



Civic Arts Program
Office of Economic Development

Fact Sheet: One-Percent for Public Art on Private Development

Program Overview

The One-Percent for Public Art on Private Development policy was adopted by Berkeley City Council in July 2016 in order to enhance and support art and culture in the City of Berkeley. **For complete details please refer to full Guidelines and Procedures document, available online at: www.cityofberkeley.info/onepercent.aspx**



Calliope, by Joseph Slusky, Berkeley Marina, 1981

Applicability

The policy applies Citywide, in all zoning districts, to new multifamily residential projects of five or more Dwelling Units, new commercial and industrial structures and all construction of building additions exceeding 10,000 square feet. The policy applies retroactively to all projects whose use permit application was completed subsequent to June 9, 2015. There are exceptions for the following project types to which the policy does not apply:

- Commercial Mixed Use District (C-DMU) projects described in Section 23E.68.070.B.
- 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.
- 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 non-profit organizations dedicated to cultural activities available to a broad public.
- Transitional Housing.

Compliance

Developers have two options for compliance with the policy:

1. Include on-site publicly accessible artwork valued at 1% of construction costs; or
2. Pay an in-lieu fee to the Cultural Trust Fund valued at .08% of construction costs.

Developers electing to include on-site artwork in their project should refer to the Guidelines and Procedures document, and should contact Mary Ann Merker, City of Berkeley's Civic Arts Coordinator, at mmerker@ci.berkeley.ca.us, (510) 981-7533, or at the Civic Center Building, 2180 Milvia Street, 5th floor.

One-Percent for Public Art & the Development Review Process

- Developers electing to pay an in lieu fee must pay the .08% fee into the Cultural Trust Fund prior to issuance of a building permit.
- Developers electing to include on-site publicly accessible art must include a Conceptual Public Art Plan with Use Permit Application materials, and must have their Final Public Art Plan reviewed and approved by the Civic Arts Commission prior to issuance of a building permit.
- The Civic Arts Commission, not the Design Review Committee or the Zoning Adjustments Board, is responsible for providing review and recommendations on the Final Public Art Plan (but not content, viewpoint, or any other expressive aspect of the proposed on-site publicly accessible art).