

NAPA COUNTY
RESPONSES TO THE GRAND JURY REPORT ON THE
BUILDING DIVISION WITH THE DEPARTMENT OF PLANNING,
BUILDING AND ENVIRONMENTAL SERVICES

August 6, 2024

Introduction

The “Napa County Building Department: The Good, the Bad and the Confusing” Report of the 2023-2024 Napa County Grand Jury sets forth seven (7) findings and nine (9) recommendations relating to the building permit review process in Napa County. This Memorandum comprises the responses of the Director of the Department of Planning, Building and Environmental Services (PBES), the County Fire Marshal, and the Board of Supervisors. We would also like to take this opportunity to acknowledge the work of this year’s Grand Jury. We appreciate the Grand Jury’s interest in and focus on the building permit review process in Napa County.

Background

The Building Division in PBES is responsible for the review of building permit applications including all construction documents, plans, and specifications for compliance with adopted codes in unincorporated parts of the county. The Building Division also provides building inspection services during construction of approved projects, and issues certificates of occupancy that allow structures to be used. Building codes and related permits are the minimum requirements for design, construction, and operation of structures to protect public health, safety, and the environment.

Over the past year, the Building Division has implemented numerous improvements to enhance customer service and related efficiencies. In particular, the Building Division has accomplished the following noteworthy efforts:

- Implementation of DigiPlan for electronic plan reviews where nearly 98 percent of all applications are now submitted online;
- Trained staff from other divisions on the use of DigiPlan, ensuring a unified approach across all reviewing divisions to building permit reviews;
- Launched a mobile electronic inspection program to streamline field operations and enhance efficiency;
- Increased in-house staff capacity for building permit reviews, resulting in approximately 80 percent of all reviews now being conducted internally rather than outsourcing, which has improved consistency in building plan evaluations; and
- Expanded training opportunities for Building staff, resulting in the acquisition of over 22 International Code Council (ICC) certifications in various levels of code expertise this past year, which not only improved our International Organization for Standardization (ISO) rating but also fortified the qualifications of our building code team.

The Building Division is also in the process of implementing several improvements over the coming year including:

- Launching feedback surveys specifically tailored for digital permit processing and the building permit process, aiming to gather actionable insights on our division’s performance and areas for improvement;
- Rolling out new educational resources, including videos and electronic handouts, to guide applicants through the online permitting system and enhance their user experience;
- Introducing a new fee schedule that simplifies the calculation of estimated building permit fees, making it more transparent and easier for applicants to understand;
- Increase the issuance of same-day permits via the Online Permitting Center (OPC), improving efficiency and customer satisfaction;
- Developing a comprehensive Policy and Procedures Manual for the Building Division to streamline permit processing, reduce redundant inquiries, and ensure consistent application of building codes;
- Creating a streamlined Accessory Dwelling Unit (ADU) Permitting Program that aligns with State housing goals, facilitating easier access to ADU permits and supporting housing availability; and
- Reviewing and refining performance measures and review times by working closely with all staff involved in building permit processing to ensure that these performance standards are consistently met.

Similar to the Building Division, the Napa County Fire Marshal conducts the review of building permits, administrative and discretionary permits, but under the direction of the Fire Administrator and County Fire Chief.

Findings

Finding 1. The Jury found that Napa County has only one full-time Fire Plans Examiner. After this report was written, the Jury learned that the department had hired a second Fire Plans Examiner.

The County Executive Officer and Fire Administrator agree with the finding.

An additional Fire Plans Examiner position was recommended and authorized in the FY2023-24 annual budget. This position was recruited and hired on March 4, 2024. This addition has significantly bolstered our capacity to review and approve building permit applications in a timely manner, thereby addressing the backlog previously identified.

The Board of Supervisors agrees with the County Executive Officer and Fire Administrator.

Finding 2. The Jury found that all Napa County building permits must be approved by the Fire Plans Examiner.

The County Executive Officer and Planning Building and Environmental Services Director agree with the finding.

The Fire Marshal agrees with this finding. The Fire Plans Examiner’s role is pivotal in ensuring that all construction plans adhere to stringent fire safety regulations to safeguard public health and property.

The Board of Supervisors agrees with the County Executive Officer and Planning Building and Environmental Services Director.

Finding 3. The Jury found that as a result of staff shortages, projects throughout the county are delayed and customers are in a holding pattern pending approvals for extended periods of time.

The County Executive Officer and Planning Building and Environmental Services Director agree with the finding.

To mitigate delays caused by staffing shortages, we have initiated cross-training programs for additional staff members, including the Fire Marshal and Deputy Fire Marshals. This proactive measure ensures that there is adequate coverage during absences or peak workload periods. Furthermore, engaged third-party reviewers can assist as needed, ensuring continuity in our service delivery.

The Board of Supervisors agrees with the County Executive Officer and Planning Building and Environmental Services Director.

Finding 4. The Jury found that an annual golf tournament held in Napa County has consistently been allowed to not comply with the permit application rules.

The County Executive Officer and Planning Building and Environmental Services Director disagree with the finding.

The annual golf tournament is not considered a Temporary Event and therefore not subject to the County's Temporary Events License Permit and related review procedures, and submittal and processing deadlines. The annual golf tournament is reviewed and authorized under a Site Plan Approval, which is governed by the Use Permit for the Resort that has been in place since 1964.

The Board of Supervisors agrees with the County Executive Officer and the Planning Building and Environmental Services Director.

Finding 5. The Jury found the Napa County permit matrix to be a complex five-page document that is confusing to the average applicant.

The County Executive Officer and Planning Building and Environmental Services Director partly disagree with the finding.

The permit matrix was intended to be an internal guidance document for staff to facilitate their review of building permit applications. It was not intended for public use and as such was not written in layman's terms. As part of the goals for the Building Division for fiscal year 24/25 detailed above, Staff will be reviewing the information and content on the web site and preparing enhancements to the available documents that will provide a better understanding of the permitting process.

The Board of Supervisors agrees with the County Executive Officer and Planning Building and Environmental Services Director.

Finding 6. The Jury found that PBES is currently without a formal process for customers to provide feedback, either in person or on the website.

The County Executive Officer and Planning Building and Environmental Services Director partially disagree with the finding.

Staff has conducted one-on-one meetings and group discussions with industry professionals and builders regarding the permitting process this past year in order to obtain feedback regarding our online digital permitting process. This approach not only provided us feedback on the process of permitting it also gives the building staff an educational opportunity to discuss particular permitting requirements and develop productive relationships with the design and building construction community. The Building Division intends to expand upon these efforts to conduct surveys of the permitting process which will be sent out to applicants who have used the system in the past year.

The Board of Supervisors agrees with the County Executive Officer and Planning Building and Environmental Services Director.

Finding 7. The Jury found that PBES does not assign specific field inspectors for entire projects leading to potential conflicting opinions about required corrective actions.

The County Executive Officer and Planning Building and Environmental Services Director partially disagree with the finding.

Building inspectors are assigned to a mapped district. Every effort is made to have the same inspector conduct inspections for the same project; however, individual inspectors may be unavailable. As such, rather than delay the progress of construction, other inspectors may be called upon to provide a timely inspection. Additionally, workload in one area may be greater, so two inspectors may be needed to cover the demand for that district. With that said, the inspectors strive for consistency and are all trained on the California Building Code.

With regard to inspections related to correction notices, on occasion an inspector may not be available for a follow-up inspection, and a different inspector may be assigned to conduct the inspection. The inspector will typically focus solely on the items the prior inspector noted and confirm those they have been corrected. If they see additional items that the prior inspector may have inadvertently overlooked, they are advised to honor the prior inspector's corrections unless they observe a life safety violation.

The Board of Supervisors agrees with the County Executive Officer and Planning Building and Environmental Services Director.

Recommendations

Recommendation 2. The Jury recommends that PBES immediately cross-train a staff member to cover the work volume during staffing shortages or vacancies. The department should not allow a position to remain vacant for any extended length of time.

Response of the County Fire Marshal, Director of Planning, Building and Environmental Services: The recommendation requires further analysis.

The Napa County Fire Marshal's Office acknowledges the importance of cross training to mitigate staffing challenges. We have commenced cross-training initiatives across various disciplines within the Fire Marshal's Office to ensure operational continuity and minimize the impact of staffing fluctuations on our service delivery.

The Napa County Fire Marshal's office remains committed to upholding the highest standards of fire safety and efficiency in building permit processing.

Within the past year, the Building Division has become fully staffed at 16 employees and will be able to cover shortages. The Building Division currently has the following staffing:

- 4 permit technicians and 1 supervisor
- 4 plans examiners and a 1 supervisor
- 5 building inspectors and 1 supervisor

While every effort is made to maintain a full staff, we occasionally experience higher or lower permitting demand based on the ebbs and flows of the construction industry. During periods of high demand, we may utilize outside contract services to help fill shortages and to adhere to permitting timelines. We agree cross training is important and have begun a process of training amongst peers as well as disciplines in the building division. Managing the fluctuations of building permits can be challenging and having staff cross trained along with maintaining a full staff is critical to allow a consistent permitting process.

The Board of Supervisors agrees with the Fire Marshal, and Director of Planning, Building and Environmental Services.

Recommendation 3. The Jury recommends that PBES immediately require compliance with the 60 (50) day rule for all applicants of temporary events license permits.

Response of Director of the Department of Planning, Building and Environmental Services: The recommendation has not yet been implemented.

While the recommendation is directed toward the annual golf tournament at Silverado Country Club, which is regulated by a Site Plan Approval (not Temporary Event requirements), staff is currently working on an update to the Temporary Event Policy Manual which is anticipated to be presented to the Board of Supervisors in winter of 2024 for discussion and potential adoption. The update will consider revisions to application and processing timelines, establishing an enforcement mechanism, among other process improvements.

The Board of Supervisors agrees with the Director of the Department of Planning, Building and Environmental Services.

Recommendation 4. By December 31, 2024, the Jury recommends that PBES initiate a comprehensive review of existing policies and procedures regarding temporary events license permits to ensure future compliance and accountability.

Response of Director of the Department of Planning, Building and Environmental Services: The recommendation has not yet been implemented. Please see response to Recommendation 3.

The Board of Supervisors agrees with the Director of the Department of Planning, Building and Environmental Services.

Recommendation 5. By December 31, 2024, the Jury recommends that PBES modify the existing internal matrix into a format understandable by applicants.

Response of Director of the Department of Planning, Building and Environmental Services: The recommendation has not yet been implemented.

As staff are in the process of developing guidance documents to better inform the public on the building permit process, the matrix has been removed from the County's website to prevent confusion in the meantime staff will implement these guide changes by December 31, 2024.

The Board of Supervisors agrees with the Director of the Department of Planning, Building and Environmental Services.

Recommendation 6. By September 30, 2024, the Jury recommends that PBES develop a customer feedback option, in person and online, as part of the application process. PBES should retain these records for potential performance improvement and evaluation purposes.

Response of Director of the Department of Planning, Building and Environmental Services: The recommendation has not yet been implemented.

The Building Division has prepared a survey of the permitting process which will be sent out to applicants who have used the system in the past year and will send out by August 30, 2024. Additionally, the survey will be sent out via email link once an applicant has completed the plan review process and a permit has been issued. Once construction has completed, another survey will be sent requesting feedback on the inspection process and the overall experience. We will implement this automated survey by December 31, 2024. We are looking forward to receiving feedback and improving our permitting process where feasible.

Staff will also continue to conduct one-on-one's and group discussions with industry professionals and builders regarding the permitting process.

The Board of Supervisors agrees with the Director of the Department of Planning, Building and Environmental Services.

Recommendation 7. The Jury recommends that, whenever possible PBES send the same inspector to conduct follow-up inspections.

Response of Director of the Department of Planning, Building and Environmental Services: The recommendation has been implemented.

Inspectors are currently assigned districts (as noted in the Finding 7 response) corresponding to areas in which they are responsible for inspections. Staff strives to have the same inspector out for the same project; however, inspectors are sometimes unavailable due to personal leave, like time off, sickness, or needing to care for a loved one. Other inspectors may need to fill in to fulfill a timely inspection. Additionally, workload in one area may be greater, so two inspectors may be needed to cover the demand for that district. On occasion, an inspector may not be available for a follow up inspection that they provided a correction notice on. A different inspector may conduct the inspection. The inspector will typically only be looking at what the prior inspector noted and just confirms those items are corrected. If they see additional items that the prior inspector missed, they are advised to honor the prior inspector's corrections unless they observe a life safety violation. In these rare occasions, the inspector then uses their judgement when requiring additional corrections while considering the safety of the building and its occupants.

The Board of Supervisors agrees with the Director of the Department of Planning, Building and Environmental Services.

Recommendation 8. The Jury recommends that PBES immediately establish a protocol for resolving conflicting code interpretations by different inspectors on the same project.

Response of Director of the Department of Planning, Building and Environmental Services: The recommendation has not yet been implemented.

Building inspectors are trained under the same California Building Code and strive for consistency as described in the response to **Recommendation 7**. There are occasions when the Building Code may not be entirely clear, and the inspector may need to interpret the intent of the code language. When this occurs, it typically results in a discussion with the other inspectors and the Field Inspection Supervisor. In the morning before the inspectors head out for the day, inspectors will discuss code corrections from the prior day as well as review any issues that might arise with the inspections assigned for that day. This is an opportunity to promote a balanced understanding of the code across the inspection team. Currently, these discussions are organic in nature and brought up as issues come up with the individual inspector. The Field Inspection Supervisor will establish a more formal protocol to promote uniformity and consistency in this process by December 31, 2024.

The Board of Supervisors agrees with the Director of the Department of Planning, Building and Environmental Services.

Recommendation 9. By December 31, 2024, the Jury recommends that PBES provide mobile compatible electronic devices for each field inspector capable of reviewing plans and prior inspection notes.

Response of Director of the Department of Planning, Building and Environmental Services: The recommendation has not yet been implemented.

In the fall of 2023, a single iPad was issued to the inspection team to allow preliminary testing of a mobile tablet device in the field. Based on the feedback received, the testing was expanded to include the purchase and issuance of two additional tablets to the inspection staff. Subsequently, two more tablets have been requested, bringing the total number up to five (5). This will enable each of our inspectors the ability to result inspections, view previous inspection results and comments, and access digital plans while conducting their inspections in the field.

It is important to note that iPads and other remote electronic devices are limited by the wireless network coverage throughout the County. The hills and valleys in the County result in some areas lacking cell coverage, preventing the devices from communicating with the permitting software at the County offices. Despite these challenges, it has been proven that an iPad or similar device is useful in most parts of the County. We will have the 5 iPads implemented by September 30, 2024.

The Board of Supervisors agrees with the Director of the Department of Planning, Building and Environmental Services.