

ORDINANCE NO. 7,547–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. 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.
- B. 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.
- C. Transitional Housing

Section 2. Posting. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within fifteen days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on May 30, 2017, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.

