

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

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**SPECIAL COUNCIL TO ASSESS THE CITY’S**

**BUILDING AND DEVELOPMENT PERMITTING PROCESSES**

**Meeting Minutes**

 **August 2, 2021**

**12:00 p.m.**

**Location:** City Council Chamber

**In attendance:** Council Members Randy White (Chair), Michael Boylan, Garrett Dennis

**Also**: Tommy Carter – Council Auditor’s Office; Jeff Clements – Council Research Division; Kealey West – Office of General Counsel; Bill Killingsworth, Ellyn Cavin, Tanja McCoy, Josh Gideon – Planning and Development Department; Eric Grantham – Information Support Services; Jesse Spradley and Curtis Hart – Northeast Florida Builders Association; Karen Tucker Hoffman – Associated Building Contractors

**Meeting Convened**: 12:02 p.m.

Council Member White convened the meeting and the attendees introduced themselves for the record.

Ellyn Cavin of the Development Services Division of the Planning Department gave a presentation on the division’s plan review and permitting processes. The division is divided into four groups – Addressing Group, Concurrency and Mobility Management System Office, Review Group and Zoning Group. The Review Group is responsible for a wide array of reviews, from construction plans and subdivision plats to landscape reviews and floodplain management. Development of any kind impacting the City’s rights-of-way must be reviewed and permitted. The Drainage Group within the Review Group is relatively new and concentrates exclusively on in-fill lot drainage design and private property drainage solutions. The Floodplain Management Group within Development Services is responsible for verifying all elevation certificates; 100% accuracy of elevation certificates qualifies the City for a rating of six in FEMA’s Community Rating System, which qualifies all city residents for a 20% discount on flood insurance on lots in a Special Flood Hazard Area or a 10% discount if outside of a SFHA. Ms. Cavin reviewed the list of items that require civil plan review and discussed all of the documentation needed to review and approve infrastructure intended to be turned over to the City for maintenance. In response to a question from Council Member Boylan, she discussed the jurisdiction of the Review Group over private property disputes.

Curtis Hart representing the Northeast Florida Builders Association asked for clarification of Ms. Cavin’s earlier comment about Planning Department’s review of monitoring wells. Ms. Cavin clarified that the department only deals with wells located in City rights-of-way, not those located on private property. Mr. Hart asked about the possibility of electronic submittal of civil plans. Ms. Cavin said the department is looking at that in the next couple of years when a new permitting system is implemented. Mr. Hart asked for clarification of the definition of “substantial improvement” and why full civil plan review is required if all a developer really needs is just the landscape reviewed. Planning Director Killingsworth said the City would be willing to do that, but sometimes the Zoning Code requires other types of review as well so a full plan submission would still be necessary. The department already doesn’t require some elements of the civil plan review if they aren’t relevant to the project being proposed. Mr. Hart asked that the policy just described by Mr. Killingsworth about review only of relevant items be formalized via a letter or some other formal documentation. Ms. Cavin cautioned that often the plans the department gets for review are conceptual, and they can’t make a formal commitment of approval based on a conceptual plan. Mr. Killingsworth said the department is amenable to coming up with a formal commitment mechanism of some kind.

Mr. Hart said other jurisdictions in the area can turn around plat reviews more quickly than Jacksonville and have more certainty about their time frames for review completion. Ms. Cavin reiterated that the new permitting system will be able accommodate that. The department’s goal is 30 days for completion of plat reviews. Jesse Spradley asked if 6 staff is adequate for all the landscape reviews being done, which is a large volume. Ms. Cavin said that jobs that have already had civil plan review go much quicker than items that are stand-alone reviews. More staff would be helpful. She said enforcement of the tree ordinance is very specific and particular – she’s proposing to create a new Enforcement Team to do just tree ordinance enforcement that will then free up staff to do other kinds of reviews more quickly.

Council Member Dennis said that the Development Services Division is the most feared government agency among the area building and development industry because of the control they have over private development. He’s interested in looking at ways to use private contractors to get reviews done more quickly. He asked if the Planning and Development Department was proposing more employees for next year in the proposed budget and if private plan review possible to deal with the current overload of work. Mr. Killingsworth said it would be helpful to have an increased employee cap to give the department the capacity to hire more employees when needed and reduce when needed. They are looking at adding a few new positions in high volume areas. He said the department does utilize private contractors for some functions when needed in the short term, but that is expensive and not the long term solution. It is a method best employed for dealing with short term work spikes. Council Member Boylan said the top priority should be getting the job done in a timely fashion, and it’s better to have a few too many employees than too few to get the job done.

Public Comment

Peter Biltok (sp?) asked about timing of review of infill lots. Ms. Cavin said a new bulletin was sent out by the division in the last week about building and site plan reviews being done concurrently, with a 30 day timeframe. Josh Gideon noted that civil plan reviewers don’t start their review until the landscape review is done so they don’t end up handling plans twice, given the volume they have to deal with.

Joe McClure said that state law allows private companies to review building permits, and asked if the could be done for civil plan reviews. Kealey West of the Office of General Counsel will investigate that question. Mr. Killingsworth said private plan review is specifically allowed by state law for building permits; review of civil plans is not specifically authorized.

Karen Hoffman asked what steps need to be taken to hire more employees in the division.

Tim Atkinson said he likes the Development Services Division’s online permitting process, but would like a more formal pre-application meeting process that produces some formal certification. He noted that occasionally developers get duplicate comments from multiple reviewers and wondered if the duplicate reviews are necessary. He also noted that there is a mechanism in the Ordinance Code for paying an “in lieu” fee rather than installing sidewalks in a development, but the City frowns on that. He said if the City wants to discourage that option, it would be better to remove it from the Code. He said that lots of City development specifications were taken off the City website because of ADA accessibility reasons and he hopes they can be put back for developers to easily access.

Curtis Hart said the $30/foot “fee in lieu” mechanism as an alternative to sidewalk installation seems designed to be punitive and force sidewalks to be built. He thinks the City should look at the conditions around an infill site and determine if sidewalks are really justified or not. If there’s not going to be anything for a new sidewalk to connect to on either end of an infill development, then what’s the point? In many areas the City will never go back in to install sidewalks, so it would be better to take the developer off the hook for installing something that will serve no purpose. Mr. Killingsworth said that historically developers paid the “in-lieu” fee to avoid the cost of installing pipes underneath the new sidewalks where they were needed, leaving Public Works to bear the cost. Public Works is agreeable to a much lower fee where it’s a simple sidewalk form and pour job. The City is also agreeable to waiving the fee if the area was designed to not have sidewalks at the place where the project is located. What is most important is getting sidewalks installed on collector and arterial roads. Council Member Boylan said he hears from constituents that there is a lot of demand for sidewalks in communities that don’t have them, so getting them put in wherever possible leads to the possibility of more interconnections in the future.

Chairman White summarized the predominant topics discussed today: sidewalks, landscaping review, and the department’s employee cap.

Council Member Dennis noted that the deadline for filing local legislation with the state legislature (a J-bill) is coming up fast and asked if the City should file a J-bill to authorize Jacksonville to use private contractors for civil plan reviews since they are not currently authorized by law as private building permit reviews are authorized. Kealey West said she would need to review the state statute to see if there is a specific preemption prohibiting private civil plan review. She will investigate and report back.

Brandy Agee said her company is a private provider performing building permit reviews (structural, mechanical, electrical). State law was recently changed to allow private review for civil plans as well. She said the law currently requires the building department to discount its fee if a private provider is used; she’s interested in knowing the cost differential for public versus private plan reviews and what the discount amount would be. Josh Gideon said a lot of the review process on the residential development side requires numerous reviews that would have to be done by the City anyway, so he’s not sure there would be a time savings. Ms. Agree said that other jurisdictions where they work send packages for review after all the other reviews have been done.

Rick Morales said he has looked at the private provider option for building permits for his projects, but the real bottleneck is landscape review. He asked if there is any way that could be privatized. Ms. Cavin said the department has outsourced landscape review previously and will look at it again. They currently have 2 vacant landscape architect positions and things will get much better when they are hired, along with the creation of the Enforcement Group to reallocate the workload.

Mr. Killingsworth said the department could do an RFP to hire a private civil plan review provider and let developers choose that route and pay that full cost if they want to go that way to meet their needs. Council Member Dennis said it would be better to pick 2 or 3 companies rather than just 1 so developers have an option and there’s no suggestion of favoritism.

Beth Breeding said that time is money and reviews are currently taking way too long, even for simple jobs. The delays are stifling projects. The City needs to try something creative to overcome the backlog of work and get things moving again

Chairman White announced that the next meeting will be on September 20th at 12 noon. The topics of discussion will include: 1) private plan reviews; 2) pre-application conferences and documentation; 3) sidewalk requirements; 4) Planning Department employee cap; and 5) landscape plan review process.

**Meeting adjourned:** 1:22 p.m.

Minutes: Jeff Clements, Council Research Division

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