



THE CITY OF SAN DIEGO

OFFICE OF THE INDEPENDENT BUDGET ANALYST REPORT

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Item Number: 4

Follow-Up on Suggestions Made at the City's Regulatory Relief Workshop

OVERVIEW

On November 14, 2011, the City Council held a Regulatory Relief Workshop to solicit suggestions as to how the City could improve processes and regulations that impact businesses. Business owners, consultants and representatives from business industry associations were encouraged to provide the City Council with specific recommendations that could be considered for implementation. As a first step to initiate follow-up actions, this report summarizes and preliminarily comments on the numerous suggestions provided to the City Council.

FISCAL/POLICY DISCUSSION

Suggestion Matrix

The IBA has summarized suggestions made to the City Council in Attachment 1. Although businesses were asked for detailed recommendations, remarks ranged from customer service suggestions to ideas for regulatory reforms and process improvements. In many instances, additional information is required to better understand suggestions and best assess their viability. In an effort to understand and note some of the suggestions, the IBA was able to obtain further clarification by following up with a few of the suggestion makers.

To better understand these suggestions and associated issues, the IBA recommends that a working group be formed consisting of DSD, Office of the City Attorney, the IBA and other appropriate staff. Proposed regulatory amendments and/or process reforms will require time to research and implement as they typically raise important related issues (policy, legal, budgetary, organizational, environmental, etc.).

In order to best assess and take action with regard to feasible suggestions, the Committee may wish to invite the makers of certain suggestions and/or appropriate City staff to elaborate on impacts, concerns and implementation options. This would enable the Committee to receive additional information regarding suggestions of interest, gain feedback from expert City staff and provide direction for follow-up. Additionally, the IBA understands that other groups (i.e., an ad-hoc group of the Technical Advisory Committee) are already planning to further evaluate some of these suggestions. Insights and feedback from these groups can further assist the Committee in contemplating suggestions.

Information about the City's Small Business Liaisons and Other City Business Resources

Several business representatives commented on the need or value associated with having small business liaisons to assist businesses who may not be familiar with the City's processes or resources. Other speakers provided examples of issues that might be more easily resolved if a business liaison or ombudsperson were available. Councilmembers and speakers noted the recent restoration of the Small Business Liaison position in the Development Services Department (DSD).

The City currently has a Small Business Liaison in DSD and a Small Business Ambassador in the Economic Development Division. These positions are excellent staff resources for small businesses. The following paragraphs identify these key individuals, provide their contact information and clarify responsibilities for each specialized business resource position:

Laila Iskandar – Small Business Liaison: Leila is a Supervising Plan Review Specialist with 12 years of permitting experience (ministerial and discretionary) in the DSD and serves as the primary point of contact for small business inquiries. Small business owners are encouraged to contact Laila at (619) 446-5297 or via email at liskandar@sanidiego.gov, before signing a lease, committing to a site or making a major business decision involving development permits. Laila will go over the various requirements with the customer, identify potential issues and means for resolution, and lay out the key steps in the process. Laila can also provide referral information to other government agencies dealing with small businesses. Additionally, Laila attends numerous meetings related to small business, including those put on by the Business Improvement Districts and the Small Business Advisory Board. She is available to make presentations to groups about small business permitting topics, and to provide tours of the Development Services Center.

Lisa Gordon – Small Business Ambassador: Lisa Gordon works in the Office of Small Business within the Economic Development Division, and has served as the first Small Business Ambassador since February 2010. Lisa's primary role is to serve as an ambassador and "information clearinghouse" on behalf of the City, and provide targeted outreach programs and services to the City's small business community. Within the Office of Small Business, Lisa serves as a first point of contact for small business inquiries, and collaborates with local, state, and federal governmental agencies and business development and assistance organizations to identify training, technical assistance and counseling services available to small businesses throughout the region. She also participates in business assistance and development seminars and other forums to promote the City's loan and grant programs, storefront improvement program, and other small business enhancement programs, and makes recommendations and referrals on business start-up inquiries. Lisa Gordon has also played a key role in creating and launching the City's first Small Business Development Pilot Program, and she serves as Ambassador and staff liaison for the [Small Business Advisory Board](#). Lisa can be contacted by phone at (619) 533-6474 or via email at lgordon@sanidiego.gov.

The Mayor's Office of Economic Growth Services (EGS) works closely with other City departments to facilitate the expansion, attraction and retention of business throughout the City. EGS is comprised of two work units: the **BEAR (Business Expansion Attraction Retention) Team** is led by Russ Gibbon and the **Government Incentives Team** is led by Lydia Moreno. These work units provide general assistance to businesses of all sizes while also administering business incentive programs and endeavoring to support/grow key sectors of the City's economy.

The BEAR Team provides direct assistance to businesses which meet the criteria in Council Policy 900-12 - the "Business & Industry Incentive Program." When businesses are considering relocation to, or expansion in the City of San Diego, the BEAR Team works closely with the applicable departments such as Development Services, Fire, Public Utilities, and Real Estate Assets to evaluate available land and buildings and to determine permit requirements, zoning interpretations, and other development considerations. If a San Diego site is selected and leased or purchased, the BEAR Team may authorize an expedited permit review through the Development Services Department and may also act as a liaison throughout the development process. Although the BEAR Team provides some assistance to retail, hospitality, and service sector businesses, most of the assistance is provided to manufacturers ranging in size from small proprietorships and partnerships up to and including large multi-national corporations.

The Government Incentives Team administers two incentive programs: a State Enterprise Zone Program and a Federal Foreign Trade Zone Program. These programs provide unique incentives for a broad spectrum of businesses in targeted areas within the City. In the course of administering these programs, the Government Incentive Team strives to assist and link businesses to other useful resources.

Soliciting Additional Regulatory Relief Suggestions

In his opening remarks on November 14th, the Council President noted it had been a decade since the City had offered a Regulatory Relief Day Workshop to receive suggestions from the business community. The new Economic Development & Strategies Committee offers the City Council a venue to regularly receive regulatory relief suggestions. The Committee may wish to consider having a standing docketed item on their agendas for a restricted amount of time (i.e., 10 minutes) to receive comments, ideas and suggestions from the business community.

In preliminarily discussing this possibility with the Office of the City Attorney, we understand that such an item could regularly be docketed to receive and gather information. If, after some initial discussion the Committee wished to further evaluate a regulatory relief suggestion, then direction or requests for additional information could be made to relevant staff and/or interested parties. The matter could then be subsequently docketed and properly noticed for a future Committee meeting.

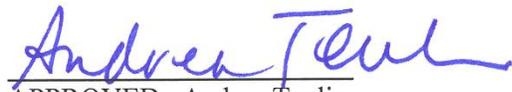
CONCLUSION

At the request of the Committee Chair, this report summarizes and preliminarily comments on business suggestions provided to the City Council at the Regulatory Relief Day Workshop held on November 14, 2011. Most of these suggestions will require considerable further evaluation to determine whether or how to proceed. The Economic Development & Strategy Committee provides a great public forum to receive additional information from the makers of suggestions and expert City staff who may be best able to elaborate on impacts, benefits, concerns and implementation considerations.

As more than one speaker commented on the importance of the City having a business ombudsperson(s), this report provides information about the City's Small Business Liaison in DSD and our Small Business Ambassador in the Economic Development Division. We also briefly describe business assistance offered by the Mayor's Office of Economic Growth Services. Finally, the IBA suggests the Committee consider having a standing docketed item on their agendas for a restricted amount of time (i.e., 10 minutes) to receive and preliminarily discuss comments, ideas and suggestions from the business community.



Jeff Kavar
Fiscal & Policy Analyst



APPROVED: Andrea Tevlin
Independent Budget Analyst

Attachment: 1. Regulatory Relief Day Suggestion Matrix

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Suggestion Number	Regulatory Relief Day Suggestion	Business Industry Association Suggestion?	Preliminary Comments
1	Performance Bond Release: The City is out of compliance with State law as defined by Senate Bill 1019 (Correa, Chapter 174) that establishes the amount and specific deadlines for the release of performance bonds. State law provides a release of 80% of performance bonds when predetermined work is completed, yet the City limits the release to 75%.	Building Industry Association (BIA)	Request feedback from DSD and the Office of the City Attorney. Budgetary considerations?
2	Reduce parking requirements to reflect urban development and help affordable housing projects. Recent report on affordable housing needs concludes the City's current parking standard results in excessive parking requirements. ALSO: Consider a return to a "by right" tandem parking option which allows for back to back parking design rather than side by side and does not affect the number of parking spaces.	BIA	More specificity required regarding reducing parking requirements. Request feedback from Planning and DSD regarding "by right" tandem parking.
3	Revise park standards and allow for the use of equivalencies in urban development. As the City moves to vertical development in established communities the vacant land needed to satisfy traditional suburban park requirements is unavailable, therefore equivalency standards (such as upgrading existing facilities) must be established.	BIA	Request feedback from Planning staff. Community planning considerations? Request more information on the use of park equivalencies from staff or BIA.
4	Revise the Severe Fire Hazard Maps. The map, while intended for use in wildland/urban interface areas, have become broad and overreaching. It requires projects to build to higher fire standards in built out urban areas such as Mission Hills. In Mission Hills, complying with the requirements of these zones can increase construction costs by \$6,000 per unit.	BIA	Request feedback from Fire staff. Public safety considerations?
5	Revise City imposed CEQA significance thresholds. The City has established thresholds of significance and relies on them in applying CEQA. The City has the ability to review and revise these thresholds to streamline the process and eliminate unnecessary and costly (time and money) review, technical study and overly burdensome mitigation, and yet still achieve CEQA's purpose. A good example of this are thresholds relating to traffic levels of service (LOS). The City can adjust these thresholds so that more projects may proceed without triggering more significant environmental review and mitigation.	BIA	Request feedback from staff.
6	Permit qualified third party review of project applications. There should be an option for developers to select private sector processing of project applications. Cities, such as Santee and Carlsbad, are already using firms like Esgil to provide plan check services that are more timely and less expensive.	BIA	Request feedback from staff. Would this be effective for the City and quicker/cheaper/easier for developers?
7	Treat apartment and condominium projects on single lots equally. Apartments on single lots are permitted ministerial review while a condo project on the same single lot requires tentative map waivers that require additional regulatory review adding significant time and costs.	BIA	Request feedback from staff.
8	The City must appoint an Ombudsperson to be used as part of a dispute resolution process in order to expedite projects that have become encumbered by excessive regulatory review.	BIA	Request feedback from staff. City already has DSD Small Business Liaison and Mayor's BEAR team personnel for limited assistance. Staff, capacity and budgetary considerations?

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9	Create a "Little Hoover Commission" with strong private sector involvement to do the same thing that was done at the State level.	BIA	More specificity required.
10	Expand fee deferrals to include sewer and water fees.	BIA	Request feedback from staff. Legal constraints or infrastructure considerations?
11	Eliminate automatic 7% escalator in FBA (Facilities Benefit Assessments) fees (i.e., North University FBA)	BIA	Request feedback from staff. Public infrastructure considerations?
12	Provide more accountability for developer deposit accounts.	BIA	Request feedback from staff. Review December 2009 audit recommendations.
13	Overhaul Project Reimbursement Agreements. Agreements take too long, impose unworkable restrictions and requirements and ignore the necessary sequencing of development which discourages developers from building public improvements.	BIA	More specificity required and then request feedback from staff.
14	Impose regulatory restraint and resist the temptation to exceed state mandates. State requirements should be considered the ceiling, not the floor when considering new regulations.	BIA	Understood, but more specificity would be helpful.
15	Require any potential legislation to include a cost impact/benefit analysis on the business sector being regulated.	BIA	More specificity required. Budgetary and utility considerations? Question as to who would perform/oversee the analysis?
16	Establish a sunset clause on new regulations. The Council should determine whether public benefit continues to justify the cost of compliance. The cost-benefit analysis should be reviewed in determining whether to extend or sunset the regulation.	BIA	There has been some Councilmember discussion about using sunset clauses for new business regulations or policies.
17	Self-Certification for building/engineering plans. The City requires indemnification for all projects and inspections which means project applicants assume all the risk yet are still required to pay for and wait for City inspectors that ultimately bear no responsibility in the project they are reviewing. Self-Certification by project professionals will expedite project processing and construction saving considerable time expense.	BIA	More specificity required and then request feedback from staff.
18	Establish service performance criteria. Development Services and other departments that control the development process should have performance evaluations. Public and private companies self evaluate annually, quarterly and in some venues, daily, so the City departments should establish performance criteria as well. The private sector can't move any faster than the public sector allows.	BIA	Request feedback from staff. City staff are subject to performance evaluation processes, some key performance indicators are reported annually in the City's Budget and departmental evaluation processes, including audits, have been conducted in recent years.

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19	The recycling industry is full of small businesses that create jobs, reduce greenhouse gases and divert waste from our landfills. County APCD (Air Pollution Control District) recently interpreted a regulation related to how portable recycling equipment is permitted in a way that adversely impacts local recycling businesses and jeopardizes recycling efforts. Interpretation means that recyclers will no longer be able to get a State permit for their essential portable recycling equipment and will instead be required to obtain a local permit at approximately 10 times the expense. This interpretation will take some effective recycling equipment out of use and reduce the incentive to divert waste from our landfills. Please contact County Board of Supervisors or ACPD and request that the interpretation not be changed.	Recycling Business Coalition	Request more information from the maker of the suggestion and report back to the Committee.
20	Fix and freeze local regulations that have cost impact on businesses or residents for 36 months to establish a stable regulatory foundation that can jump-start community and economic investment. Because regulatory uncertainty causes people to choose other locations for their business.	Chamber of Commerce & Economic Development Corporation	Request feedback from staff. Legal or budgetary considerations? Will this significantly impact business decisions?
21	Develop Master Plan overlays for accelerated permit approval for similar uses. Look at SANDAG's regional 2050 transportation map; take that plan and overlay uses, approve those uses, make those permits ministerial rather than discretionary so they can be approved quickly. Knocking time off the development process saves money, provides certainty and enables a business to generate income faster.	Chamber of Commerce & Economic Development Corporation	Request feedback from Planning and DSD staff.
22	Get rid of discretionary overlay zones in the City by updating Community Plans, doing master EIRs and giving communities the certainty that they will have the infrastructure in their communities to be able to handle the growth. Pursue CEQA reform - primarily at the State level.	Chamber of Commerce	Request feedback from Planning and DSD staff.
23	Regulatory agencies/advisory bodies should provide consistent information to property and business owners.		Agree. More specificity as to where this isn't happening is needed to follow-up on this suggestion.
24	Sign approval process -what constitutes a permissible sign in San Diego and how signs are approved: There are only a certain number of sign types that are generally used and the City should approve those signs that conform within the general applications within a certain amount of time.		More specificity required and then request feedback from staff.
25	The City should have a team of business ombuds positions representing all parties to help businesses all the way through the regulatory process (not just at the beginning).	Business Improvement District (BID)	Request feedback from DSD staff regarding capacity and demand for business ombuds. Budget considerations?
26	Customer service and how City staff answers phones is very important.		Agree

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27	1) Limit Assessment Letter comments to only those that could not have been known when the earlier assessment letter was issued - missed items result in unnecessary delays and applicant frustration over what they perceive as "late hits"; 2) Limit the number of screen check EIRs to two or three; 3) Improve vague project descriptions in Public Facilities Financing Plan so it is clear to everyone what is entailed in that project - from the perspective of the clients, vague project descriptions often morph into complex projects with significantly greater costs. 4) Rework the criteria for being a member of the Community Planning Groups to ensure more diversity of viewpoint; and 5) allow developers to pay DIF fees upon sale of units/property.	Chamber of Commerce	Request feedback from DSD, Planning and City Attorney staff.
28	1) Implement a Building Code alternate process - consider alternatives that meet the intent of the Code (City Form 513 is too cumbersome); 2) Traffic Review Process - Need to update City's Traffic Impact Study Manual as its interpretations may not comply with current CEQA law and the developer is ultimately liable if there is a legal challenge; 3) City staff and City Attorney should work closely with project applicants and look at other jurisdictions' processes and best practices that make the process clear, predictable, and defensible.	Shopping Mall Developer	More specificity required and then request feedback from DSD staff and the Office of the City Attorney.
29	Alternative solutions to Point of Sale energy efficiency mandates, green building and sustainable development programs: Approve energy efficiency through voluntary incentives in lieu of individual building mandates; commercially reasonable approaches that advance market and smart growth principals of protecting private property rights and maintaining real estate affordability and availability. Point of sale is an inefficient trigger mechanism for implementing any public policy - voluntary energy efficiency incentive programs are more effective.	San Diego Association of Realtors	More information required from this organization to better understand and contemplate this suggestion.
30	Do not require small community festivals to have fenced in beer gardens - too expensive. Instead allow them to use their security to check identification, issue wrist bands and help people enjoy festivals responsibly.	San Diego Pride	Request feedback from staff. Public safety considerations?
31	Review City's street level sign ordinances. In downtown Marina district, A-frame street level signs (announcing where businesses are located) are not allowed - which is a problem for small businesses.		Request feedback from staff. Request assistance from the City's Small Business Liaison.
32	Terminate the San Ysidro Implementation Ordinance - it has not helped the area. Simplify the development and use of vacant lots - find a way to expedite their use. Small property owners would then take action to put those lots in use.		More specificity required and then request feedback from staff.
33	SDG&E's general rate hike will cost the City's businesses and residents millions of dollars - and cause Solar Coalition businesses to lose jobs. Write a resolution opposing SDG&E rate case and send it to the PUC and legislators.	San Diego Solar Coalition	Request more information from this group to better understand how the rate hike impacts solar energy businesses.
34	City business permits requiring Vice Department Review should be available on line.	Business Improvement Districts (BIDs)	Request feedback from staff on how to best implement.
35	Business owners often want to improve their business but fear it might trigger other code issues with City. Also want easy information about permits and how to obtain them. Restore the Small Business Advocate Position.	Morena Business District	The City's Small Business Liaison may be able to assist these businesses.

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36	Encourage job sharing for older experienced workers.		Suggestion could be endorsed.
37	1) Look at the City of Los Angeles policies for permitting mobile truck units - code compliance issue; 2) Treat small businesses as you would big businesses - level the playing field; 3) Look at smart regulation and not "no regulation" - big businesses like WalMart on Palm Avenue have an unenforceable CUP, while small businesses do not.	Neighborhood Market Association	More specificity required from this organization to better understand their suggestions.
38	Better data needed to support business organizations: Revamp outdated City business tax system so when businesses apply and pay their business taxes, their information (e-mail and mailing address) is updated on a regular basis so that current/accurate information can be made available to community business districts. This way they can better communicate with the businesses in their districts.	North Park Main Street	Request feedback from Office of the City Treasurer staff regarding this suggestion.
39	There should be more inclusion or an increase of stakeholder input in the development stage of regulations and ordinances. Encourage the use of the business improvement districts to do this.	Discover PB - Business Improvement District	Request feedback from staff regarding this comment/suggestion.
40	Some regulations are burdensome to small businesses - but caution against throwing out all regulations where there are no rewards for those businesses who follow the rules.		More of a comment than a suggestion.
41	Allow "Letter of Agency" form to be submitted online. This form must be submitted twice a year and provides the Police Department with authorization to access business property through the back of the building or from the rooftop for security purposes. The form is available on the PD's website and can be filled online, but then must be printed and returned to the City.	Ocean Beach Business District	Ask Police Department staff if this form could be submitted directly online or perhaps e-mailed/faxed in ?
42	CEQA category exemptions is a good example of regulatory relief offer by the State - applies to a wider range of infill redevelopment projects because these projects are inherently sustainable, smart and have a lower carbon footprint than "green field" projects. Advance training and cross-training of staff on these regulatory relaxations at the State level would be helpful. Looking at the existing Categorical Exemptions that might be applied to a wider range of San Diego Projects is a potential outcome. The City currently requires technical studies and analyses that may be more legally defensible using Categorical Exemptions instead - for less money and faster permit issuance.	Southeastern Economic Development Corporation	Request feedback from staff. The Southcrest Trails Park CIP Project in District 8 (new District 9) was offered as a potential candidate for this suggestion.
43	Zoning Code: Remove the entire special character designation for multi-family in the Southeastern District.		More specificity required and then request feedback from staff.
44	Review Code Enforcement Department's enforcement practices in the Grantville area - they are being unreasonable.		Request feedback from staff.
45	City staff should be penalized for being inefficient and rewarded for being efficient. All business fees and licenses should be reduced during the recession.		Policy and budgetary considerations?
46	1) Reward employees who find ways to save money in the permitting process and 2) Consider establishing a Multicultural Business Chamber.		Policy and budgetary considerations?

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47	1) Reduce parking ratios to make it less costly to build affordable housing units; 2) Make the fee deferral program permanent - currently being extended; 3) Make the project approval process more "time certain."	Building Owners and Managers Association (BOMA) and the National Association of Industrial and Office Properties (NAIOP)	More specificity required and request feedback from staff.
48	1) The City's sign ordinance needs to be reviewed in the downtown areas of commerce; 2) Allow businesses to improve damaged curbs in front of their storefront; 3) Improve Historical Resource review process.	Downtown San Diego Partnership	Request assistance from the City's Small Business Liaison for 1 and 2. More specificity needed on how to improve Historical Resource review process.
49	Review horse boarding permit process and associated costs in the Tijuana River Valley.		Property in 100-year flood plain which has stringent and costly requirements for structures. DSD has been made aware of this issue and may be looking for a solution.
50	Look into the picnic shelter project in the Linda Vista area. This CIP project was approved for \$153,000 in 2004 with grants and other funds. Another \$50,000 was identified to make a total of \$203,000 available for this project. To date, \$75,643 has been spent without a formal bid being accepted. Speaker was recently told the project now needs \$100,000 of additional CDBG funds.		Request feedback from staff.
51	San Diego Restaurant Association (SDRA) requests to work with DSD regarding Food Establishment wastewater discharge program. Restaurants are required to install a grease traps or grease interceptor tanks in the ground to prevent grease from entering the wastewater system; however, some food service establishments don't need them (i.e., only sell pre-packaged foods or just want to have an espresso machine), yet are often required to install them by DSD/PUD when submitting their plans to the City. Grease traps cost anywhere between \$30,000 and \$150,000 - so this is a significant problem.	San Diego Restaurant Association	Ask DSD and PUD to work with the SDRA to develop a plan to prevent this type of erroneous requirement. Ask the Small Business Liaison to assist in these instances.
52	Projects take too long to get through the City's process (i.e., constructing an ADA ramp). Simple things take too long such as getting copies of plans/documents; process review often changes midway, etc. Need consistent feedback from City project review staff, consistent review processes, checklists and timelines that businesses can follow and rely on.		Suggestion needs more specificity. Ask DSD staff to comment.

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53	At a small business advisory meeting in January the old Amnesty Program was brought up. The program would help realtors and homeowners with health and safety issues of homes that were sold in the heated market without a lot of inspection. People rashly bought homes with problems that were unknown and are living with houses worth less. An Amnesty Program might get property owners interested in improving their properties without having to fear being asked to fix pre-existing conditions as part of the permit process.		A City code compliance amnesty program is currently being contemplated for 2012.
54	1) Hold employees accountable for job performance; 2) Provide City budget online - read-only and real-time, then you wouldn't need costly auditors; and 3) Zoning change amnesty for single family homes and apartments.		Policy, budgetary and legal considerations? More specificity required to evaluate zoning change amnesty suggestion.
55	Incentivize jobs and regulatory relief and reform for products that are in demand (rental property - multi-family housing, affordable housing, shelters for homeless).		Policy considerations?
56	Speaker volunteered to be a liaison between the City and Chargers to build a new multi-purpose stadium facility that will benefit the whole community.		Refer volunteer interest to the Office of the Mayor.
57	Incentivize change in the bureaucracy; require staff to interact more with their customers. Institute stakeholder meetings and require staff to be accountable by reporting back to the City Council.	Food & Beverage Association of San Diego	Policy and organizational considerations?
58	Business owner's nursery on land leased from the City was closed due to new permit requirements and regulations - he elected to close and move his business resulting in lost jobs and lost revenue for the City. He believes other jurisdictions' process is quicker and easier. The City needs a paradigm shift and needs to find ways to make a projects go through in lieu of finding ways to hinder projects/businesses.		Policy and organizational considerations?