



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
May 30, 2017

To: Honorable Mayor and Members of the City Council
 From: Councilmembers Harrison and Hahn
 Subject: Amending the One-Percent for Public Art on Private Projects Ordinance, Chapter 23C.23 of the Berkeley Municipal Code

RECOMMENDATION

Adopt first reading of an Ordinance amending the One-Percent for Public Art on Private Projects Ordinance, Berkeley Municipal Code Chapter 23C.23, to eliminate the exemption in Section 23C.23.030 for Commercial Mixed Use District (C-MDU) projects exceeding 75 feet.

FISCAL IMPACTS OF RECOMMENDATION

The proposed amendment has the potential to increase city revenues by expanding the One-Percent Art fee to include C-MUD projects over 75 feet. The total increase in revenue is uncertain, as it is contingent on whether said projects chose to comply with the art requirement or pay the in-lieu fee. Any additional revenues collected due to this amendment would be, per the initial ordinance, set aside for art and cultural services.

BACKGROUND

The One-Percent for Public Art on Private Projects Ordinance was initially passed to require newly constructed apartment, industrial, and commercial buildings, as well as buildings exceeding 10,000 square feet, to spend 1% of the cost of construction on publicly accessible art. The bill intended to preserve Berkeley's artistic character while supporting the economic wellbeing of local artist and art organizations. However, the exception for large C-MDU buildings undermines the intent of the ordinance by eliminating a significant potential source for badly needed arts funding.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects associated with this amendment.

CONTACT PERSON

Kate Harrison, Councilmember District 4, 510-981-7140

Attachments:

1: Ordinance with proposed changes

ORDINANCE NO. #,###-N.S.

AMENDING THE ONE-PERCENT FOR PUBLIC ART ON PRIVATE PROJECTS ORDINANCE, BERKELEY MUNICIPAL CODE CHAPTER 23C.23, TO ELIMINATE THE EXEMPTION IN SECTION 23C.23.030 FOR COMMERCIAL MIXED USE DISTRICT PROJECTS EXCEEDING 75 FEET

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23C.23.030 is amended to read as follows:

23C.23.030 Exceptions

This Chapter does not apply to the following project types:

~~A. Commercial Mixed Use District (C-DMU) projects described in Section 23E.68.070.B.~~

BA. Multifamily housing that has a regulatory agreement with a government agency restricting the rent and limiting tenancy to qualifying households not exceeding specified incomes for at least 60% of the units.

CB. Buildings with Religious Assembly Uses as defined in Section 23F.04.010 and Buildings with Arts and Cultural Uses. For purposes of this section, "Arts and Cultural Use" means buildings that have as their primary purpose the presentation of one or more cultural resources, and that are operated by public entities or nonprofit organizations dedicated to cultural activities available to a broad public.

DC. Transitional Housing