

CITY OF PETALUMA, CALIFORNIA

MEMORANDUM

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DATE: January 11, 2008

TO: Development Code Advisory Committee

FROM: Mike Moore, Community Development Director

SUBJECT: Information for Tuesday's Meeting

Happy New Year, everyone.

This month's meeting will focus on two items. The first will be an update on all of the sub-committee work to date. Attached for your review is are highlights of the meetings held by the Tree Preservation, Hillside Development, Mandatory Green Building, Roles and Responsibilities and Development Standards sub-committees. Community Development staff members will also be at the meeting to answer any questions or discuss the sub-committee work in more detail. We have heard some comments from sub-committee members that they do not feel there is sufficient time to complete their work on their respective topic areas in time to be included as part of the Implementing Ordinance adopted with the General Plan. Staff would like the input of and direction from the Committee on this issue so that we can make the appropriate adjustments to the Implementing Ordinance and to the schedule and work program for the new Development Code.

The second part of the meeting will be a general discussion on the question of "regulations" or "standards" versus "guidelines". It appears that many committee members are struggling with this issue and, as you might imagine, its resolution will have a significant impact on how the City's new development code is written and implemented. Like many issues related to planning, the ultimate answer is not clearly "black and white" and any discussion should not be in the context of either one or the other. However, we believe it will be in the best interests of the Committee's work if we can come to some consensus on an overall understanding of the terminology and an approach that will provide a framework for future recommendations. To start with, here are some basic definitions:

Standards are mandatory nondiscretionary regulations that must be followed. The words "shall" or "prohibited" are often used for standards.

Guidelines are discretionary. They are statements that present good ideas or recommendations on how to achieve a desired outcome. The words "should," "recommend" or "encourage" are often used for guidelines. If a statement does not include mandatory words like "shall" or "prohibited" it is a guideline.

Following this hierarchy of mandatory and discretionary, when a conflict arises between a standard and a guideline, the mandatory nondiscretionary standard would take precedence over the discretionary recommendation of the guideline.

When a conflict arises between the implementation of two standards or two guidelines, a solution should be sought that balances the objectives of the two standards or guidelines.

In addition, here are some basic questions to help frame the discussion:

Flexibility vs. Certainty: A rule of law or a rule of individuals? Should the area for negotiation be wide or narrow? To what extent should this be determined by the ordinance or by practice?

Flexibility vs. Administrative Cost: What are the costs of regulation (whether by standard or guideline) to the applicant, to opponents, to the City (staff resources necessary for effective and efficient implementation and enforcement) and to the community's tolerance for process.

Development Cost vs. Quality: Should standards be written with an understanding of their effect on developers' and consumers' costs and on the quality of the environment for both user and community at large?

Preservation vs. Development: Will a particular regulation stimulate or dampen change in uses, users, or appearance?

Under-regulation vs. Over-regulation: What is the right number of rules that will do the job?

Examples of typical zoning code provisions that allow greater flexibility include:

- Variances (subject to making state-mandated findings)
- Exceptions (to certain yard and development standards)
- Planned Unit/Community District zoning
- Non-conforming structure and use standards
- Appeals
- Zoning map and text amendments

In addition to the points above, the Committee needs to remember that the new Development Code must be consistent with the new General Plan. The Committee may want to review the policy recommendations in the new plan, particularly those in Chapters 2 (Land Use, Growth Management and the Built Environment) and 3 (Community Design, Character and Sustainable Building) as a prelude to Tuesday's discussion. These chapters were provided to the Committee at your first meeting and they are also available on-line on the City's website (under General Plan Administration). In addition, the recent draft amendments to the plan to address greenhouse gas related issues will also likely affect the scope and content of the Development Code. The proposed greenhouse gas related amendments are attached.

Attachments: Sub-Committee Meeting Highlights
Revised Draft General Plan 2025, Air Quality: Greenhouse Gas Emissions

c: Development Code Advisory Committee Interested Citizen List
City Manager
Mayor and City Council
Planning Commission/SPARC/Historic and Cultural Preservation Committee