

1977 MASTER PLAN

CITIZEN PARTICIPATION ELEMENT

INTRODUCTION

The Citizen Participation Element defines policies that will, when implemented, provide the citizens of Berkeley with the widest possibility for full involvement in the planning process as it relates to the development of the City.

At the present time, specific procedures for citizen participation in the planning and development review processes are spelled out in the Zoning Ordinance (No. 3018-N.S., as revised), the Subdivision Ordinance (No. 3873-N.S., as revised) and the Master Plan Ordinance No. 3403-N.S.

Citizen participation in Berkeley's municipal planning activities consists of more than the steps outlined in the above-mentioned ordinances. Planning occurs in the multiplicity of social and physical development programs sponsored by the City and is directly influenced by citizens through their participation on committees, assistance in the formulation of projects and through voicing their views and concerns at public hearings. Information on current activities is also made available to the public through the distribution of minutes, reports and newsletters, and yet, although the present system allows for citizen input at various levels, it often requires an inordinate amount of time and energy by citizens primarily because there are no clear points of entry where a contribution can be made in the planning process. However, this Element does not attempt to provide a mechanism for addressing these numerous opportunities for planning except as related to the implementation of the Master Plan and the activities involved in Master Plan implementation.

BACKGROUND

Citizen involvement in land use planning in Berkeley goes back to almost the turn of the century. Through the utilization of planning consultants and citizen committees, Berkeley's earliest civic designs were formulated. The City Council in July 1914 formalized the land use planning function through the creation of one of California's first Planning Commissions. Although temporarily superseded by the Civic Art Commission, the Planning Commission returned to Berkeley's municipal scene with the institution of the City Manager form of government in 1923. During this same year, a "Committee of Sixteen" was formed and with the assistance of John Nolen, planning consultant, prepared a ten year improvement plan for the City with the focus being on public works. According to the 1923 report of the City Manager, "The municipal plant was taken over in a seriously depreciated condition. The City's streets, culverts and crosswalks showed every evidence of costly neglect.... Many sewers, improperly or too cheaply constructed, ceased to function and required extensive repairs."

The planning function became a recognized part of Berkeley government during the late '20's and that it should be closely tied with citizen participation was appreciated even then. Prof. J. W. Gregg in an early article extolling the virtues of a City Plan for Berkeley states;

“A City Plan is a citizen’s plan. A City Plan to be a reality in a community should be known and talked about in every home. Everyone, young and old, should be interested in it. A copy of the Plan should hang on the wall

in every school and every public building. Each society, club or group should have an active committee on City Planning whose duty it should be to keep fellow members posted on its progress..."

It was during FY 1949-50 that the Planning Department was established in Berkeley with a working budget, a staff and Director. One of the first major assignments of the Department was the development of a Master Plan. A completed draft of the Plan was made available to the City Council after several years of work by the Planning Commission. The Commission spent nearly a year discussing the draft with citizens and civic groups in all parts of the City. Two public hearings were held by the Commission and another by the City Council prior to adoption of the Master Plan in April 1955. Despite the great involvement of citizens in the preparation of the document, no specific element or section of the Plan related specifically to citizen participation.

Many significant decisions during the 1960's and early '70's were made in large part as a result of close cooperation between the City and active citizens and organizations: downzoning of much of the formerly high-density zoned Flatlands area; undergrounding of the BART system through Berkeley; suspension of the plans to fill the Bay for development purposes as proposed by the 1955 Master Plan; implementation of the Model Cities program which gave highest priority during its First and Second Action Years to housing rehabilitation in South Berkeley; both the Federally Assisted Code Enforcement Program and the Community Development Block Grant were also programs with high citizen input that had positive effects on areas of the City, particularly in terms of housing improvements.

In 1973, the Neighborhood Preservation Ordinance (NPO) was passed by the voters and adopted by the City Council calling for, among other things, an updating of the Master Plan, revision of the Zoning Ordinance and the establishment of a new planning process involving a greater degree of citizen involvement in development decisions affecting them. The Master Plan Revision committee was established to implement the NPO. The Committee made up of 18 citizens selected by the City Council members, responded energetically to the assignment and spent the following two years working closely with neighborhood organizations to develop a set of proposals as the basis for the new Berkeley Master Plan. A unique aspect of the proposals was the recommendation for a separate Neighborhood participation Element emphasizing the development and implementation of neighborhood plans. The proposal also set forth goals and policies for citizen participation through neighborhood organizations in a process involving planning, budgeting, land use, zoning and community management of projects. All the proposals, in tabloid format, were widely circulated and finally presented to the Planning Commission who held five public hearings in different parts of the City. The Planning Commission in developing the present draft of the Master Plan has also acknowledged the importance of citizen participation policies being clearly set forth in a separate element of the Master Plan.

CURRENT PROCEDURES

The following briefly describes what presently occurs in the Berkeley planning process with regards to land use applications.

The Zoning Officer encourages all applicants for land use change permits to discuss their proposals with their immediate neighbors. If the proposal is likely to involve some aspect that has a more general significance, the applicant is encouraged to contact community organizations in the area. Additional information is provided on a routine basis to the zoning applicant. A summary list of active neighborhood organizations with names and phone numbers of current officers or contact people, has been prepared in quantity and is distributed to applicants upon their first contact with the Zoning Division of the Comprehensive Planning Department. A map showing the general locale of neighborhood organizations has also been published. Furthermore, the Board of Adjustments has adopted a general policy statement encouraging persons presenting applications of general interest or significance to discuss proposals with affected residents and neighborhood organizations prior to application submittal. However, there are some problem areas worth noting. First, not all neighborhood groups are well organized and it is sometimes difficult to arrange a general meeting of respective organizations because of a time lag between meetings. Many matters may be discussed with only one person or a Board of Directors.

Timing is also a problem area, since requirements for substantial changes in the nature or design of a project after the matter reaches the Board of Adjustments is a very questionable practice. Also, in the opinion of the Zoning Division staff, too many applications now require public hearings detracting from the time and effort that might otherwise be devoted to more important applications. The staff reports that they are notifying residents in all cases and receiving very low response. In contrast to the relatively poor experience with mailed notices to individuals as a device for eliciting public comment upon applications, notices to community organizations has proven far more effective.

It is also apparent that certain types of applications are likely to involve wider community interest than others. For example, minor setback adjustments, proposals for accessory buildings, etc. are typically matters of interest only to abutters. By way of contrast, construction of major buildings, proposals for uses of property that are likely to pose operational or other issues do warrant a wider area of notice. As a consequence, it can be concluded that a flexible approach to noticing standards could provide a cost-effective method of assuring that property owners and other affected parties in an area are properly informed of pending zoning applications.

Such a new procedure was endorsed in April 1976, by the Planning Commission and submitted to the City Council as a revision of the Zoning Ordinance noticing procedures contained in Section 19.3 of the Ordinance as follows;

- Regardless of the area to be notified, property owners and occupants would receive notice.
- The minimum initial mailed notice area would include only abutting property owners and occupants unless the Zoning Officer determined that the application was of such a nature to warrant a wider notice area.
- Where a larger notice area is deemed warranted, such area would include mailed notices to property owners and occupants with 300' on the same street or streets, or within a 300' radius of the subject property, whichever will provide adequate coverage in a given case.

- The Board of Adjustments be also authorized to extend the area of notice when deemed appropriate*
- The Zoning Officer and/or Board of Adjustments be authorized to extend the period of notice from the minimum of ten days to a maximum of thirty days for applications of major significance.
- For public hearings on appeals to the City Council, the City Clerk would notify the same area as that used for the last Board of Adjustments hearing on an application.
- The Zoning Officer would maintain a registry of organizations and would provide mailed notice of public hearings.

It is anticipated that additional notification procedures will be included in the revised Zoning Ordinance to conform with Master Plan policies.

ISSUES

There is an expressed need to clarify and improve the process through which citizens participate in the City's decision-making efforts. When the planning process is not known or is unclear, a sense of frustration arises which results in either citizen apathy or mistrust regarding the City's activities. When a person or group does manage to successfully influence the process there may be a tendency to continually emphasize a set of goals and objectives which may not reflect the broad spectrum of views prevalent in the community. It is essential, therefore, that an avenue for involvement is available to all interested citizens, as individuals or as members of organizations, which is clearly spelled out and does not require an inordinate amount of time or procedural confusion.

The 1955 Master Plan established twenty-eight neighborhoods as a basis for local planning. One of the important tools in reaching the objectives for maintaining and upgrading residential areas was to be the development of neighborhood plans with the assistance of residents in the involved area. Plans for the San Pablo and West Berkeley areas were eventually produced. The San Pablo Neighborhood Plan has been almost totally implemented, while the West Berkeley Neighborhood Plan is only in the beginning stages.

During the 1960's, the number of neighborhood groups multiplied at a rapid rate so that by the time the NPO was instituted in 1973, there were approximately 60 organizations throughout the City. In formulating their Master Plan proposals, the Master Plan Revision Committee designated 21 study areas based roughly on neighborhood boundaries.

The Master Plan Revision staff of the Comprehensive Planning Department acted as liaison with various community groups from July, 1974 to December, 1975.

Berkeley's 21 study areas had a Community Planning Assistant assigned to each area. These liaisons served to provide linkages between community groups and the Comprehensive Planning Department.

This direct linkage served in several ways to provide a mechanism in which community persons and others had an opportunity to say what their future community might look like. Community persons, business operators and property owners participated in the development of Master Plan policies.

The MPRC Neighborhood Participation Element was in some respects the natural outgrowth of two years of close collaboration with neighborhood associations in the development of goals and policies. The result was a strong focus on the preparation of neighborhood plans as a method for implementing the Master Plan and one that would give substantial control to neighborhood groups for local planning and decisions on budgeting, land use, zoning, the management of projects and "other policy matters which affect the livability of neighborhoods." The neighborhood plans would be submitted to the Planning Commission and City Council for review and adoption becoming then the official plans for the community. Continuous citizen participation was thought to be essential in order to assure that the planning process remained flexible, responsive and open-minded.

However, there is some difficulty with the idea that a Citizen Participation Element should focus entirely on neighborhood organizations. The MPRC's Neighborhood Participation Element recommended expanding the existing Board and Commission system to include a mechanism for local and City-wide neighborhood control of the planning and budgeting processes, zoning and the management of projects. Given that no clear lines of responsibility were drawn up, there was the strong possibility that neighborhood groups would in fact impinge on the authority of the Boards and Commissions in their role as advisors to the Council. Since the purpose of this Citizen Participation Element is to improve access to the planning process for all Berkeley citizens, methods for improved utilization of the existing decision making structure within City Hall becomes an important first step.

A move in this direction was taken in 1975 when an initiative was passed calling for each Councilperson to individually select members of Boards and Commissions. Previously, appointments were made by a Council Committee on Appointments whose recommendations were ratified by a majority of the Council. An important by-product of the new selection procedure is the more diverse views represented on the Boards and Commissions.

Rather than emphasizing neighborhood organizations as the focus of citizen participation, the Planning Commission wishes to develop a planning process that is understandable and accessible to all Berkeley residents. Staff had suggested dividing the City into ten study areas for the purpose of defining problems and recommending solutions. However, the Commission believed that the resulting policies tended to be too specific and seemed to lose the City-wide emphasis thought to be essential in a Master Plan document. As a result, the neighborhood perspective per se is not emphasized in this Element. However, none of the policy recommendations preclude or discourage neighborhood organization as one method of influencing both the process and the policy decisions. Although the method does not guard against decisions that could be unpopular with

neighborhood groups, it provides the means for moving in directions that are consonant with the best available information and in an overall sense responsive to community sentiments.

Over the past few years, the League of Women Voters and A Dream for Berkeley, because of their shared belief that the Board and Commission system is one of the best possible avenues for citizen participation in local government, have presented a series of recommendations to the City Council "that will recognize the value of these citizen Commissions and ways to make their participation more helpful to the Council In its handling of City problems." Many of their suggestions for improving the Commission's effectiveness have been incorporated into this Element's policies.

The Community Planning Process Element is not a required element of the California State Planning Law. However, Section 65303 (j) of the Law does state that cities may prepare other elements which in its judgment relate to the physical development of that City. Furthermore, the Neighborhood Preservation Ordinance calls for a new planning process to be developed in Berkeley.

The basic assumptions underlying the policies are in accord with the 1968 Douglas Commission on Urban Problems recommendations, namely that citizens have a right to : 1) a full explanation of information on which public decisions must be made; and 2) a vehicle to express to the decision-makers their reactions to the actions being taken. In sum, that citizens have a right and duty to participate in planning for their own futures.

POLICIES

PURPOSE

To develop a planning process that is simple, flexible, responsive and open- minded; to encourage the participation of Berkeley residents and property owners in planning and implementing programs within the context of the City's Master Plan; and to encourage the participation of neighborhood associations or other groups which have been organized for the purpose of considering and acting upon a range of issues affecting the livability in neighborhoods or areas.

PUBLIC PLANNING BODIES

POLICY 7.00

Improve the effectiveness of the Planning Commission and Board of Adjustments as avenues for citizen participation in the planning process.

For the process to work, it is Important that citizens have confidence that members of the Boards and Commission are sensitive to their concerns and that there is a process by which they can be heard. Commissioners should have a thorough understanding of their areas of planning responsibility and an orientation procedure should be made available to all new members. The City Council

will encourage members to make prompt appointments when vacancies occur so as to maintain these bodies at full strength.

POLICY 7.01

Develop guidelines that clarify the roles and responsibilities of planning area committees appointed to develop and propose neighborhood area plans. (A preliminary version of the guidelines has been developed by the Commission and is attached at the end of this element for purposes of review during the public hearings on the Master Plan)

In seeking planning assistance from citizens, particularly as members of ad hoc committees, it is important that prospective committee members be clear on what is expected of them and what departmental resources they can utilize. To foster close collaboration between these bodies, at least one Commission member should be assigned to each ad hoc committee. Committee actions should also be reviewed and acted upon by the Commission on an on-going basis.

POLICY 7.02

Develop and publish clear, consistent and fair procedures for dealing with the Planning Commission, Board of Adjustments and ad hoc committees.

The root of the planning process shall be based upon the assumption that all citizens have the right of access to a responsible process for initiating projects and expressing to decision makers their opinions regarding public actions under consideration. To implement this policy, clear procedures should describe ways for citizens to communicate their concerns.

To increase public awareness of these procedures, a handbook will be prepared and distributed describing how citizens can participate in proposing or commenting on planning proposals and in reporting violations of City ordinances and policies. Where appropriate, the Planning Commission should hold informal workshops throughout the City to make the planning process more accessible.

Detailed guidelines and procedures consistent with the goals and policies of the Master Plan will be incorporated in the Zoning Ordinance. A description of the process shall contain at least the following steps;

- Initiation of Request - Who may begin the process?
- Power to Grant - Who has authority to grant the request?
- Applicant and Fee - Where is application filed and is there a fee?
- Public Hearing - Does request require a public hearing? Who sets the date? Any time limits?
- Notices - Who is notified of request? Time constraints?
- Decision/Conditions - Who prepares final decision?

Can special conditions be attached to request?

- Appeal Procedure - Application? Fee? Time constraints?
- Certification by Council - Requires specific Council action?
- Revocation of Request - Who can stipulate? Time constraints?

POLICY 7.03

The Planning Commission shall coordinate, review and evaluate neighborhood area plans for the purpose of encouraging cooperative planning, solving mutual problems and facilitating the development of plans which do not conflict with one another.

Commissioners and staff members should maintain on-going liaison with active neighborhood groups. The Planning staff will provide preliminary assistance and advice in the preparation of neighborhood area plans as requested. They would also encourage adjacent neighborhood areas to seek a common solution to mutual problems. For example, if there is a residential/commercial conflict on a strip commercial street which separates two neighborhoods, residents and property owners of both areas should be involved to develop mutually beneficial solutions. Similarly, if a major institutional land use has proposed future expansion, adjacent areas should work in concert on alternative solutions to their joint and particular problems.

POLICY 7.10

Encourage the development of neighborhood area plans.

Neighborhood area plans may be initiated by both the City or community residents. When initiated by the City, the plan is to include a citizen participation component that emphasizes close cooperation with citizens and existing organizations in the study area. Any area planning efforts that utilize Comprehensive Planning Department resources will require authorizations from the Planning Commission and City Council.

POLICY 7.11

Develop neighborhood area plans which are consistent with City-wide goals, policies and objectives.

Berkeley has many readily identifiable community areas with residents who have a very close and fond affection for them. Yet Berkeley residents are also aware of and concerned about what happens in other areas of the City. Therefore, each neighborhood area plan should be developed within the framework of established City-wide goals, policies and objectives--becoming thereby a more specific version of the Master Plan. In the event the Council proposes to approve a neighborhood area plan that is in conflict with portions of the adopted Master Plan, that action shall be preceded by an amendment to the Master Plan.

POLICY 7.12

Insure that the variety of views within an area are taken into consideration in the preparation of the neighborhood area plan.

In formulating neighborhood area plans, the various concerns of all who are affected--residents, property owners, business licensees and non-profit organizations, etc.--would be recognized. In addition, neighborhood organizations within a planning area should provide leadership in the preparation of plans and action proposals and insure representation of the various interests in that neighborhood.

POLICY 7.13

Include in neighborhood area plans objectives, guidelines, procedures for review and revision and action proposals on matters which affect the livability of the neighborhood area such as land use, housing community facilities and services, open space parks, traffic and transit.

These categories do not include all Master Plan categories. Such Elements as Seismic Safety and Noise are more properly dealt with on a City-wide scale. To the extent possible, the subject matter of the neighborhood planning document elements should be the same as, but in more detail than, those elements which have been developed for the City-wide plan. Feasible action proposals to carry out desired objectives having widespread support in the neighborhood should also be developed. Where feasible, residents will be encouraged to work directly on projects to implement the plan.

POLICY 7.14

Submit neighborhood area plans to the Planning Commission and the City Council for review and adoption.

Once adopted by the City Council the Neighborhood area plan becomes the official plan for that neighborhood area. The neighborhood area plans should augment the city-wide Master Plan. They are a more specific version of the city-wide plan and should not be in conflict with that Plan. During the planning process, the planning Committee can identify problems and issues that may lead to amendment of the city-wide Master Plan. Continued citizen participation is essential to assure that the neighborhood area planning process remains flexible, responsive and open-ended. The plan should be updated, as necessary, to reflect the changing needs of the neighborhood area.

NEIGHBORHOOD LAND USE AND ZONING PROCESS

POLICY 7.20

Include in the Zoning ordinance clear procedures for submitting proposals for neighborhood review of significant land use changes within the neighborhood; submit significant plans, policies, use permits, variances related to land use and zoning changes within a neighborhood area to the neighborhood for review and recommendations before final decisions are made by the appropriate city board, commission or City Council: Determine that proposed land use and zoning changes affecting a specific neighborhood are consistent with the officially adopted neighborhood area plan.

A referral process will help people deal with local Issues and be heard. In the Zoning Ordinance, the notification procedures should establish criteria for deciding on any given issue what residents and groups will be notified, how far In advance notification will be sent, how additional copies of notices can be obtained, various methods by which an individual or group can offer comment or obtain additional Information. Thirty days will be allowed for review of proposals subject to a public hearing. All opinions received by the Planning Commission or Board of Adjustments are advisory.

The Planning Commission or Board of Adjustments will broaden notification beyond the neighborhood area if it determines the significance of the proposal so warrants. A criteria for approval of Use Permits will be consistent with an adopted Neighborhood Area Plan.

POLICY 7.21

Include neighborhood organizations in notification procedures.

The City should encourage the development of neighborhood organizations as an important link in the City's efforts to elicit comment on land use related planning Issues. In addition to legal notice, organizations will be encouraged to distribute notices of proposals throughout their neighborhood area. To keep the City's list of organizations current, groups will be asked to register annually and Indicate the geographic area they represent, their concerns and to whom information should be sent. All groups will be registered upon request.

NEIGHBORHOOD BUDGETING PROCESS

POLICY 7.30

Include implementation and budget priorities in neighborhood area plans.

A neighborhood area plan, program and budget provides citizens' judgments concerning how "limited resources can best be spent within the neighborhood planning

area. While authority for final budgetary deliberations lies with the City Council, the neighborhood area plan will provide essential information on citizen priorities that will improve the quality of program and budget decision-making.

POLICY 7.31

Allocate City funds in an area with an adopted plan to reflect the priorities of the neighborhood area plan.

Cost estimates and priorities for implementing the Neighborhood area plan are to be established to assure that neighborhood considerations be weighed by the City Manager and City Council in budget deliberations.

PROPOSED NEIGHBORHOOD AREA PLAN (NA PLAN) DEVELOPMENT PROCESS

1. NA Plan request can be initiated by the City Council, Planning Commission, community residents or staff.
2. NA Plan proposals are to be processed through the Comprehensive Planning Department for Planning Commission review and recommendation to the City Council.
3. NA Plan proposals approved for development by the City Council are to provide for budget requirements of Comprehensive Planning Department involvement.
4. Planning Commission will notify area residents that an NA Plan is being prepared and will solicit volunteers to serve on an NA Plan Committee (NAPC) who will be advisory to the Planning Commission. Members will be appointed by the Planning Commission.
5. Criteria for Committee formation:
 - Include representation from neighborhood organizations or associations if such exist in the area
 - Represent fairly those persons and interests that will be affected by the Plan
 - Size of committee to be determined (9-15)
 - At least one (1) Planning Commissioner as member

After NAPC is formed it will develop preliminary NA Plan Guidelines, define problems, goals and policies and specific development proposals, as appropriate.
7. The Planning Commission will hold a public hearing within area to discuss preliminary Plan guidelines.
8. The NAPC will develop an NA Plan based on public hearing input. As each element of the Plan is prepared and approved by the NAPC, it is to be submitted to the Planning Commission for review and approval. Results in NA Plan to be mutually developed by the two bodies with costs of implementation estimated.

9. Planning Commission holds public hearing on proposed NA Plan and make modifications if required.
The Planning Commission determines extent of appropriate notice. Notice should go to individuals as well as neighborhood groups and residents. If the Planning Commission finds that the NA Plan would have city-wide significance, notice will be sent to neighborhood groups throughout the city and to city-wide groups.
10. Determination is made if NA Plan is consistent with the approved Master Plan. If consistent, Planning Commission forwards the NA Plan to the City Council for their review and a public hearing. Council adoption of Plan to include necessary actions to meet the costs of implementation.
11. If the NA Plan is not consistent with the Master Plan, the Planning Commission, if it still approves Plan, transmits it to the City Council for a preliminary review and approval and the City Council sends the Area Plan back to the Planning Commission for processing an amendment to the Master Plan.
12. City Council either approves or denies the Master Plan amendment and Area Plan.