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# AGREEING TO DISAGREE: A THREE DIMENSIONAL FRAMEWORK FOR PLANNING WITHOUT CONSENSUS[1]

Karen Christensen and David Drury

## Introduction

This essay proposes a structure and process for doing city master planning where there is no consensus on goals. It evolved from an attempt to help the city of Berkeley prepare to revise its Master Plan. Accordingly, our recommendations take into account Berkeley's unusually convoluted and polarized political situation, while affirming that the city's diversity is its richness. The proposal is meant to help Berkeley renew its tradition of innovative, responsive planning. In doing so, the proposal presents a general scheme for helping cities when traditional approaches break down in discord. Key assets of the approach include flexibility, variability, and the capacity to accommodate diversity.

Since the framework is designed specifically for Berkeley's particular problem context the essay stresses how Berkeley's planning history led to its current planning impasse. The proposal follows, and we conclude with some notes on its implementation and wider applications.

## Some Background on Berkeley's Population, Economy and Land Use

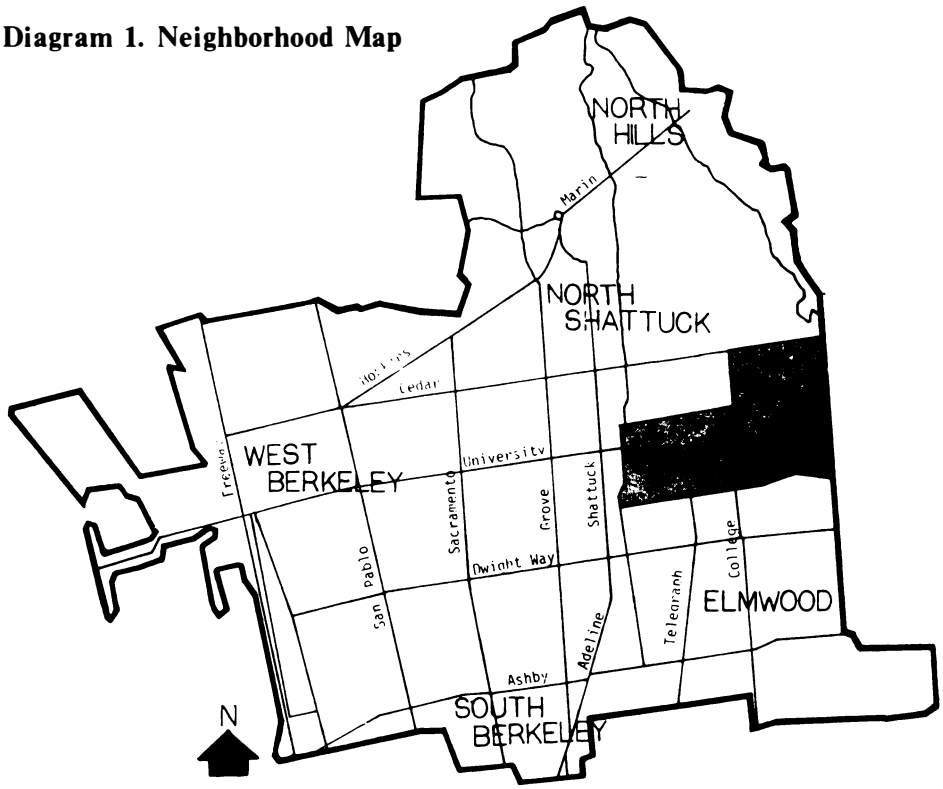
Berkeley lies in the heart of the San Francisco metropolitan area. It is bounded by hills to the east, the Bay to the west, by the cities of Albany and Richmond to the north and Oakland to the south. The town grew very quickly in the years before the Depression and during the 1940's, but its present population of 103,000 is slightly smaller than it was in 1950. There has been a steady decrease in household size since 1960, with smaller families and more single-person households. The housing supply has been static since 1970, and with fewer people per unit the net result has been a loss of population.

Racially and ethnically Berkeley's population is now about 20% Black, 14% Asian and Other, and 5% Spanish Origin. In the last decade, Berkeley lost 14% of its White population and nearly one-fourth of its Blacks; Asians and others gained population. In some ways Berkeley is more ethnically diverse than ever, though it is now no more diverse than the northern Bay region as a whole.

From 1970 to 1980 median Berkeley incomes fell slightly compared to the Bay Area as a whole. The distribution of incomes has also become slightly more polarized in recent years, with the city losing the greatest number of households in the Low and Moderate income ranges. Two-fifths of all Berkeley households are now classified as Very Low income, though this is due in part to the

city's many students and small average household size. South West Berkeley and the student areas surrounding the campus have the lowest incomes; Elmwood and the Hills have the highest.

**Diagram 1. Neighborhood Map**




Berkeley's economic base has three components: a large public sector centering on the University, a small manufacturing sector, and a diverse service sector ranging from consulting firms to small retail shops. It is a commuter town, with less than half its workforce actually employed there, and nearly three-fifths of its jobs filled by outsiders.

Since 1970 the city has lost several thousand government jobs at all levels, but this has been offset by the growth of wage and salary jobs in the private sector. Manufacturing employment has held steady, with more traditional industries losing jobs and high-tech industries expanding. The fastest growing sectors of the economy are residential rehabilitation and retail trade.

The basic land use pattern of Berkeley was established by the early 1900s. In West Berkeley, industrial uses developed adjacent to the railroad and San Pablo Avenue. Institutional and commercial activities grew around the University, and residential growth occupied the remaining land. By 1950, remaining parcels were scattered and limited in their potential use by small size, location, topography, and adjacent development. The distribution of land uses has

changed very little since that time.

The spatial distribution of minorities has hardly changed either. Blacks are still concentrated in the flatlands, particularly South and West Berkeley, and Hispanics in the West. The Asians are more dispersed. The number of UC students living in Berkeley now stands at about 20,000, with less than half of them accommodated in University housing. Though the highest concentrations are around the University, residential densities in the Flats (which contain both single and multi-unit housing) average four times those in the Hills.

**On Berkeley Planning History**[2]

In 1915 Berkeley established one of California's first planning commissions. In an effort to rival San Francisco, the commission immediately engaged Werner Hegemann to prepare plans in the City Beautiful tradition for Oakland and Berkeley. In 1916 the Planning Commission enacted a districting ordinance, one of the first zoning laws in the United States. Berkeley's first comprehensive zoning ordinance followed in 1920. Typical for its time, the ordinance "overzoned," by permitting densities far in excess of their actual foreseen uses. In this way commissioners disarmed potential opponents and gained acceptance for the concept of zoning. Over 50% of Berkeley—all in the flatlands—was zoned to allow six-story apartment buildings.

Following a 1923 fire which destroyed 800 Hill homes, the city hired a permanent zoning administrator. That same year, Berkeley adopted the city manager form of government, reflecting the scientific management and Good Government ideals of that era. The Republican government was ostensibly non-partisan, reformist, and professional, and clearly intended to protect Berkeley's single-family character.

Little changed until the 1940s when World War II brought disruption and rapid growth to the area. Shortly after T.J. Kent's appointment to the Planing Commission in 1948, the Commission, with strong support from the City Manager, recommended that the City Council establish a permanent professional planning department. Corwin Mocine was appointed Berkeley's first planning director in 1949. By 1955 the Council had adopted Berkeley's first Comprehensive Master Plan.

The plan was important both for the city of Berkeley and for the planning profession. The plan promoted "balance" through the key policies of enhancing neighborhoods, limiting growth, and channelling development onto the Waterfront and lands to be reclaimed from the Bay. This notion of balance emphasized Clarence Perry-style neighborhoods organized around a neighborhood school and widespread citizen participation. The explicit aim was to "preserve Berkeley's character as an uncrowded city of homes." Such a goal was politically and economically feasible in those enthusiastic post-war boom years because growth could be

channelled onto the Waterfront. There it would provide jobs, expand the tax base, and create recreation space without disrupting existing densities or views. "Reclaiming Berkeley's submerged lands" would have doubled the city's land area. The vision of this windfall helped to secure widespread support for the plan. All three of these 1955 policies—enhancing neighborhoods, limiting growth, and developing the Waterfront—are still central to Berkeley planning today.

The plan was hailed by civic groups and the local press, and Kent's book based on it, *The Urban General Plan*,[3] soon became a classic in the field. The only immediate opposition came from the Oceanview neighborhood's objections to its industrial zoning and the Hill neighborhoods' objections to widening Cedar Street. Meanwhile, the Council refused Mocine's proposal to survey housing as a precondition for national subsidies. For mere suggestion of poverty or dilapidation contradicted Berkeley's image of prosperous single-family neighborhoods. Subsequent events disrupted these last days of Berkeley's harmony.

The balance was upset fairly soon, as Hills folks, led by Mrs. Clark Kerr, formed the Save the Bay organization to halt bay fill. Their popular success prevented waterfront development, blocking the expansion envisioned in the Plan. After the 1963 policy reversal, Berkeley was caught in a dilemma: almost any new development would be bound to disturb existing land use or densities. Preservation generally prevailed.

Implementing the plan's density recommendations entailed downzoning nearly half the city. James Barnes, Mocine's successor, wanted to undertake downzoning through neighborhood committees, but was repeatedly refused by an otherwise supportive commission and council. (In 1961, the council finally allowed the San Pablo neighborhood to proceed with a pilot program.) Stuck with a top-down approach, Barnes doggedly downzoned 957 acres between 1961 and 1963. This generalized policy and the wide area it affected invited debate on principles rather than specifics, and there were charges that the zoning was imposed without giving those affected a voice in the decision. Downzoning drew the most pointed and predictable opposition from realtors and Blacks, who charged that it was designed to limit and "New Englandize" the Black population.

It was at about this time that overt partisanship entered planning. The long era of ostensibly harmonious, neutral professionalism ended with the Democratic takeover in 1961. The party was self-consciously split between blacks and white liberals, with slates and agenda reflecting that coalition. A glance at their platform shows that in their decade of dominance they achieved it all—from rapid transit and parks to integration. In 1968, the general plan was updated to incorporate the waterfront policy reversal and new policy against automobiles.

Ironically one of their achievements helped destroy Democratic control. Conflicts over Vietnam war protests and other "radical" positions ravaged the party. These larger events coincided with Berkeley's 1968 school desegregation, a policy so emphatically successful on its own terms that it vitiated Berkeley's neighborhood schools and thereby the neighborhood-PTA organizational base of the Democratic party.

This disarray was characterized by the growth of political splinter groups and dramatized by the strong showing of the radical April Coalition in the 1971 elections. (The Coalition campaigned on the issues of racial inequity in jobs, housing, and education on the local level.) The surviving groups were the old Berkeley Democratic Club and the April Coalition's successor, Berkeley Citizen's Action (BCA). Republicans were so shocked by the April Coalition's strength that they abandoned formal political participation in 1973 and supported the traditional democrats, thereby forcing liberals into increasingly conservative positions. (This alliance was formalized into the All Berkeley Coalition, ABC.) At this point neither faction had any coherence, as the following diagram tries to depict.

**Diagram 2. Contradictory Elements within Parties**

| | ABC | BCA |
|---|---|---|
| Political | Traditional Democrats -- Republicans | Pragmatist -- Marxist purist |
| Class | Preservationist -- Property rights | Blacks -- students |
| Issue | Preservation of status quo -- development for profit | Development for jobs -- new housing -- preservation |
| Base | Narrow, splinter causes | Narrow, splinter causes |

1973 - Present

The internal contradictions within each party would have been sufficient to stymie planning. The situation is aggravated by special interest politics, which each faction tries to manipulate to maintain its shaky claim to power. In such contexts, partisanship does not improve the quality of planning debate. Rather it distorts and layers issues upon each other. Without some coherent set of policies every issue becomes politically convoluted, and invites an ad-hoc reopening of every other planning issue. Because the dominant factions in Berkeley have tended to hold power by narrow

margins (5-4) and leadership shifts back and forth, public decisions oscillate. So much seems at stake that officials rarely dare to deviate from the party line. Indeed, some relevant issues are treated as taboo to avoid totally predictable polemics. Some participants view this outcome as a reasonable compromise and point out that the real deliberation and adjudication of public policy occurs within the parties.

Neighborhoods remain the linchpin. Traditionally they provided a base both for political organizing and for civic self-image. Not surprisingly, it was the neighborhoods that brought planning direction to the early 1970's political chaos. In the planning void, neighborhoods initiated the Neighborhood Preservation Ordinance (NPO) for "the establishment of a new planning process to achieve the preservation and enhancement of the neighborhoods of the City of Berkeley." The NPO demanded interim regulations on residential construction and demolition until a new "comprehensive revision of the Master Plan . . . with citizen participation required" could be adopted.

In response, city planners worked with neighborhood associations to prepare 21 neighborhood profiles to serve as data bases and to gather citizen ideas for a master plan revision. The 1974 wave of downzoning that followed the NPO generated charges from Blacks even more vehement than those of a decade earlier: rezoning would not only reduce property values, but would interfere with efforts to expand the housing supply, disrupt Black cultural patterns, and dilute Black electoral strength. According to one insider, work on the plan proceeded even though neither the planning director, nor the planning commission, nor the city council wanted the existing plan revised.

Despite the lack of consensus, extensive citizen involvement produced an entirely new Master Plan. Adopted in 1977, it broke decisively with the past, emphasizing the "needs of people . . . and participation in a rich cultural and community experience." It stressed social and economic policies over land use, and introduced six new elements, one of which was not mandated by the state: the element of citizen participation.

Although the new Master Plan promoted change in both planning substance and process, it was developed and adopted in a charged and convoluted political context very different from the relative harmony that nurtured the landmark 1955 Master Plan. As a result, the 1977 Plan is full of vague platitudes and inconsistencies masking unresolved conflicts. Consider Policy 4.34, for example: "Promote equitable, cooperative and responsible exercise of privileges and obligations by landlords and tenants." Though an important departure from tradition, the 1977 Master Plan was compromised or trivialized in many places to adhere to the standard of comprehensive, unitary policy.

The years to follow were marked by several planning setbacks.

Planning Commissioner (and DCRP faculty member) Fred Collignon ran for city council on an explicitly grassroots platform built around neighborhood issues. Though many of his campaign ideas remain salient, he lost the election, proving to many observers that even a well-organized neighborhood campaign could not break the power of slate politics. Meanwhile, BCA and ABC remained at loggerheads ideologically, which often made thorough deliberation on planning issues impossible. The "neighborhood power" movement's drive for participation was channeled into a proliferation of commissions. Due to the fair representation ordinance, each board and commission reflects the state of BCA-ABC relations.

In this same period the city faced severe cutbacks in Federal and state funding, capped by Proposition 13. City planning staff was cut back sharply, neighborhood planning ground to a halt, and all services were scrutinized. The Council (and even more so the city manager) were caught between the responsibility to represent local public opinion and the need to keep the municipal corporation solvent. It was inevitable that they would look for economic development and for ways to cut expenses. Just as inevitably, neighborhoods would be beset by development pressures and by competition for dwindling city resources.

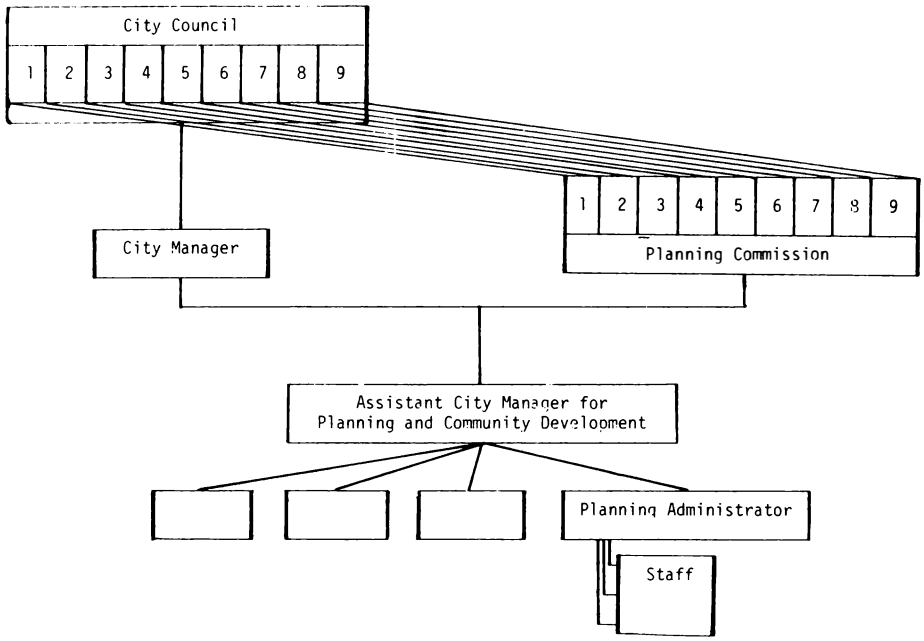
One major outcome of this state of civic affairs was the 1982 Neighborhood Commercial Preservation Ordinance (NCPO). Five years after the 1977 Plan, citizens felt angered at the lack of implementation and threatened by the city's and neighborhoods' apparent helplessness in regulating regional-serving business and the local problems it generates. The ordinance imposed interim regulations on commercial development, though some of these powers were already incorporated in existing zoning. Perhaps because the campaign played on Berkeley's image, it was very broadly supported in every district. The sole exceptions were the Black districts, where residents were eager for development and jobs.

Planning-by-initiative and citizen prepared plans (like the North Shattuck Plan) are understandable in a politically conscious, active, and talented community like Berkeley. The proposal for planning without consensus tries to take advantage of that diversity, commitment, and participatory enthusiasm.

**A Note on the Structure of Berkeley's Planning Institutions**

Politics, planning, and institutional arrangements are closely intertwined in Berkeley, and the structure that results is distinctive. Berkeley's planning apparatus differs in important ways from traditional models of the semi-autonomous planning commission. Schematically, the basic structure looks something like this:

**Diagram 3. Diagram of Council and Planning Commission**




Several of its features are worth noting. First, the Planning Commission, its staff, and its general plan are constituted to serve the City Council rather than the mayor or remaining relatively autonomous. Second, virtually all of Berkeley's departments and agencies working on housing, community development, and planning have been integrated into a single comprehensive unit under the direction of an Assistant City Manager who reports both to the Planning Commission and to the City Manager. Taken together, these two features make for a planning function that is unusually integrated.

Third, under the 1975 Fair Representation Ordinance, individual Council members directly appoint their own representatives on all boards and commissions, including the Planning Commission. This feature acts as another organizational device for integrating the political and planning processes. In the absence of strong leadership within the Planning Commission, Commission deliberations tend to echo the Council's, reinforcing ideological cleavages instead of diffusing them. Unlike more traditional cities, where commissioners are apt to represent vested interests (e.g., real estate, downtown business) under the guise of detached political neutrality, Berkeley's commissioners are openly drawn into partisan polemics.

**Planning Issues Facing Berkeley Today**

Given Berkeley's planning history, its current issues are seldom perceived as clear-cut.

- Though the battle against extensive Bay landfill is long since won, there is widespread support for modest development of some sort on the Waterfront. Just how this new land should be used is being hotly debated at the moment.
- There will be no major changes in the transportation grid, but conflicts over discouraging parking have troubled downtown merchants and residents near the University and restaurant districts.
- The city's infrastructure is deteriorating, and badly in need of repair.

Of all the issues facing the city, it is housing that touches the most residents most directly. What seems to be at stake are two of the most fundamental aspects of Berkeley—the diversity of its people and the low density residential character of its neighborhoods. With no room left to build, household size falling, and maximum unit densities fixed at low levels, the city as a whole has become less and less able to accommodate the demand for housing. Gentrification is one result. House prices have risen at unprecedented rates, and only a strong rent control ordinance has prevented rents from doing the same. Low and moderate income residents are being forced out, especially Blacks, and there are signs that the process will intensify in the coming years. Given Berkeley's prime location in the Bay area, its attractiveness, and the University presence, the demand for housing is likely to remain very high. The prime issues for housing are these:

- If only a few of the many who want to live in Berkeley will be able to do so, who should they be, and why? How strong is Berkeley's commitment to preserve the diversity of its population, in terms of race and ethnicity, income, owners and renters, students and permanent residents, families and non-families?
- If this commitment is real, what can be done to ensure a supply of affordable housing with the minimum impact on the character of the neighborhoods?
- With cutbacks in state and Federal funding, there is little hope of expanding public housing programs at present. If city policies must be implemented through the private market, how can the city make most effective use of its zoning and other regulatory powers, existing special ordinances like Measure D (rent control) and the NPO, and positive incentives to developers to preserve the existing supply of low cost housing and create new units? If there is to be a tradeoff between providing more units and preserving existing units (as there almost always is in Berkeley), what criteria should guide the choice?
- How can the city encourage the University to build more student housing?

Fostering "regional-serving" commerce is often politically unpopular, despite its welcome additions to the city's tax base and employment pool. Unfortunately, congregations of restaurants, bakeries, and bars tend to become local nuisances in proportion to

the noise and litter problems they create. Further, these commercial ventures are small and often innovative, and have a high failure rate. Many small manufacturing firms may get their start in Berkeley, only to relocate outside the city when the time comes to expand and routinize their operations.

- What is the most effective way to ensure an acceptable balance between neighborhood-serving and city or regional-serving commercial development?
- If Berkeley has a special responsibility to help the residents who are least employable, how can it attract and foster enterprises which are simultaneously stable, profitable, and low-skill labor intensive?

Wide-ranging as these issues are, they are linked in many ways, on many levels—as interests of particular neighborhoods and constituencies, as co-elements in party platforms, as economic causes and effects. This complexity and many-sidedness makes them seem intractable at times, but it also permits them to be recast in many different ways.

## Recommendations for Approaching Planning: The Neighborhood-Policy Framework

*Introduction*

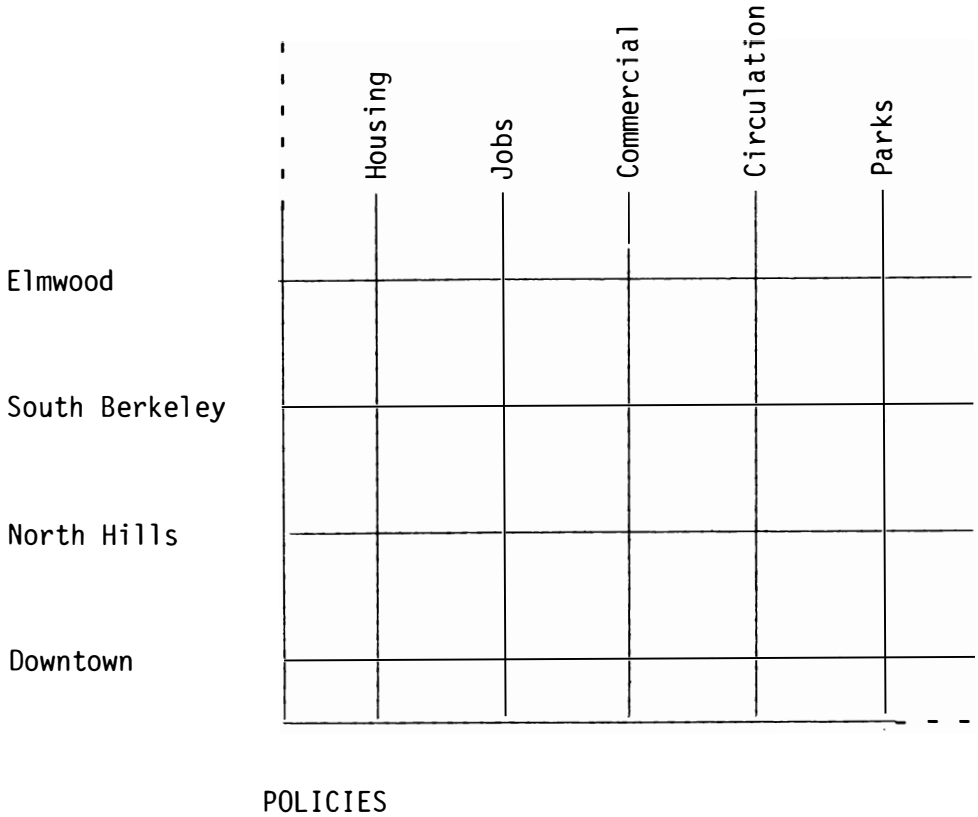
This proposal aims at breaking up Berkeley's planning logjam by the simple strategy of subdividing key elements of the planning process. The core idea is to diversify options to respond to diverse interests. Three important ways to disaggregate planning are by place, policy form, and decision making method.

*Neighborhood-Policy Matrix*

A matrix helps to convey the possibilities of expanding acceptable options through disaggregation. One version poses place (the city's territory subdivided into neighborhoods) on one axis, and policy arenas (the public, collective sphere of work subdivided into functions) on the other. The matrix charts possibilities for how the two disaggregated planning elements can interact. A given public policy not only will have different impacts in different neighborhoods, but will also have different significance to people in those neighborhoods. So, for example, a plan to create 1000 new jobs by 1988—no matter how it is implemented—will have different impacts upon, and elicit different reactions from residents in West Berkeley, the North Hills, and Elmwood.

The matrix also suggests ways in which these differences can be exploited. Since a policy varies in its significance for different places, any individual policy can be adjusted to please residents in different areas, and to respond to special circumstances. Moreover, different policies can be packaged, coordinated, and supplemented in various combinations to further tailor them to different neighborhood conditions and preferences.

**Diagram 4. Neighborhood-policy Matrix**




*City-Wide Policy Latitude*

To permit such adjustments the proposal calls for considerable latitude in city-wide policies. As a general strategy the city would have to formulate its policies in ways that would be open to alternative forms of implementation. Such policies would serve as a standard for assessing specific proposals and opportunities as they arose, which could then be adopted, rejected, or postponed as political feasibility and funding permit. For example, a policy of expanding moderate income housing supply could be implemented in different ways in leaner and fatter years. This open, contingent form gives direction over time, without tying budgets and departments to a predetermined sequence of activities. (Of course some public investments would still have to be programmed over time for technical or political reasons.)

**Diagram 5. Variable Policy Forms**

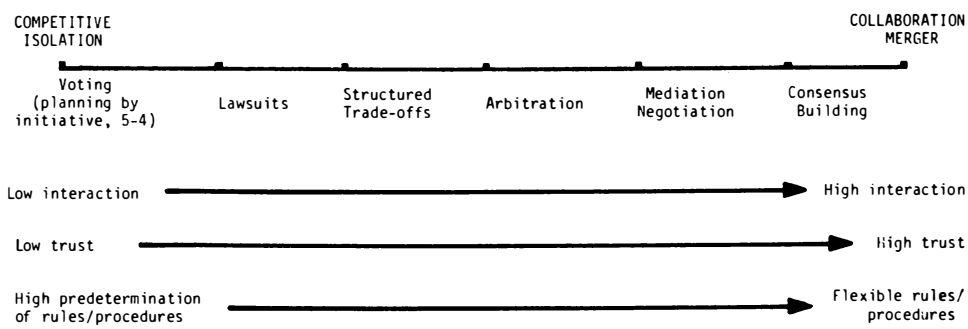
| PROCESS (Procedure for Planning or Achieving Something) | OUTCOME (Goal or Actual Accomplishment): Prespecified | OUTCOME (Goal or Actual Accomplishment): Unspecified |
|---|---|---|
| Prespecified | 1 program<br>penalties | 3 neighborhood spending |
| Unspecified | 2 incentives<br>performance standards | 4 delegation |

A second general strategy for expanding policy options is to vary policy form. Some policies may be tightly prescribed, while others will be subject to negotiation. In conventional planning, both process and outcome are prescribed. But Berkeley might prefer to leave neighborhoods a greater range of choice, as suggested in the diagram above. So, for example, the city might specify the outcome (e.g., expand the moderate income housing supply) without predetermining each neighborhood's approach. Some might address the goal through new construction, others through second units, and still others through rehabilitation or conversion projects.

*Variable Decision-Making Methods*

By adding a third dimension, mode of decision-making, the framework expands options still further. Diagram 6, Variable Modes for Treating Conflict, sketches this dimension schematically. Alternatives range from more polarized to more collaborative forms, which also vary in the amount of communication and trust among participants. An assortment of methods for resolving conflict could be useful in working out specific arrangements between Berkeley and its neighborhoods.

**Diagram 6. Variable Modes of Treating Conflict**



Berkeley has had plenty of experience in making planning decisions at the polarized end of the scale—elections, planning by referendum, and party-line voting in the Planning Commission.

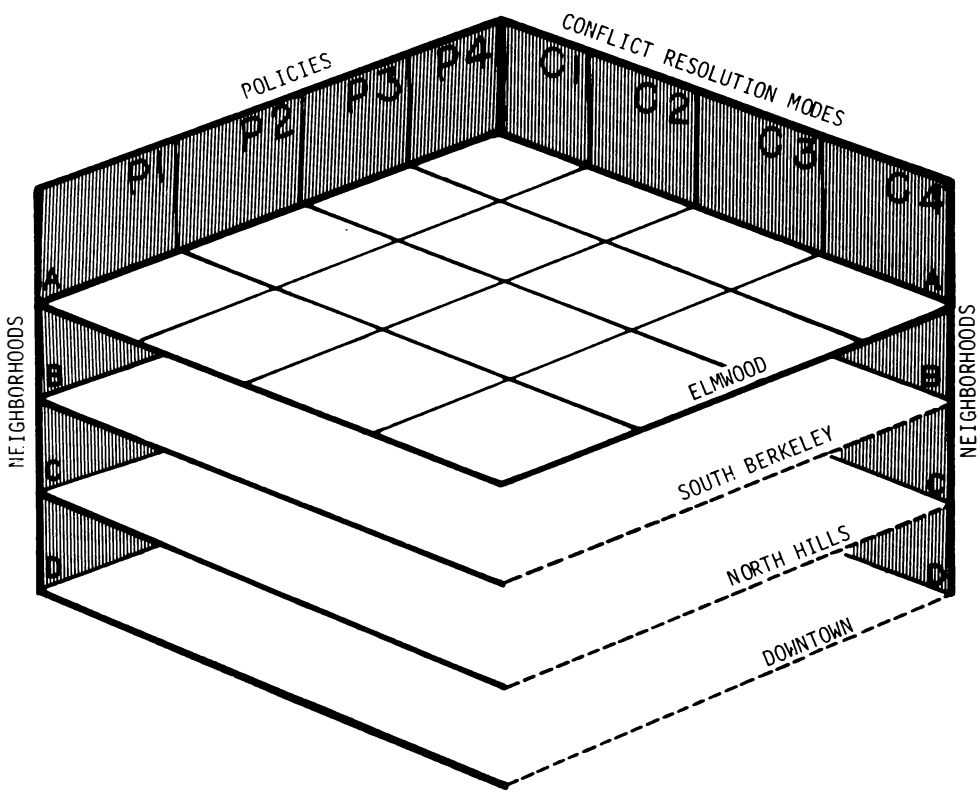
Structured tradeoffs pose closely constrained choices. Berkeley's Section 15.1.1 provisions, for example, require developers to replace the housing units they destroy, either on the original site or elsewhere. Structured trade-offs could function as a safety valve, giving neighborhoods an alternative to obstruction.

Bargaining with arbitration uses a fairly narrow set of quid pro quo tradeoffs to help reach some sorts of mutually acceptable agreement. Rent Arbitration Boards for landlords and tenants work this way, and an arbitration clause could be tacked on to other bargaining situations that are likely to be deadlocked.

Mediated negotiations work by broadening rather than narrowing down the range of issues to be considered. This makes it possible for each interest group to get what it wants most by compromising on issues less important to it. For example, a neighborhood could agree to provide more than its fair share of housing in return for other concessions.

At the most collaborative end of the spectrum is consensus building. This would be a crucial activity within neighborhoods, both before and during negotiations.

**Diagram 7. Planning Framework in Three Dimensions**



*A Three Dimensional Framework for Planning Without Consensus*

Diagram 7, the Planning Framework in Three Dimensions, shows the potential options generated by combining all three dimensions of variability. So, for example, through mediation city and Elmwood neighborhood representatives could agree on a policy of incentives for second units, a neighborhood sign-off process for commercial change, and a special district parking plan. At the same time the city and South Berkeley might be negotiating on three medium density housing construction projects, a traffic noise buffer project, and city tax incentives to attract industry.

Tracing any one policy through the decision cube shows that the city could reshape the same policy into forms that serve quite different neighborhood purposes. In dealing with neighborhoods within this framework, then, Berkeley would certainly not be forced to 'give away the store' to the neighborhoods if it did not choose to. The city government could exploit any of these dimensions to strategically limit which aspects of a policy are to be negotiable and which are not. Obviously, some things would call for a uniform, non-negotiable city policy—rent and eviction controls, for example. On the other hand, the city would also need to be careful not to lock issues into non-negotiable status without good reason: tradeoffs are pointless if there are nothing but trivialities to trade with.

The point is to recognize but transcend neighborhoods' existing 'debits' and 'credits' to the public interest, by devising many combinations of goods and bads tailored to each neighborhood's priorities. Thus some 'goods' will seem more glorious and some 'bads' less horrendous in the views of different neighborhoods. The cube illustrates how disaggregated complexity can create different win-win policy clusters, serving neighborhood and citywide interests simultaneously. Diversifying permits planning without consensus.

**Notes on Implementing the Proposal**

Setting out a clear set of implementation procedures is problematic because the framework is neither a goal nor a process, but rather a vehicle for exploring them both expansively. It invites multiple, contingent directions for action.

Berkeley already has most of the framework in place. It has citywide perspectives and interest groups, active neighborhoods, an array of methods for resolving conflicts (some less used than others), and an abundance of talent. The demand for some kind of planning that does not depend on citywide consensus shows up in many forms: the frustration of active citizens investing much energy for little results, politicians eager to create neighborhood-serving policy, the recent and repeated planning by referenda, and a resurgence of interest in neighborhood district elections and similar ideas.

But a few organizational principles—guiding the city's role, the

neighborhoods' role, and phasing operations—would need to be established before a process would be launched.

*City Role*

The proposal calls for city officials, whether Council or Commission members, to negotiate for the city as a whole. It is vital that the Council and the Planning Commission work out a clear division of labor and responsibility prior to any negotiation and stick to it. City-wide interests (the "public interest" in this case) are fourfold. First, officials must attend to broad social and economic concerns for the current public at large, and for future generations. Such issues include historical, environmental, and scenic preservation and protection of Berkeley's economic and ethnic diversity. Second, city officials should protect various minority groups whose interests cut across territorial boundaries and so are ill-suited to neighborhood representation. Such groups include the disabled, property owners, students, and ethnic minorities. Third, city officials represent Berkeley as a municipal corporation. In this role, priority concerns include increasing the tax base and maintaining infrastructure. Fourth, a citywide view should ameliorate problems generated by decentralized planning. One neighborhood may impose spillover harms on another, and all neighborhoods' self-serving plans may add up to collective harms. For example, one neighborhood might shunt noxious traffic into the next; and if every neighborhood chose to exclude grocery stores, Berkeley citizens would eventually have to shop in Albany or Oakland! The citywide role must encompass the broad and occasionally contradictory roles of protecting major social and future concerns, existing minority groups, and the municipal corporation, while mitigating unwanted side effects of neighborhood planning.

Looking out for truly city-wide interests would not necessarily be easy for the Council and Planning Commission. Recognizing neighborhoods as potential voting blocks, city officials would understand that tough negotiating positions may be held against them at election time. In the extreme case officials would propose no distinct Berkeley position, and give each neighborhood what it wants.

Yet this outcome would be unlikely because ideologies would set limits to compromise, and scarce resources would compel trade-offs. Given the vast set of options the framework permits, this tension between the pull of political expediency and the constraints of money and ideology would lead to an assortment of city policies—some rigid, some flexible, and some mere window-dressing.

At the same time the framework holds the promise of making the prevalent condition of extreme conflict more palatable politically. If successful, it would generate the political boon of more policies that more people prefer. If not, stalemate will again prevail.

*Representation and the Neighborhoods' Role*

Participation in the negotiation framework should be limited to representatives of the city and of neighborhoods. Wider, non-place-specific interests will have access to the traditional channels of political participation, including their neighborhood organizations, the Planning Commission, City Council, and the numerous boards and commissions which have already been established to broaden participation. Thus Berkeley residents will be represented on both the city side and the neighborhood side of the bargaining table, with those two very different forms of representation cross-cutting and complementing each other.

Neighborhoods are not 'natural' all-purpose political units. But they do have two distinct advantages when used in combination with other forms of representation. First, neighborhoods are best suited to articulate residents' concrete, place-oriented interests on the issues that make up the heart of the Master Plan—housing, circulation, parking, commercial and industrial zoning, parks, and infrastructure. When a project is installed "on the ground" its effects tend to be felt most acutely by people in its immediate vicinity, even when it is meant to serve a city-wide purpose or clientele. Thus planning *creates* as well as responds to small scale communities of interest; those practical place-bound interests should be represented in the planning process. Second, while neighborhoods are not homogeneous units and residents' interests spill over boundaries,[4] neighborhoods are still far more homogeneous than the city as a whole, if only because residential patterns tend to segregate people by race, income, and lifestyle.[5] Other shared interests derive directly from place: the goods of well maintained streets, storm sewers, and parks and the bads of litter, noise, and air pollution, for example. Neighborhood representatives should purport to represent their areas principally on place related issues, somewhat on income related issues, and not at all on special interests.

The formality with which individuals gain authority to represent others in their neighborhood would be a matter of public choice. Representatives might be chosen in neighborhood elections held as part of upcoming citywide, state, and national elections. Or existing neighborhood organizations might circulate petitions with a prespecified level of adult signatures from the neighborhood conferring legitimacy.

Since neighborhood issues would be specific, tangible, and immediate, they would be addressed pragmatically. This practical concreteness combines with residents' overlapping interests to defy ideology and partisan schisms. Because neighborhood concerns are particular and short term, they call for an organization that is temporary and task-oriented. The intent is not to add wards, further reinforcing and integrating the current political pattern. Instead the

intent is to undo the planning logjam, to introduce responsive flexibility.

Berkeley neighborhoods need no incentives to participate; at present they actively plan even when ignored. The prospect of serious negotiations with genuine consequences is likely to spur enthusiastic participation. If Berkeley were so quiescent that neighborhoods believed their interests were served well enough by the Planning Commission, the city would neither have nor need unconventional planning.

Granted the process is hardly a panacea. Disadvantaged neighborhoods will remain disadvantaged, relatively. But they will receive more in compensation than under traditional methods of allocating goods and bads. Similarly, advantaged neighborhoods will remain advantaged, relatively. But the costs of their privileges will be more transparent and the pressures to contribute to the public interest will be more severe than under traditional methods of allocation.

By trading off social, political, and economic costs, the process makes what was previously piecemeal and tacit, explicit. This directness and diversification may help guard against dumping problems on weaker neighborhoods. This complex form of planning would be quite different from a self-contained devolution type of decentralization, which inevitably results in a vicious cycle of inequality.[6] Negotiators may pose a variety of initial standards (e.g., a presumption that all neighborhoods should have at least the city's average housing density) and may create redistributional packages of public activities which move toward increasing equality.[7]

*Phasing Operations*

The variability that the framework encourages is meant to be exploited. The city would be wise to use the framework strategically, especially in its early stages. The city should take care to begin with neighborhoods that can bargain well in their own interests, so that they are likely to derive some satisfaction from negotiation. The city should select and formulate its issues so that they offer genuine opportunities for mutual adjustment and compromise and also move the city forward, giving the city some satisfaction from negotiation as well. Though the framework's immense variability invites an incremental approach, many different sets of issues could be constructively negotiated concurrently.

The care devoted to the representation issue would depend on the amount at stake in and the scale of negotiations. For example, if the city began with a pilot program, interested neighborhood groups might voluntarily approach the planning commission with a proposal. If, on the other hand, the framework were to be implemented citywide (perhaps as part of a Master Plan revision) fair and clearly defined representation should be assured for all residents in every part of the city.

The framework could be used on any scale, incrementally or comprehensively and without inordinate expense, as it relies on some of Berkeley's special assets: spirited participation and diverse ideas.

*Scenarios*

Complex ideas like these are best illustrated with examples. The following are two brief sketches of how the process could conceivably play itself out in Berkeley. The first is more incremental and modest, the second well orchestrated and comprehensive.

*Scenario I: Implementation by Accident*

After a presentation by a group of academic planners, the City Council and Planning Commission hesitantly agree to try a little city-neighborhood negotiation some time in the distant future. But soon afterward a neighborhood association makes a quite reasonable proposal for a neighborhood-serving zoning change. At that same time another issue, the noncompliance of the city's Housing Element, is hot. So the Planning Commission strikes a bargain with the neighborhood association, and both interests are met. Another neighborhood group learns of this success and presents its proposal to the city. The Commission again counters with a housing demand and adds a grandfather clause on rezoning a few parcels' Industrial. Though the parcel's owner says the neighborhood association doesn't represent him, the city proceeds, and the rest of the neighborhood is happy because the city has moved it four places up on the capital maintenance schedule.

Meanwhile, several other neighborhood organizations are caucusing with neighbors to create their proposals for negotiation. A dispute merges between neighborhood associations over which is more representative and what boundaries are appropriate. Berkeley officials establish neighborhood boundaries consistent with earlier studies and announce that any organization or coalition of organizations that can collect signatures from 51% of adult residents may negotiate for that neighborhood. At this point a coalition of environmentalists, vista-lovers, and open spacers lobbies for a citywide preservation policy to be negotiated with the neighborhoods. The City Council modifies it and assigns it to the Planning Commission. The process is launched. The Commission—through no concerted design of its own—has not only acquired two substantive policies (housing and preservation), but also has evolved a procedure for neighborhood negotiations and established entry requirements.

*Scenario II: Implementation by Orchestrating an Event*

Berkeley opens hearings on the idea of disaggregated, negotiated master planning. Though the idea is appealing in many ways, the Council soon recognizes the potential danger involved in negotiating "against" the neighborhoods. But there is a way out of this dilemma: convert the whole process into a singular epoch-making

event, something above and beyond politics-as-usual. They also hope that asking people to shape the city's direction and vision for the next ten years will discourage the most selfish parochialism. The City Council and Council of Neighborhood Associations jointly announce the start of Berkeley's Community Master Plan, the first of its kind anywhere in the country, and enlist the support of every citizen.

Once adopted in concept, preplanning begins with the Planning Commission and Council working out their respective roles and agreed upon policies. By stressing the need for overall coherence, the city underscores its right to initiate policy choices and to define the overall scope of the negotiations. After some debate, the Commission emerges with a set of relatively firm city-wide policies to increase affordable housing, commercial tax receipts, and low-skill jobs and preserve views, for example. As there is less consensus over parking, ecology, high density development, and mass transit, these policy areas are left open for neighborhood proposals.

Meanwhile, the city is defining neighborhood boundaries and preparing for the one-time election of neighborhood Planning Task Forces, the negotiating teams for the neighborhoods. To save money and insure a high turnout, voting is held "piggyback" on a gubernatorial election. To avoid institutionalizing the neighborhoods into political units, Task Forces are charged with the sole purpose of providing direction for the Community Master Plan. They will disband as soon as that job is finished.

BCA and ABC want to run partisan neighborhood candidates. But most of the neighborhoods have several non-party, neighborhood-based organizations already active, and the neighborhoods will be negotiating principally on place-specific issues which elude party divisions. So, in the interests of neighborhood oriented task-forces, the city avoids slate elections. Each negotiating task force tends to have representatives with diverse but neighborhood focused views. Partly on the basis of their pre-election work, and partly on the basis of earlier neighborhood planning a sense of neighborhood interests has already been articulated. The San Francisco Foundation funds a survey which explores citizens' priorities for the Plan and reactions to hypothetical tradeoffs which their neighborhood planning representatives might make. The survey results are used to promote discussion in post-election neighborhood meetings, where the task forces' initial bargaining postulates are hammered out.

Several neighborhoods are ready to negotiate within a month, but the commission begins with a strategic choice—North Shattuck—where there are strong issues and where both neighborhood and city have much to gain. A successful agreement is negotiated in four sessions, facilitated by a part-time, outside professional mediator. At a well publicized planning commission meeting, neighborhood representatives and commissioners sign the agreement, speci-

fying particulars (e.g., zoning changes). Disaggregated negotiated planning is underway. The mediator manipulates perceptions of stakes so that it is in everyone's interests to participate. Most neighborhoods are eager to get on the commission's agenda (which includes concurrent negotiations, in part to deal with spill over and cumulative effects). South Berkeley, however, holds out to see if it can reap more costly concessions than neighbors. The commission responds with a deadline, with which South Berkeley complies. But the North Hills refuses to play. Some commissioners propose unilateral punishment measures, while others invent mild incentives. In the end the Commission presents the Hills with a skeleton "default plan," and at a public meeting a mediator demonstrates several ways to improve on this plan by playing in the bargaining game.

As each agreement is signed, the planning commission adopts it into the Master Plan. In the end, staff staple the agreements together, add whatever is necessary to comply with state mandates, and monitor progress on the agreements. Although of course someone has sued the city, eventually the courts uphold this product as a legal, if unconventional, Master Plan.

We have chosen these two scenarios to show just how wide the range of possibilities is.

**Generalizing from Berkeley**

This is a complicated proposal to respond to complicated conditions. But the organizing principles are simple and widely applicable. The underlying problem it addresses is a mismatch between the assumptions of traditional master planning and Berkeley's current conditions.[8] Traditional U.S. master planning was born in the teens and early '20s when expansion, civic boosterism, and non-partisan professionalism were ideals equated with community interest. Most communities had space in which to channel their unquestioned growth.

Today many cities present conditions that contradict these master planning assumptions. Like Berkeley, they may be partisan, even polarized into incompatible civic visions. In entirely built out cities every land use change entails competing interests and, as often as not, poses conflicts between existing densities, vistas, and images and the social and economic demands of growth. The desirability of growth, itself, is challenged. But even in a place like Berkeley, where preservation is tantamount to dogma, some interests are structurally tied to development. In short the complicated conflictual conditions in many cities today defy prospects for a traditional, unitary vision master plan.

But they do cry for planning. Efforts at imposing the old model on such incoherence result in pulling toward one pole or the other or in vague, self-contradictory platitudes which are useless as decision-making guides. When consensus on goals is lacking the

traditional model breaks down.

Our alternative approach combines several principles to acknowledge, respect, and even exploit actual conditions of diversity. The first principle is classic: territorial decentralization. The second is similar, though less familiar: policy disaggregation. The third, though novel, is gaining practical adherents and some elaboration: assertive mediation.[9]

Each one of these principles has already been used to reconcile differing views of the public interest. Decentralization through neighborhood planning is probably the oldest and best known of the three, and for good reason. People with similar interests tend to concentrate in different parts of the city. And by their concrete nature, many city planning actions tend to create both conflicts and communities of interest at the local level. Neighborhood planning can be used to help reconcile local differences, diffuse conflict, and transmit specific neighborhood preferences to the city.

The principle of policy disaggregation reflects the same idea of creating variability by dividing components, in this case of public functions rather than territory. The idea of varying a policy's applications should be familiar to traditional city planning practitioners; they frequently grant variances. The growing popularity of special use districts, conditional use permits, and transfer of development rights demonstrate the common sense acceptability of adapting city-wide policies to different conditions and even to divergent purposes. Density bonuses offer another explicit example of trading-off between policies.

Negotiation, traditionally the province of structurally opposed parties, (e.g., labor-management) has entered the city planning domain through neighborhood arbitration and environmental disputes. Local planners are becoming acquainted with the ideas and even skills of mediation. The core principle to be applied to master planning is that rather than deriving from a single, coherent set of goals, planning can emerge from adjustments and agreements forged from multiple, competing goals.

Planners in built-out, partisan, complex cities with many competing visions of the public good are devising planning approaches to respond to those conditions. Forms of neighborhood planning, policy variation, and negotiation are arising in a number of cities. The proposal for Berkeley just combines and expands the scope and form of policy variation and the range of negotiation types. By compelling tradeoffs and compromises between dissimilar costs and benefits, negotiation forces participants to consider options systematically and to take stock of what is most important to them. The framework is neither centralized nor decentralized. Its focus, instead, is on the dynamic exchange between these units and creative solutions which suit both dimensions: city and neighborhood.

Berkeley's planning and political conditions demand an approach which moves away from polarized polemics toward thoughtful deliberations and actions. The proposal combines all three broadly construed principles to generate nearly countless options to proceed. In recognizing and responding to Berkeley's specific and extreme impasse over conflicting goals the proposal offers an extreme and thus a clearly, tidily, abstractly complex model for master planning without consensus. It can be tailored down, adjusted, muddied, and then applied to other, less ensnarled communities.

## ACKNOWLEDGEMENT

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## NOTES

1 This proposal is still in the process of development. The authors welcome suggestions and intend to refine this version in subsequent publications.

2 This interpretative history draws on interviews (e.g. with Corwin Mocine), documents (e.g. plans), published histories, (e.g. Warren Campbell's series, H. Nathan's *Experiment and Change* in Institute for Governmental Studies, Berkeley, 1978); local press (*Gazette*, *The Berkeley Monthly*); and *Statewide and Regional Land Use Planning in California*, 1950-1980, Regional Oral History Office, University of California, Berkeley.

3 Kent, T.J. *The Urban General Plan*, (San Francisco: Chandler Publishing Co, 1964).

4 Webber, Melvin, M. "Urban Place and Non-Place Urban Realm," in Melvin M. Webber, ed, *Explorations into Urban Structure.* (Philadelphia: University of Pennsylvania Press, 1964, paperback edition, 1974).

5 Perin, Constance. *Everything in its Place: Social Order and Land Use in America.* (Princeton, N.J.: Princeton University Press, 1977).

6 See, for example, David Harvey, *Social Justice and the City.* (London: Edward Arnold, 1973).

7 Costs incurred by this planning approach would depend on negotiations' scope and amounts at stake, matters of policy choice. Costs fall into two broad categories: negotiation's process and content.
Aside from the part-time, consultant mediator, the process need entail no additional professional work. Volunteer talent and student projects can support neighborhood positions without diverting city staff. The content of neighborhood-city agreements could also be inexpensive and limited to existing allocations and budget (such as zoning, procedural shifts, Community Development Block Grant funded activities, capital improvements). Options could be expanded by seeking funding from other governments and foundations or increasing Berkeley taxes to cover new services. To avoid both special assessment districts and hold-out voting against tax increases, general tax increases might be

secured before negotiations begin. Alternatively, agreements could include pledges of campaigning for taxes. Conceivably, negotiations would specify the amounts of taxes expected to be lost or gained by various agreements.

[8] See Karen S. Christensen, "Planning and Uncertainty: Notes Toward Contingency Planning Theory," forthcoming in *Journal of American Planning Association,* Fall, 1984, for a discussion of tailoring planning approaches to problem conditions.

[9] Susskind, Lawrence and Connie Ozawa, "Mediated Negotiations in the Public Sector: The Planner as Mediator." Presented at Conference of Association of Collegiate Schools of Planning, San Francisco, 1983.