Date: June 5, 2024

Response by: John Zaragoza
Jeff Pengilley

Title: Mayor
Title: Community Development Director

FINDINGS / CONCLUSIONS

- **Finding F-01.** *The City of Oxnard is not in compliance with California's Permit Streamlining Act with regard to mandated timelines for development projects, taking 171 days, on average, between application and entitlement for housing with more than five units.*

Response: The City of Oxnard **disagrees** with this finding. The Report indicates on page 5 and in Ref.-34 that the data shows an average timeframe of 121 days, not 171. Additionally, the source of data (California Department of Housing and Community Development Annual Progress reports - Data Dashboard and Downloads, Ref.-34) used to determine the 121 day average timeframe from project submission to entitlement for housing projects with 5 or more units should not be used to determine compliance with the Permit Streamlining Act's 30 day timeline for a project determination of completeness as described below.

The 121 day average indicates the total elapsed time from Submittal to Entitlement, as this is the timeframe the City of Oxnard is obligated to report to the California Department of Housing and Community Development (HCD). This data does not account for the Permit Streamlining Act's ("Act") 30 day time clock, as this timeframe occurs before the project is deemed to have been 'submitted'. The City of Oxnard is in compliance with the 30 day completeness determination timeframe mandated by the Act.

However, the City of Oxnard is not fully in compliance with processing timelines mandated by the Act after a project has been deemed 'complete'. The mandated timelines after a project is deemed complete depend upon the CEQA status of the project so the HCD Data Dashboard is not an indicator of compliance with the Act in this regard. For most projects in this category (CEQA exempt or Negative Declaration) the timeframe for project approval mandated by the Act is 60 days, however, by mutual agreement, a 90 day extension is permissible for a total of 150 days. The HCD Data Dashboard does not include these nuances of timeframe mandates, and thus it should not be used to determine compliance with the Permit Streamlining Act's timelines after a project has been deemed complete. Although several of the projects identified are compliant with the Act, the City of Oxnard is committed to achieving full compliance on all projects in the near future.

- **Finding F-02.** *The City of Oxnard is not in compliance with the California State ADU Act with regard to the mandated 60 days from application (entitlement) to permitting, taking 406 days on average.*

Response: The City of Oxnard **disagrees** with the Finding that the City takes 406 days on average to process an ADU application. The source of data (California Department of Housing

and Community Development Annual Progress reports - Data Dashboard and Downloads, Ref.-34) used to determine the 406 day average timeframe from project submission to permitting for Accessory Dwelling Unit (ADU) projects should not be used to determine compliance with State Laws governing ADU timeframes.

The 406 day average indicates the *total* elapsed time from Submittal to Permitting, as this is the timeframe the City of Oxnard is obligated to report to the California Department of Housing and Community Development (HCD). This data does not account for the project being returned back to the applicant as 'Incomplete', thus stopping the 60 day time clock that is required by State Law. The 60 day clock stops when the project is returned for the applicant to correct incompleteness or code deficiencies - this process can add many months to the process with each code cycle (in some cases a year or more) which is not counted towards the 60 day clock.

The City acknowledges that it is nonetheless currently non-compliant with the 60 day time frame requirement, averaging 82 days in calendar year 2024 (January - May). We are continuing to improve and our goal is to be fully compliant with the 60 day timeframe this calendar year.

- **Finding F-03.** *Since 2020, assessed property values adjusted for inflation in the City of Oxnard have not increased. This indicates that city services may be maintained but could be expanded by streamlining the approval process.*

Response: The City of Oxnard disagrees with this Finding. There are a number of funding sources for the City's General Fund, with property tax revenues only one component of such funding.

- **Finding F-04.** *Inadequate staffing, leadership turnover and increased workloads have led to lengthy delays in project approvals for the City of Oxnard.*

Response: Staffing turnover, competition for replacement staff and increased workloads have been factors in some of the delays in project approvals by the City of Oxnard.

- **Finding F-05.** *Out-dated computer systems have led to lengthy delays in project approvals for the City of Oxnard.*

Response: The City's outdated computer systems and software were a factor in some of the delays in project approvals; however, the City has made and is making substantial financial investments to upgrade its computer systems and software.

- **Recommendation R-01.** *The Grand Jury recommends that the City of Oxnard identify specific steps that will be taken to reduce turnaround times to comply with California's Permit Streamlining and ADU Acts and include expected completion dates for those steps by January 1, 2025. (F-01, F-02, F-03)*

Response: Although the City of Oxnard disagrees with Findings F-01 and F-02, and F-03, the City is committed to continue its ongoing efforts already underway to improve processing timelines. In addition to filling vacant positions and the continued use of consultants to improve the overall throughput timelines of projects submitted for entitlements and permitting, the most significant improvement to overall permit processing efficiency, project tracking, and reporting is the current implementation of Tyler Energov (EPL) software throughout the entire Community Development Department. This effort began in 2023 and is currently 30-40% through the implementation phase. The anticipated 'go-live' date is currently set for Spring of 2025. By utilizing modern, GIS and web enabled software, customers will be able to digitally submit

projects, and staff will be able to automate fee calculation and other back end processes that are currently highly inefficient. Additionally, highly functional reporting tools will be built into the software implementation so that managers and supervisors will be able to readily identify positive and negative trends amongst a variety of performance metrics, including the ability to more efficiently monitor processing timeline compliance with State Laws.

- **Recommendation R-02.** *The Grand Jury recommends that the City of Oxnard identify and recruit potential hires having EnerGov experience in the Planning and Building Divisions of the Community Development Department by January 1, 2025. (F-04)*

Response: The City of Oxnard was partially implementing the substance of this recommendation before the issuance of the Grand Jury Report, in that we are actively recruiting to fill vacant positions within the Planning and Building Divisions with highly qualified candidates. The Building Division recently added a new Senior Engineer/Deputy Building Official position (filled December 2023), and there are currently no vacancies in the Building plan check work group. In our ongoing recruitment efforts for the Planning Division, we would prefer to hire someone that has EnerGov or similar software experience, however we are not limiting our applicant pool to those having this specific type of experience. It is far more desirable to recruit a candidate with the needed job skills as a primary requirement, without filtering out those candidates who are qualified but lack specific EnerGov experience. We can readily train a new employee to use EnerGov, the first and most pressing priority is to first find and hire qualified candidates, and if they have EnerGov experience that will be a bonus to our Department.

- **Recommendation R-03.** *The Grand Jury recommends that the City of Oxnard utilize EnerGov personnel, expert consultants and IT personnel of Oxnard to properly configure meaningful reports regarding compliance, workload and timeliness EnerGov reports for the Community Development Department by June 30, 2025. (F-05)*

Response: The City of Oxnard was implementing the substance of the Grand Jury's recommendation prior to the issuance of the Grand Jury Report. We are approximately 30-40% through the implementation process utilizing Tyler Technologies, a third party implementation partner, Kreative Core, and City IT staff. The configuring of meaningful reports as described in the Recommendation is a key component of this effort.

Date: July 30, 2024

Signed: _____

John Zaragoza, Mayor

ATTEST:

R. Chaparro 7/30/24

Rose Chaparro, City Clerk

Date: 7/5/2024

Signed: _____

Jeff Pongilley, Community Development
Director