



Office of the Mayor

ACTION CALENDAR
March 17, 2015

TO: Members of the City Council

FROM: Mayor Tom Bates

SUBJECT: One Percent for Public Art on Private Projects

RECOMMENDATION

Direct the City Manager to direct City staff to draft an ordinance, to be reviewed by the Civic Arts and Planning commissions, requiring property owners to devote one percent of construction costs of new multifamily residential buildings of five or more units, commercial buildings, and industrial buildings to public art for additional community benefits. The Berkeley “private percent for public art” ordinance would require these new buildings to either provide on-site public art or pay an in-lieu fee. If a property owner opts for on-site public art, he or she should consult with and obtain final approval of the public art from Civic Arts Commission. If a property owner chooses to pay the in-lieu fee, this fee should go a new Public Art Fund to be established with the passage of this ordinance. The Civic Arts Commission should recommend expenditures of these in-lieu fees for public art to the City Council for approval.

BACKGROUND

Since 1999, the City of Berkeley has required all public improvements and bond measures to budget 1.5% of the total expenses for public art.¹ Berkeley currently has no such requirement on private development.

In 1990, Emeryville established a “Percent for Art” ordinance, which has resulted in over 40 publicly-owned artworks and over 70 publicly-accessible art installations in private developments in Emeryville.² Other Bay Area cities, including El Cerrito,³ have similar ordinances, and Oakland and Palo Alto have recently expanded the scope of their “Percent for Art” concepts to include private construction projects as well. Beginning in 2014, the City of Palo Alto began requiring new commercial and residential projects costing upwards of \$200,000 and which have a floor area of 10,000 square feet or more to contribute 1% of construction costs towards public art.⁴ Similarly, Oakland in November 2014 passed an ordinance, based on the policies of Emeryville, San Francisco, Santa Jose, Walnut Creek, and Santa Rosa, requiring private property owners to devote 0.5% to 1% of their project costs to public art.⁵

All of the three previously mentioned ordinances require the funds to go to either artwork placed in a publicly accessible location within the project site or to a general fund administered by the City for artwork citywide.

FISCAL IMPACTS

Staff time used to prepare the ordinance; revenues to a new Public Art Fund

CONTACT PERSON

Tom Bates

Mayor

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LINKS

¹ <http://www.ci.berkeley.ca.us/recordsonline/export/12620581.pdf>

² <http://emeryville.org/275/Public-Art-Map-Photo-Tour>

³ <http://www.el-cerrito.org/DocumentCenter/View/3188>

⁴ <https://www.cityofpaloalto.org/civicax/filebank/documents/38500>

⁵ <https://oakland.legistar.com/View.ashx?M=F&ID=3418042&GUID=C2EC50E5-AC6C-4CCB-A572-8C7620B2653F>