

CITIZEN PARTICIPATION ELEMENT



Berkeley's original City Hall is now a National Register-listed City Landmark and the site of the City Council's Tuesday evening meetings.

INTRODUCTION

The City of Berkeley has a long and rich history of citizen participation. While an element dealing with citizen participation is not, under State law, a required part of the General Plan, such an element formed an important part of the 1977 Berkeley General Plan. The presence of such an element acknowledges the importance of the participation philosophy that forms such a vital part of Berkeley public life.

POLICY BACKGROUND

The General Plan, Area Plans, and the Planning Process

This General Plan update, which originated about 15 years ago, together with recent area planning such as for the Southside Plan, ought to provide valuable lessons for Berkeley in how and how not to proceed in its planning processes in the future. What is needed is intelligent planning about planning. What has been learned is that citizens must be continuously and significantly involved in formulating, writing, and presenting the General Plan, area plans, and other planning documents.

Crucial Decision-Making Bodies

Citizen participation takes place in the arena of policy-making and advisory citizen bodies, such as the Berkeley City Council, the Planning Commission, the Zoning Adjustments Board, the Parks and Recreation Commission, the Transportation Commission, the Landmarks Preservation Commission, and several other boards and commissions. If these entities are not structured in such a way as to facilitate hearing and considering citizen voices, all the excellent notification, important information, new

technology, and staff enhancements, which will be discussed below, will not be sufficient. Also, much of what is relevant to Berkeley citizens in terms of planning and action in the areas of transportation, housing, density, community safety, and many other important areas takes place in arenas outside of the structure of Berkeley City government. The University of California, the Berkeley Unified School District, the Association of Bay Area Governments, the Bay Area Rapid Transit District (BART), AC Transit, and several other less well-known but crucial public agencies make important decisions that affect the lives of Berkeley citizens. At present, Berkeley City government does not provide clear, well-publicized avenues through which Berkeley citizens can effectively participate and influence these important public agency decisions.

Notification, Information, and Citizen Input: the Planning Commission and the Zoning Adjustments Board

For effective citizen participation to flourish, excellent notification procedures are essential. Citizens cannot participate if they are not informed that something is going to happen. Mere notification, however, is insufficient. Citizens also require appropriate information and adequate time to respond. Further, without an effectively structured forum for presenting citizen input, even notification and information fall short of what a well-governed city must provide. The policies in this Element on notification thus deal with the methods for insuring that notification is as thorough as a well-administered city can provide, and also that after notification there is information and time available to insure effective citizen participation in receptive and responsive settings.

The Planning Commission is the most important City body for citizen participation in land use planning decisions other than the project context of the Zoning Adjustments Board. The Planning Commission addresses long-term planning issues of general interest and broad scope, such as the citywide General Plan, area plans, amendments to the Zoning Ordinance, land use changes, development agreements, and many other matters of general interest and importance to all Berkeley residents.

The Zoning Adjustments Board (ZAB) is the most important City body for citizen participation in review of development projects. By far the largest percentage of notifications from the City of Berkeley in land use matters are issued by the Current Planning Division and involve Use Permits for development applications. These notices generally fall into two groups: hearing notices for Use Permits which will be heard before the ZAB, and notices about Administrative Use Permits (AUPs) which are not heard before the ZAB unless the decision by the City staff is appealed or is referred by staff. The Zoning Adjustments Board normally meets twice a month, on second and fourth Thursdays in the Council Chambers. In fiscal year 98/99, Current Planning processed approximately 93 applications that required a ZAB hearing. The figure for fiscal year 99/00 as of March was approximately 96 noticed hearings, which averaged about 5 public hearings for every meeting of ZAB. The AUPs, which can be of great importance for affecting land use matters in Berkeley, totaled 221 (not counting home occupations permits, which have been largely shifted to a “by right” category which does not involve notification) in 98/99 and approximately 120 in 99/00. There are other permits involving property changes issued by the Permit Service Center that do not involve hearing notices or AUPs and will not be discussed here.

Neighborhood Participation

The neighborhood has many roles to play in Berkeley land use decisions, but each of them must be carefully examined and delineated so as to not rely on the neighborhood as a kind of almost mystical symbol without organizational reality. With a few exceptions, most citizen participants in land use matters, especially at the ZAB, are not connected with any formalized neighborhood group. While the Current Planning Division maintains a mailing list of dozens of neighborhood organizations, some of them have not functioned in years. There are few City staff that have neighborhood contact as central to their job description. Finally, the

neighborhood concept often is more realizable in smaller units, such as street organizations, which have a narrower but equally important focus.

Technology and Participation

There exist, as perhaps never before, new technologies for linking Berkeley citizens with Berkeley decision-making on planning and land use issues. Berkeley ought to maximize these avenues, while recognizing that perhaps not all citizens will be equally adept at adapting to these linkages. The question is not so much whether to use a particular technology but how to use it most effectively. In a sense, this section is a continuation of the policies on notification and information and also on neighborhoods. A central purpose of the new technology is the transmittal of notification and information to citizens who reside in neighborhoods.

The subsection below on Technologies for Citizen Participation considers how the City can best communicate through technology with citizens; then, how citizens might utilize the new technology to effectively communicate with one another; and finally, how citizens might use the new technology to communicate their ideas and positions back to the City agencies such as the Planning Commission, the Planning and Development Department, the ZAB, and other decision-making bodies. Paradoxically, while the new technology is for the most part impersonal, one of the key measurements of its success will be whether there is greater personal citizen contact with City staff and boards and commissions.

Citizen Participation and Land Use Administration

The responsiveness of Berkeley's administrative structure and staff is one of the most important factors which determine the effectiveness of citizen participation in any aspect of Berkeley government, but especially in land use decisions. If there are any problems in a wide range of governmental aspects ranging from departmental structure to division of labor in job descriptions, these problems will lower the quality of government response to citizen participation. If there is a lack of coordination, for example, between the Codes and Inspection staff and the Current Planning staff, the consequences affect the ability to respond with the high level of effectiveness that must be the standard. If there are delays in hiring, and citizens' complaints concerning the enforcement of Use Permit conditions are ignored for months at a time, the responsiveness of the City structure and staff is deeply inadequate. If there are no systematic procedures for measuring citizen satisfaction with land use administration, the information needed to effectively administer this aspect of the City is defective.

ELEMENT OBJECTIVES

The policies and actions of the Citizen Participation Element are intended to achieve the following six objectives:

1. Ensure citizen and community participation in General Plan and other planning tasks.
2. Improve citizen participation in relationship to the crucial decision-making bodies in land use matters.
3. Enhance notification, information, and process for citizen input in land use matters.
4. Improve neighborhood participation in land use planning and decisions.
5. Increase the use of new technology for citizen participation.

6. Improve the role of City administrative structure and staff in relationship to meaningful citizen participation.

POLICIES AND ACTIONS

CITIZEN PARTICIPATION IN GENERAL PLANS AND OTHER PLANNING TASKS

Policy CP-1 The General Plan

General plans and amendments must originate and proceed with citizens' groups continuously central to the process.

Action:

- A. The Planning Commission should establish clear procedures for maximum citizen participation in the General Plan amendment process, including providing procedures for citizens to recommend amendments to the General Plan and procedures for citizen input into the Commission's annual report to the City Council on the status of the General Plan and its implementation *(Also see the Introduction chapter's section "Amending the General Plan," on pages 1-7 and 1-8.)*

Policy CP-2 Community Involvement in Planning

Whenever an area plan, a strategic plan, or any other land use planning is undertaken, there must be continuous and maximum participation by those who will be affected by the plan including committees of residents who live in or near the plan area, merchants, and others who do business in the plan area, as well as members of interested groups and the general public. *(Also see Land Use Policy LU-5, Economic Development and Employment Policy ED-5, and Open Space Policy OS-5.)*

Action:

- A. The Planning Commission should use advisory committees made up of stakeholders and interested parties, review at Planning Commission meetings the progress of such groups, and consider the possible chairing of such groups by Commission members to effectively inform the Commission of citizen and neighborhood concerns and priorities.

CITIZEN PARTICIPATION AND LAND USE DECISION-MAKING BODIES

Policy CP-3 City Council Procedures

Analyze and suggest improvements in the performance of the City Council in its procedures involving citizen participation in land use planning and decision-making.

Policy CP-4 Outside Agencies

Improve participation by Berkeley citizens in the crucially important planning decisions made by bodies outside the structure of Berkeley City government such as the University of California, the City of Oakland, AC Transit, BART, and others.

Policy CP-5 Boards and Commissions

Examine how citizens can most effectively participate in their appearances before boards and commissions.

NOTIFICATION, INFORMATION, AND IMPROVED PROCESSES FOR CITIZEN PARTICIPATION

Policy CP-6 Planning Commission

Specifically improve the effectiveness of the Planning Commission as the most important avenue for citizen participation in the planning process. *(Also see Land Use Policy LU-5 and Housing Policy H-52.)*

Actions:

- A. The Planning Commission should continue and expand its recently adopted procedures linking the public comment period more closely to agenda items being discussed.
- B. The Planning Commission should consider modifying its traditional three-minutes-per-person public comment and public hearing format to facilitate more effective citizen input.
- C. The Planning Commission should utilize, when appropriate, a more informal, less structured workshop format with citizens able to speak more than once and with an emphasis on give-and-take among speakers and Commissioners.
- D. The Planning Commission should modify its public hearing notification policy to provide time for citizens to submit material in writing that reaches Commissioners in their packets prior to the meeting.
- E. The Planning Commission should assure that its notices are readable and that they convey the necessary information to citizens.

Policy CP-7 Zoning Adjustments Board

Specifically improve the effectiveness of the Zoning Adjustments Board (ZAB) for citizen participation in land use decision-making processes. *(Also see Urban Design and Preservation Policy UD-22 and Housing Policy H-51.)*

Actions:

- A. Consider lengthening the Zoning Ordinance's present notification period to a somewhat longer period so that citizens have more than a few days to effectively respond.
- B. Codify the long-standing practice of the Zoning Officer of enlarging the definition of affected area to be notified beyond the minimum owners and residents of abutting and confronting properties when a Use Permit hearing before the ZAB is involved and consider requiring applicants to post a large poster-sized sign about the project on the property.
- C. Examine timetables and procedures of the Current Planning Division under the California Permit Streamlining Act to maximize the time available for the Zoning Adjustments Board and citizen examination of requested Use Permits.
- D. Establish a timely and effective method of notifying interested parties when an application is again being set for hearing after a hearing has been continued.
- E. Establish the authority to require the applicant to provide relevant information, including story poles, concerning the project to neighbors and other interested parties.

- F. Change the content requirements of the Notice of Public Hearing to specifically require relevant and helpful information.
- G. Make staff reports on proposed projects available to applicants and others involved in a systematic and effective manner.
- H. Clarify the Administrative Use Permit (AUP) process, which does not provide automatically for public hearing, so that citizens better understand the process and can more effectively participate in it.
- I. Provide for effective citizen participation in the AUP process through staff outreach to persons interested in and affected by the project.
- J. Examine the cost to the citizen of appealing an AUP, as well as Zoning Adjustments Board certification of AUPs similar to the Council's certification of Use Permits.
- K. Redefine and narrow the use definitions in the Zoning Ordinance to reduce the practice of "Stealth permits," through which many types of businesses may be transferred or changed without adequate review.

IMPROVED NEIGHBORHOOD PARTICIPATION IN LAND USE DECISIONS

Policy CP-8 Neighborhoods and Planning

Encourage neighborhood and street organizations to develop expertise and knowledge in land use planning and to serve as a resource for citizens seeking to participate in land use decisions.

Actions:

- A. Using new mapping information and other relevant methods, utilize neighborhoods and street locations as organizational tools for distributing information so that their residents can instantly see what land use decisions and projects might affect them.
- B. Formalize the role of neighborhood consultation by project applicants.
- C. Establish and evaluate pilot projects for neighborhood bulletin boards maintained by the City in conjunction with neighborhood groups.

TECHNOLOGIES FOR CITIZEN PARTICIPATION

Policy CP-9 City-to-Citizen Communication

Regardless of technology and content, the communications methods, whether based on the Internet, voice mail systems, or any other linkage, must be user-friendly, engendering a minimum, if any, of frustration in the citizen user.

Actions:

- A. Use geographic information system and other technology to facilitate information transmittal to citizens concerning land use information for their geographic areas of the city.
- B. Use new technology to offer the citizen not simply the whole of the Zoning Ordinance or the entire Berkeley Municipal Code, but also carefully crafted materials enabling the citizen to be effective and save time.

- C. Post supporting documents such as staff reports for the next current meeting of boards and commissions dealing with land use matters in an easily accessible location on the City website.

Policy CP-10 Citizen-to-Citizen Communication

Sponsor and facilitate citizen-to-citizen communication using new technologies.

Actions:

- A. Consider sponsoring online forums to stimulate citizen-to-citizen exchanges of information and opinions.
- B. Develop ways of using e-mail as a method of facilitating the citizen-to-citizen communication.

Policy CP-11 Citizen-to-City Communication

Use electronic mail (“e-mail”) and other means as a way of ensuring that citizens can easily and effectively communicate their information and interests to the City.

Action:

- A. Institute other direct methods for citizens to provide information and evaluations of City policies and activities.

CITY ADMINISTRATION AND STAFF

Policy CP-12 Evaluation and Training

Through regular evaluations and training, ensure the highest possible level of City service to Berkeley citizens. (*Also see Land Use Policy LU-5.*)

Actions:

- A. Establish clear and detailed citizen response evaluation forms for evaluating the specific performance of each administrative unit and its personnel dealing with the public in land use matters such as: overall satisfaction, time of response, evaluation of the level of professional expertise, and aspects of the service which could be improved. Make the evaluation forms available at public hearings, in letters to citizens, at City offices, and at other appropriate places.
- B. Initiate systematic implementation of the information gathered in evaluating the performance of the relevant units as well as in staff performance evaluation.
- C. To improve the performance of those who serve the public in land use matters, utilize the knowledge gathered by boards and commissions who work with these City administrative units and their personnel week in and week out over the years.
- D. Carefully assess and evaluate the effectiveness of the present structure of the Planning and Development Department, which distinctly divides the professional roles between Advance Planning and Current Planning with virtually no overlap of functions between them.
- E. Dramatically improve the capacity of the City to respond to and facilitate the handling of citizen complaints concerning the lack of conformance with conditions and requirements in land use permits.

- F. Institute staff training in dealing extensively, openly, and effectively with citizen participation in Berkeley.