



Office of the Mayor

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COUNCIL MEETING OF:

MAR 17 2015

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

**Proposed motion from Mayor Bates for Item 18, "One Percent for Public Art on Private Projects," on the Council agenda for March 17, 2015:**

1. Request the City Manager to direct City staff to draft a public art ordinance, to be reviewed by the Civic Arts and Planning commissions, that would apply to new multifamily residential buildings of five or more units, commercial buildings, and industrial buildings in all areas of the City outside of the Downtown Mixed Use District.

- The ordinance would require owners of property subject to the ordinance to devote one percent of construction costs to public art as a community benefit, either as publicly accessible art on site or through an in-lieu fee.
- Owners seeking to provide public art on site should consult with and obtain final approval of the public art from the Civic Arts Commission. The Commission will render a decision within 120 days of receiving the proposal, or later if mutually agreed upon. If the owner and Commission cannot agree, the owner shall pay the in-lieu fee.
- Owners may opt to pay the fee without proposing on-site art, or they may propose a combination of installing on-site art and paying a fee whose total value is one percent of construction costs.
- Owners paying the in-lieu fee would make the payment to a dedicated art fund to be used for art projects that meet the definition of "work of art" in the Berkeley Municipal Code or capital improvements for non-profit arts organizations in Berkeley.
- The Commission shall make recommendations for Council approval on art projects to be funded by the art fund.

2. Request the Planning Commission make recommendations to the Council for public art from private projects in the Downtown Mixed Use District, including public art as a requirement or as a community benefit option.