CITY OF OAKLAND

AGENDA REPORT

TO: Office of the City Administrator
ATTN: Deanna J. Santana
FROM: Community and Economic Development Agency
DATE: September 27, 2011

RE: Discussion And Possible Action On Efforts To Require Consistency Among City Building Inspectors

SUMMARY

This is a report on the continuing efforts of the Building Services Division (BSD) of the Community and Economic Development Agency (CEDA) to enhance accountability for the consistent application of permit and code enforcement regulations by inspectors. CEDA's direction is to enhance transparency and process clarity. To evaluate and implement changes, CEDA has hired a consultant for code enforcement (Management Partners) and contracted for a replacement data management software (Accela). BSD has also instituted interim organizational changes, public access improvements, and instructional process guides.

FISCAL IMPACT

There are no direct fiscal impacts at this time.

BACKGROUND

To best serve the interests of Oakland residents and businesses in an increasingly challenging economic environment, CEDA has been re-focusing the regulatory functions of BSD, both for development permitting and code enforcement. This assessment has included hiring a consultant for external code enforcement evaluation and implementation of policies, procedures, and funding alternatives, and contracting for a modem data management system to replace BSD's twenty-five (25) year old system, as well as internal reviews of organizational structure, regulatory priorities, key staffing needs, interim public internet access, illustrated guides, and funding and resource constraints.

KEY ISSUES AND IMPACTS

Permit Inspections

Following the mid-fiscal year budget reductions in April 2010, BSD re-organized its inspections division and consolidated residential, commercial, and infrastructure permits under one (1) supervisor and one (1) lead (Senior) inspector. This re-focusing of limited resources was accompanied by an enhanced effort to redefine the roles and responsibilities of inspectors to

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emphasize project coordination and to prioritize service to the public. The following are some of the specific areas in which improved consistency is being manifested:

- Commercial Permits

  A core group of inspectors were assigned solely to commercial permits and began a self-training program for implementing limited "combination" inspections. Project coordination among these inspectors has been significantly enhanced (early identification of code deficiencies), and the perception of conflicting and unreasonable code interpretations between "specialty" inspectors (building, electrical, plumbing, mechanical) has been reduced. However, it should be noted that a more consistent approach for all clients may mean that some builders perceive their treatment as more stringent than in the past, or as utilized in neighboring jurisdictions.

- Residential Permits

  Another core group of combination inspectors were assigned solely to residential permits, and a significant effort was begun to implement project coordination (green building, zoning, grading, building, clean water, blight, traffic, noise, etc.). Again, however, more consistency in standards used with all clients may be perceived by some clients as a more intensive level of scrutiny that that to which they are accustomed.

- Infrastructure Permits

  Construction inspectors were paired with BSD's Plan Check and Project Implementation groups for systemic feed-back to better coordinate design and construction of on-site and right-of-way infrastructure improvements. This change has improved early identification of deviations from Public Works maintenance standards and infused more certainty for developers in the project approval process.

- Illustrated Guides

  BSD has contracted with a technical illustrator to produce three-dimensional "how to build" guidelines, some of which are now posted on BSD's website, for use by inspectors, contractors, and homeowners. The initial focus has been on subjects that are not readily available through traditional sources such as manufacture manuals, code publishers, and technical journals (blight abatement, restaurants, infrastructure, and residential green building). The intended results are to show user-friendly code-approved methods for installing commercial and residential plumbing, electrical, building, and mechanical systems for commonly encountered conditions.

- Jobsite Card

  BSD has redesigned its Jobsite Card (sequential installation approvals) and moved from

"one size fits all" to specialized commercial, residential, and infrastructure formats. BSD will be cross-referencing illustrated installation guides and written inspection protocols with the approval steps shown on the cards, which will be accessed in a "click-on" interactive format on BSD's interim web pages.

- Internet Services

  BSD is in the process of posting its existing forms, new illustrated guides, and inspection approval procedures on its webpage. Its legacy computer system (PTS), however, is not capable of interfacing with the internet. BSD's replacement computer software (Accela), which is anticipated to "go live" in eighteen (18) months, will bring the Permit Center, Plan Check, and Inspections Division into the 21st Century and provide web-based public access for filing, issuing, and inspecting permits.

- Training

  BSD's recent re-organization has revitalized the training duties of lead staff (Senior Inspectors), who for many years had been assuming administrative duties from support staff whose positions were reduced. New protocols have been and are being implemented which will help to assure daily problem-solving debriefings among inspectors. The goal of which will be customer relations and communication on how to assist the builder with moving a project toward completion. The result of these daily debriefings will be improved consistency in code interpretation.

- Customer Feedback

  Improvements will include developing an automated system for soliciting and tracking customer comments. Until the new Accela data management program is fully operational, BSD will develop an interim survey tool to collect customer feedback and integrate it into program evaluation activities.

Code Enforcement Inspections

Following the mid-fiscal year budget reductions in April 2010, BSD also expanded its emphasis on Code Enforcement by doubling its supervisory and lead staffing (re-assignments). The re-focusing of limited resources on habitability and blight, along with right-of-way and foreclosed properties, was accompanied by an enhanced effort to focus regulatory activities on priority neighborhood preservation issues, such as blighted foreclosed properties, substandard multi-family housing, and critical public health and safety concerns, while also providing better customer service and education.

- Habitability and Blight Inspections

  Two (2) core groups of inspectors were re-assigned to tenant/landlord complaints and to blight complaints. By consolidating their primary duties, inspectors have been able to focus on consistently applying regulations and enforcement protocols.

- Right-Of-Way and Foreclosed Property Inspections

  In response to requests from business and community groups, BSD assigned additional inspectors to proactive enforcement of community problems, including right-of-way use (newspaper racks, food stands, food vending, etc.) and foreclosed properties. The goal is to enhance collaborative efforts with other City departments, public agencies, and community organizations to leverage resources for outreach and referral and targeted code enforcement actions.

- Consultant

  CEDA has contracted with a consultant, Management Partners, to evaluate code enforcement best-practices of other jurisdictions and produce a procedures manual. BSD will be coupling this with the consultant's other recommendations (fees, noticing, appeals, etc.) to implement a proactive Neighborhood Preservation program and sunset its historic reactive constituent complaint program.

SUSTAINABLE OPPORTUNITIES

Economic: Enhancing the transparency and consistency of inspections will directly benetit the economic revitalization and development of Oakland.

Environmental: Construction permits require that the permittee comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff

Social Equity: Enhancing the transparency and consistency of inspections will directly benefit the livability of Oakland for residents.

DISABILITY AND SENIOR CITIZEN ACCESS

Building and infrastructure permitting codes require that construction conform with State and City requirements for handicapped accessibility.

RECOMMENDATIONS

Staff recommends that the Committee accept this report.

ACTION REQUESTED OF THE CITY COUNCIL

Staff request that the City Council accept this report and request additional information and actions as may be appropriate.

Respectfully submitted,

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APPROVED AND FORWARDED TO THE COMMUNITY
AND ECONOMIC DEVELOPMENT COMMITTEE:

Office of the City Administrator