



Civic Arts Commission Meeting

Wednesday, April 17, 2024

6:00 PM

**Meeting Location: Tarea Hall Pittman South Branch Library
1901 Russell St, Berkeley, CA 94703**

Agenda

1. CALL TO ORDER

2. ROLL CALL

Kim Anno, Mayor
Dana Blecher (Chair), District 6
Lisa Bullwinkel, District 4
Modesto Covarrubias, District 7
Kathleen Crandall, District 8
Cristina Ibarra, District 3
Matthew Passmore, District 1
Eduardo Pineda, District 5
Cameron Woo (Vice Chair), District 2

3. LAND ACKNOWLEDGEMENT

The City of Berkeley recognizes that the community we live in was built on the territory of Huchiun (*Hooch-yoon*), the ancestral and unceded land of the Chochenyo (*Cho-chen-yo*) speaking Ohlone (*Oh-low-nee*) people, the ancestors and descendants of the sovereign Verona (*Vuh-roh-nuh*) Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. We acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City

of Berkeley will continue to build relationships with the Lisjan (*Lih-Shawn*) Tribe and create meaningful actions that uphold the intention of this Land Acknowledgement.

4. PUBLIC COMMENT (for items not on the agenda)

5. CHAIR'S REPORT

- a) Civic Arts Commission retreat in the fall
- b) FY25 Budget process dates
- c) Discussion of use of "Commissioner" title during meetings

6. PRESENTATIONS, DISCUSSION & ACTION ITEMS (All items for presentation, discussion and possible action)

- a) **Presentation:** Turtle Island Monument Update
Presented by Deputy City Manager Anne Cardwell and Economic Development Manager Eleanor Hollander (Attachment 1)
Public Comment
- b) **Action Item:** Approval of Utility Box Mural Pilot Program Plan
Introduced by Jennifer Lovvorn, Chief Cultural Affairs Officer and Presented by Rachel Arbios, Economic Development Office Specialist (Attachment 2)
Public Comment
- c) **Discussion:** Possible Changes to Berkeley Municipal Code 23.316 – Percentage for Public Art on Private Projects
Introduced by Jennifer Lovvorn, Chief Cultural Affairs Officer (**Attachment 6, added 4/16/2024**)
Public Comment
- d) **Report:** Public Art on Private Development Quarterly Report
Introduced by Jennifer Lovvorn, Chief Cultural Affairs Officer (Attachment 3)
Public Comment
- e) **Discussion:** Storefront Activations Council Referral to the Civic Arts Commission
Introduced by Jennifer Lovvorn, Chief Cultural Affairs Officer (Attachment 4)
Public Comment

7. STAFF REPORT

- a) Civic Arts Updates, Jennifer Lovvorn
- b) Grants Program Updates, Hilary Amnah
- c) Public Art Program Updates, Mark Salinas

8. COMMITTEE REPORTS

- a) Grants
 - Dana Blecher, Chair
 - Lisa Bullwinkel
 - Cameron Woo
- b) Public Art
 - Matt Passmore, Chair
 - Kim Anno
 - Cristina Ibarra
- c) Policy Subcommittee
 - Kim Anno, Chair
 - Lisa Bullwinkel
 - Cameron Woo
- d) Joint Subcommittee with Housing Advisory Commission
 - Kim Anno, Chair
 - Lisa Bullwinkel
 - Cameron Woo
- e) Representative on Design Review Committee
 - Cameron Woo

9. COMMUNICATION (Received from the Public for Items not on the Agenda)

- a) None

10. APPROVAL OF MINUTES

- a) Draft Minutes of March 27, 2024 Meeting (Attachment 5)
From: Commission Secretary
Recommendation: Approval of March 27, 2024 Meeting Minutes

11. ADJOURNMENT

Attachments:

1. Turtle Island Monument Update
2. Utility Box Mural Pilot Program Plan
3. Public Art on Private Development Quarterly Report
4. Storefront Activations Council Referral
5. Draft Minutes of February 28, 2024 Civic Arts Commission Meeting
6. **Staff Report: Implications of Changes to Public Art on Private Development Requirement – Late Attachment added 4/16/2024**

Staff Contact:

Jennifer Lovvorn
Secretary to the Civic Arts Commission
Berkeley, CA 94704
Telephone (510) 981-7533
jlovvorn@berkeleyca.gov

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ACCESSIBILITY INFORMATION:

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the ADA Program Coordinator by phone (510) 981-6418 or by TTY/TDD (510) 981-6347 at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.



City Manager's Office

To: Civic Arts Commission

From: Anne Cardwell, Deputy City Manager
Eleanor Hollander, Economic Development Manager

Date: April 12, 2024

Subject: Update - Turtle Island Monument

The following is provided as an update to the Civic Arts Commission regarding the status of the Turtle Island Monument.

Project status to date:

Following the approval of the Turtle Island Monument Design by the Landmarks Preservation Commission on March 30, 2023, Parks, Recreation & Waterfront (PRW) department directed the project's contracted landscape architect (PGA) to finalize construction bid documents with the goal of going out to bid for construction in late summer/early fall 2023 in order to keep the project schedule required by the project grant from CalTrans of approximately \$560,000. The grant required that construction on this project be completed in full by June 2024. The design team began work in April 2023 on developing the construction documents based upon the Landmarks Preservation Commission-approved design of the Turtle Island Monument.

In order to finalize the design details, there were two in-person coordination meetings with artists Lee Sprague and Marlene Watson. On June 19-20, 2023 Lee and Marlene traveled to and conducted a quarry visit in Clovis, California to select boulders for the monument. On July 27, 2023, Lee and Marlene participated in an in-person meeting at the project site, Civic Center Park in Berkeley, California, to finalize material selection for the monument. In addition, the artists and city staff held multiple on-line (zoom) design meetings between late June and end of August 2023. During these meetings it became clear that the two artists were not satisfied with the design as approved by the Landmarks Preservation Commission in March of 2023. Due to time constraints resulting from the grant-imposed project schedule, the design and material selection discussions deteriorated and forward progress on the development of the monument halted.

Also, during this time, City staff were negotiating an artwork design contract and associated fee with the artists for the central turtle (a design element of the monument approved by the Landmarks Commission in March of 2023). However, these discussions were unsuccessful and by early September 2023 the project was at an impasse. In the fall of 2023, in an effort not to compromise receipt of the CalTrans grant, the City brought on two diversity, equity and inclusion (DEI) consultants to assist in communications with the artists to try to identify a way forward with the monument design that had been approved by Landmarks Preservation Commission, six months earlier.

Current project approach:

The following approach is actively being pursued by city staff as a way to successfully utilize the time-limited CalTrans funding granted to the City of Berkeley, but also allow the needed time for discussions regarding the monument, its artists, and the artwork. Based on the conversations, conducted over several months (September 2023-February 2024), with the consultants, artists, city staff, a two-pronged approach was devised by the City.

- The first prong is advancing the upper civic center park improvements which leverage the much needed CalTrans funding. These improvements are moving forward with the needed infrastructure and accessibility (ADA) work in the area surrounding the location of the monument (including the installation of non-decorative rough-in lighting and plumbing) for the fountain/monument area.
- The second prong of the project will be focused on reaching agreement with Lee and Marlene to allow further development of the monument and artwork. This second phase will take additional time to negotiate a satisfactory contract for the artists and will progress on a timeline separate from the upper civic center park improvements.

Next steps:

The upper civic center project improvements will proceed with the most responsive bid (RFP released March 2024), and per the terms of the Cal Trans grant extension must be completed, (i.e. constructed and functional) by June 2025.

At the same time, staff will continue to meet with the artists to explore a viable path forward regarding the design and construction of the Turtle Island Monument.

Staff will continue to keep the commission apprised of progress on this project.



Civic Arts Program

BERKELEY BOXES, NEW PILOT UTILITY BOX MURAL PROGRAM & MANAGEMENT OF EXISTING UTILITY BOX MURALS

PROGRAM OVERVIEW

From 2011 to 2015, the City of Berkeley partnered with Earth Island Institute's *Streets Alive!* initiative to implement a utility box mural program called the "60 Boxes Project" which resulted in the commissioning of dozens of unique murals for City-owned signal boxes throughout Berkeley. There were two separate "60 Boxes Project" calls-to-artists issued in 2011 and 2013, both with the theme of sustainability. This project aimed to transform the bland city-owned signal boxes into engaging public art reflective of Berkeley's community ideals and the city's character. There were multiple artists who created mural designs which were digitally printed onto vinyl wraps and installed on utility boxes in locations as far north as Vine Street and as far south as Blake Street, with a majority of the murals being installed in the Downtown and Telegraph areas. The murals were always intended to be temporary with an anticipated life span of two years. In the years since their creation, many of the utility box murals have fallen into disrepair.

In 2023 with the help of an intern, Civic Arts conducted a citywide inventory and condition assessment of the "60 Boxes Project" utility box murals (Attachment 1). This assessment found that:

- Because vinyl wrap has longevity problems, the condition of the murals has been negatively impacted by many types of damages, both at an individual scale and a citywide scale.
- The location of the utility boxes selected for inclusion in the "60 Boxes Project" did not adequately consider the specific setting and objects around a utility box, its walking distance to other utility box murals, and the area's risk of vandalism. The utility box mural designs were not consistently aesthetically compatible with their surroundings.
- Because the "60 Boxes Project" was implemented by an organization who initially intended to care for the murals but later discontinued their involvement, the murals were not maintained.

The assessment also included a number of recommendations based on research into best practices:

- For the existing murals that received a good or fair condition, removal will not be necessary. However, for the murals with vinyl wrap that have been classified as poor or critical, removal will be necessary.
- Civic Arts should pilot a *BerkeleyBoxes* program utilizing painted murals, rather than vinyl adhesive.
- Civic Arts staff should meet with Downtown Berkeley and Telegraph commercial district to discuss selection approach and determine locations of boxes included in the pilot of Berkeley Boxes program.
- Civic Arts should structure the pilot program to pay artists a higher fee in line with other

municipal arts program fees for utility box murals.

NEW PILOT PROGRAM GOALS

Based upon the recommendations included in the assessment, Civic Arts seeks to commission two series of new painted utility box murals as proof of concept: one in Downtown Berkeley and another in the Telegraph commercial district.

The goals of the new pilot program are:

1. Create a series of murals in each of the two pilot program areas with one artist for the series in Downtown and another artist for the series on Telegraph. Each series, created by a single artist, will have a common theme and style, visually tying the murals in each series together. The murals will be within walking distance and in some cases within sight from one another to strengthen a sense of place and connection for the area.
2. Test approaches to creating long-term temporary murals on utility boxes in highly trafficked areas of Berkeley which are resilient to environmental and social factors and actively maintained to last for up to three years.
3. Provide a public art opportunity that is accessible to artists with little or no prior public art experience.

PROGRAM LOCATIONS

The new murals will be produced in the Downtown and Telegraph business improvement districts. Locations indicated by black colored pins in the attached maps. (Attachment 2)

BUDGET

Vinyl Removal	\$	10,800.00
Downtown Artist Contract	\$	25,500.00
Telegraph Artist Contract	\$	25,500.00
Artist Selection Costs		
Panelist honorarium	\$	1,600.00
Artist finalist honorarium	\$	1,500.00
Photography/Documentation		
	\$	4,000.00
TOTAL	\$	68,900.00

ARTIST ELIGIBILITY

To be eligible to apply, artists must be at least 18 years old and reside in Alameda, Contra Costa, or San Francisco counties. Students over 18 are eligible to apply. This pilot program aims to support and showcase emerging talents in the field of visual arts. Therefore, artists who are in the early stages of their art career are encouraged to apply. (For the purpose of this call “early stage of an art career” can be defined as not having received a prior public art commission with a budget higher than \$10,000 and/or not having had an exhibition at a museum or major art center.)

ARTIST SELECTION PROCESS

Civic Arts staff will issue a Request for Qualification (RFQ). Applicants will be asked to provide:

- Letter of interest and summary of artistic practice including but not limited to addressing the

following:

- A short biography that briefly describes the artist’s background, experience, and artistic practice.
- Why they are interested in participating in the *Berkeley Boxes* program and how this opportunity might benefit their practice.
- What their relationship to the City of Berkeley is and what they find meaningful about this place?
- 10 images of past visual artwork
- Resume
- Applicants will be asked to identify whether they are interested in being considered for Telegraph Avenue or Downtown Berkeley.

All applications will be reviewed by Civic Arts staff to verify eligibility and application completeness.

There will be two concurrent panel review processes: one for each pilot program areas (Downtown Berkeley and Telegraph Avenue). Eligible applications will be reviewed and scored by the separate Public Art Review Panels to identify the shortlists of finalists for the two opportunities. Each Review Panel will consist of a Civic Arts Commissioner, a member of the local Business Improvement District where the utility boxes are located, a professional practicing muralist, and a community representative.

For the first round of selection, the Public Art Review Panels will score the applications in order to select three finalists who will be invited to interview with the panel. Finalists will be paid an honorarium of \$250 to develop a presentation of relevant past work and will not be asked to develop a proposal during the selection phase.

For the final round of selection, the Review Panels will reconvene to consider the artists qualifications and approach in an interview format and will select one artist for each pilot program area to recommend to the Civic Arts Commission for final approval.

SELECTION CRITERIA

The following criteria will be used for the panel process.

Artistic Quality:

- The applicant’s art and cultural work demonstrates high quality or promise through its artistic history, accomplishments, and examples of recent previous work

Innovation and Uniqueness:

- Demonstration of innovative approaches and originality in artistic expression.
- The potential to contribute something unique, relevant and/or distinctive to the urban landscape.

Accessibility, Inclusivity and Site Responsiveness:

- A commitment to creating art that is accessible and inclusive to a diverse audience.
- Consideration of different perspectives and the ability to create art that resonates with a broad range of people.

- Expressed interest in creating work that is responsive to the geographic area where the artwork will be located or that is expressive of the artist’s connection to Berkeley.

The following criteria will be added for the final round of the panel process

Community Engagement:

- Evidence of the artist's interest in or past experience with engaging and involving a local community in the artwork design development process.
- Interest in or previous experience working collaboratively with diverse communities.

MURAL PROJECT IMPLEMENTATION

After the two selected artists have been approved by the Civic Arts Commission, they will be placed under contract to conduct the following activities:

- Develop a design concept for the mural series and renderings of each mural.
- Completed design concepts will be available on the City’s website for the public to view and share feedback.
- Comments received from the public will be shared with the Civic Arts Commission when the proposed design is presented for approval.
- Artists will present their design concepts to the Civic Arts Commission for approval.
- After approved, Civic Arts staff will coordinate to remove vinyl from boxes to be painted then the artists will be scheduled to prepare and paint their boxes. Some of the boxes will require more extensive surface preparation than others.
- After mural painting is completed, artist will apply a protective sacrificial coating.
- Teams from the business improvement districts will monitor the condition of the murals.
- In the case that a mural is vandalized, the artist will be contracted by the City to complete the repairs.

PLAN FOR EXISTING MURALS OUTSIDE NEW PILOT MURAL PROGRAM AREAS

Based on the assessments completed in 2023, the murals deemed to be in critical and poor condition will be removed and/or painted over by Public Works staff. Murals in fair and good condition will be monitored and assessed annually.

TIMELINE (Subject to change)

- Stakeholders Meetings February 2024
- Civic Arts Commission Approval of Plan April 17, 2024
- RFQ Issued May 2024
- RFQ Deadline June 30, 2024 (6 weeks)
- Public Art Review Panels July-August 2024
- Civic Arts Commission Approval of Selected Artists September 2024
- Contracting with Selected Artists October 2024
- Approval of Designs by Civic Arts Commission December 2024
- Schedule Painting January 2025
- Removal of Vinyl on Boxes from Pilot Program/
Prepare Boxes for Painting February 2025
- New Murals are Painted/Graffiti Coating Applied March 2025

- Murals on Display for 3 years

FURTHER INFORMATION

Contact Rachel Arbios, Office Specialist, (510) 981-7531 or by email at RArbios@berkeleyca.gov

UTILITY BOX MURAL PROGRAM

Andrea Calderon
Civic Arts Intern

Office of Economic Development | Civic Arts
July 14, 2023



Utility Box Mural Program Overview



- A public-private partnership between the City and the Earth Island Institute through Streets Alive! Initiative, circa 2011 to 2015.
- Initially called the “60 Boxes Project.”
- Transform city-owned grey utility boxes into public art engaging with community ideals and experiences of City of Berkeley.

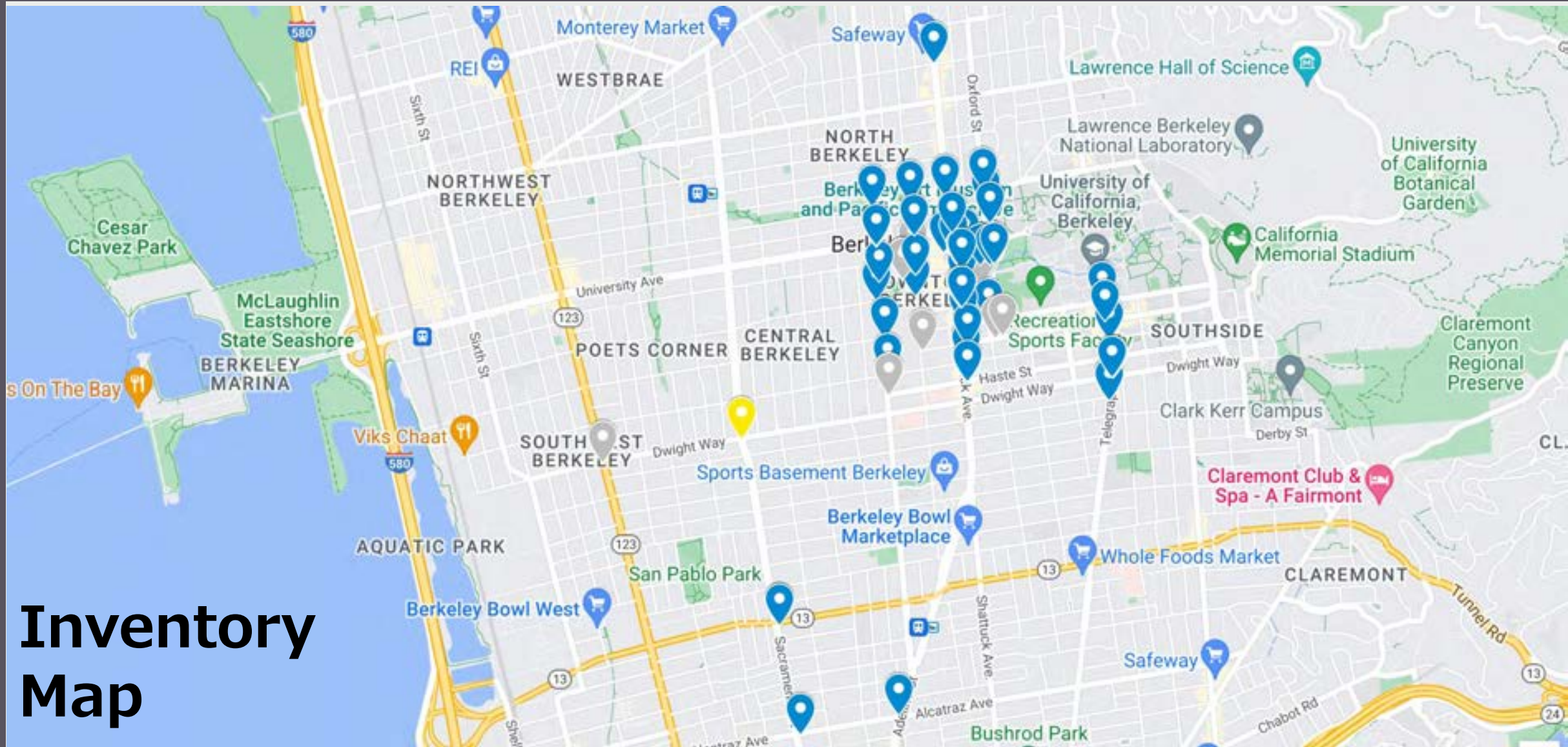
Left: University Ave./Martin Luther King Jr. Way

History and Development



- **June 2011:** Press release of the “60 Boxes Public Art Project.”
- **Two Call to Artists:**
- 2011: Downtown Berkeley
- 2013: Telegraph Ave and South Berkeley
- **Theme: Sustainability**

Left: Map, Berkeleyside, 2011



Inventory Map

Condition Assessment: Form

Overview	Description	Location	Condition Reporting	Curatorial Choice
<p>The basic information for each mural, including:</p> <ul style="list-style-type: none"> • Name of artist • Sponsor or City agency • Location (intersecting streets) • Material • Dimensions 	<p>A brief explanation of the mural's imagery, including:</p> <ul style="list-style-type: none"> • Subject matter • Iconography • Style • Predominant colors 	<p>Information on the location's surrounding environment:</p> <ul style="list-style-type: none"> • What objects are adjacent to the utility box? • Is the box in walking distance to other boxes? 	<p>An assessment of the mural's damage, including:</p> <ul style="list-style-type: none"> • Overall condition rating • Types of damage • Overall Condition notes 	<p>An evaluation of the appropriateness of the mural's design and subject matter:</p>

Condition Assessment Rating: Good



Arts and Humanities Academy
Class of 2012, *Berkeley High*,
Allston and Martin Luther King Jr.
Way.



Brad Aldridge, *Sending Signals*,
Hearst Ave. and Oxford St.



Beth Fein, *Downtown*, Addison
St. and Shattuck Ave.

Condition Assessment Rating: Fair



Secret Garden, Katie McCann, Center St. (between MLK Jr. Way/ Milvia St.)



Kids for the Bay, *Drains to the Ocean*, Channing Way/Martin Luther King Jr. Way



Condition Assessment Rating: Poor



Helene Cote, *Anasazi Wedding Vessel*, Dwight Way/Telegraph Ave.



Arts and Humanities Academy Class of 2012, *Berkeley High: Looking Back to See Our Way Forward*, Allston Way/Martin Luther King Jr. Way



Erin Johnson, *Grow*, Durant Ave./Telegraph Ave.

Condition Assessment Rating: Critical



Location: Durant Ave./Shattuck Ave.



Location: Allston Way/Shattuck Ave.



Location: University Ave./Milvia St. 20

Condition Assessment: Key Takeaways

Condition

The condition of the murals are impacted by the types of damages, both at an individual scale and a city-wide scale.

Location

The evaluation of the location considers the specific setting and objects around a utility box, its walking distance to other boxes, and the area's risk of vandalism.

Curation and Design

The curation and design examine the impact of the mural's aesthetic value and community engagement according to its surrounding area.

Legend:

- Excellent
- Good
- Fair
- Poor
- Critical
- NOT IN USE
- Other

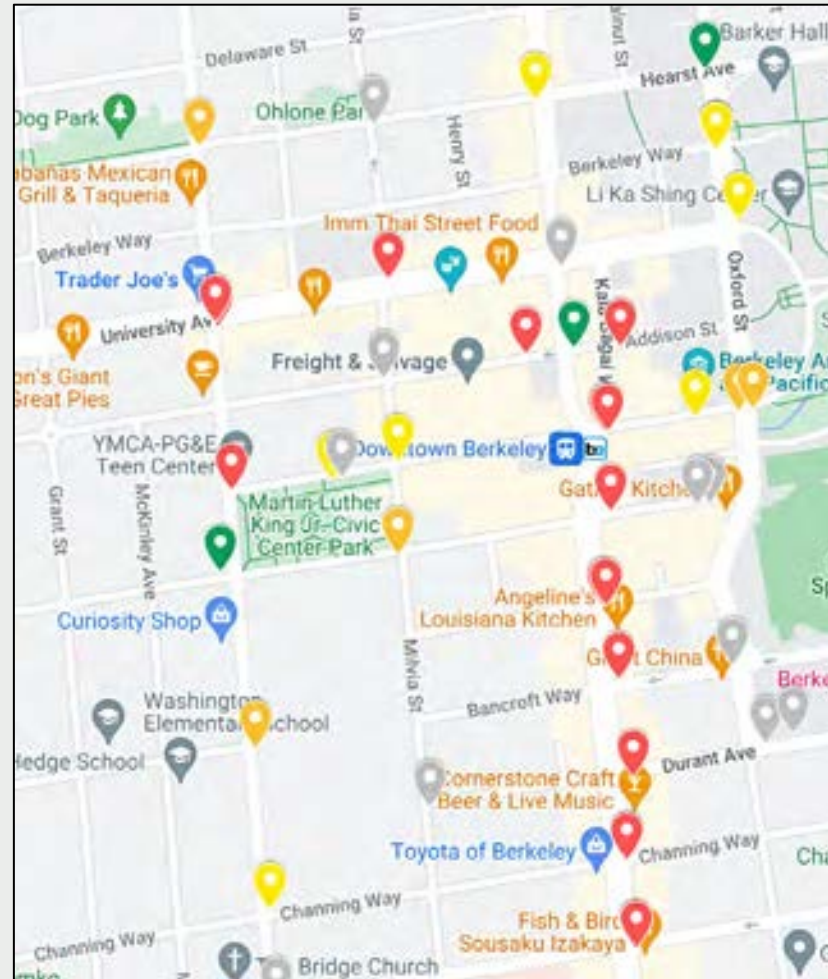


Inventory Map: Condition Rating

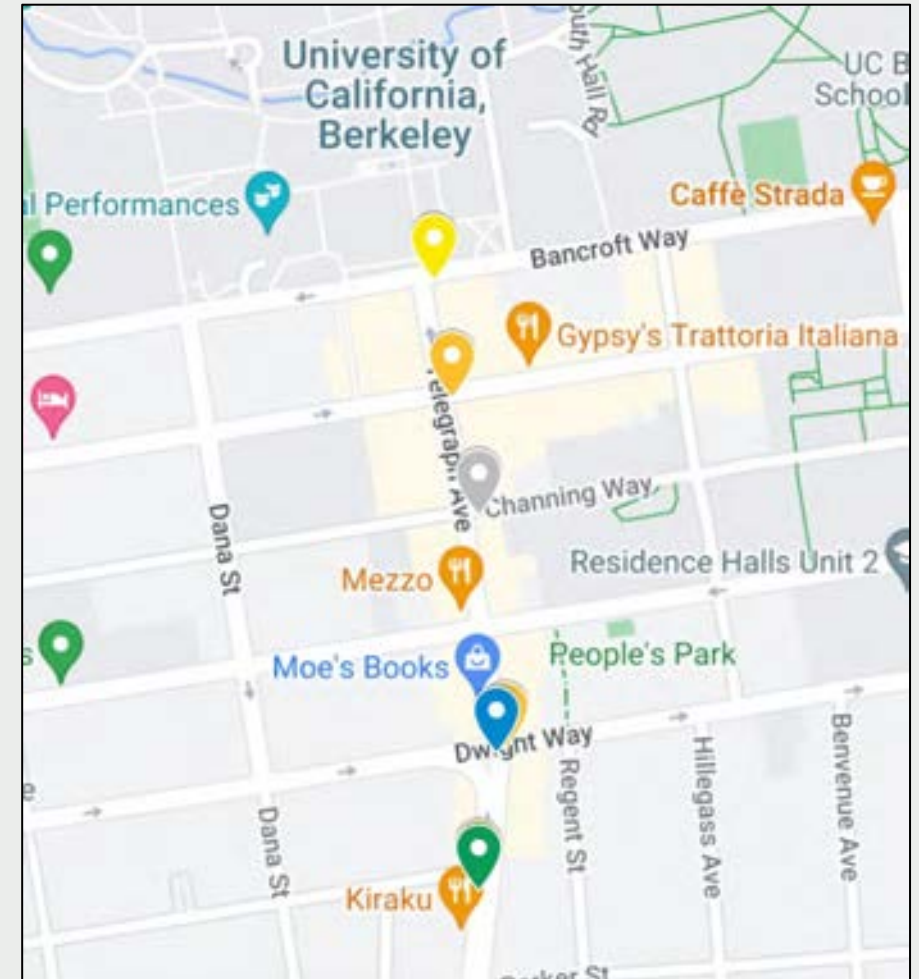
Condition

Legend:

- Excellent
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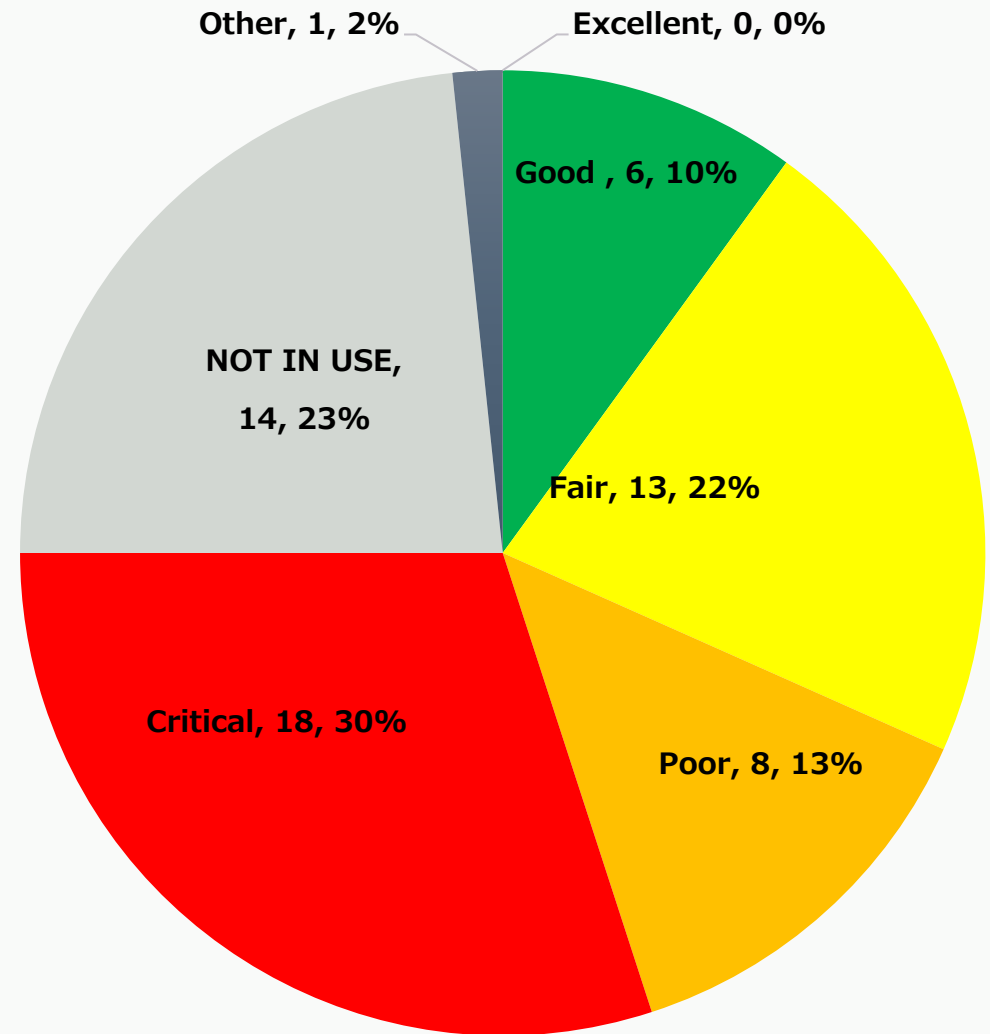


Close up of Downtown Berkeley



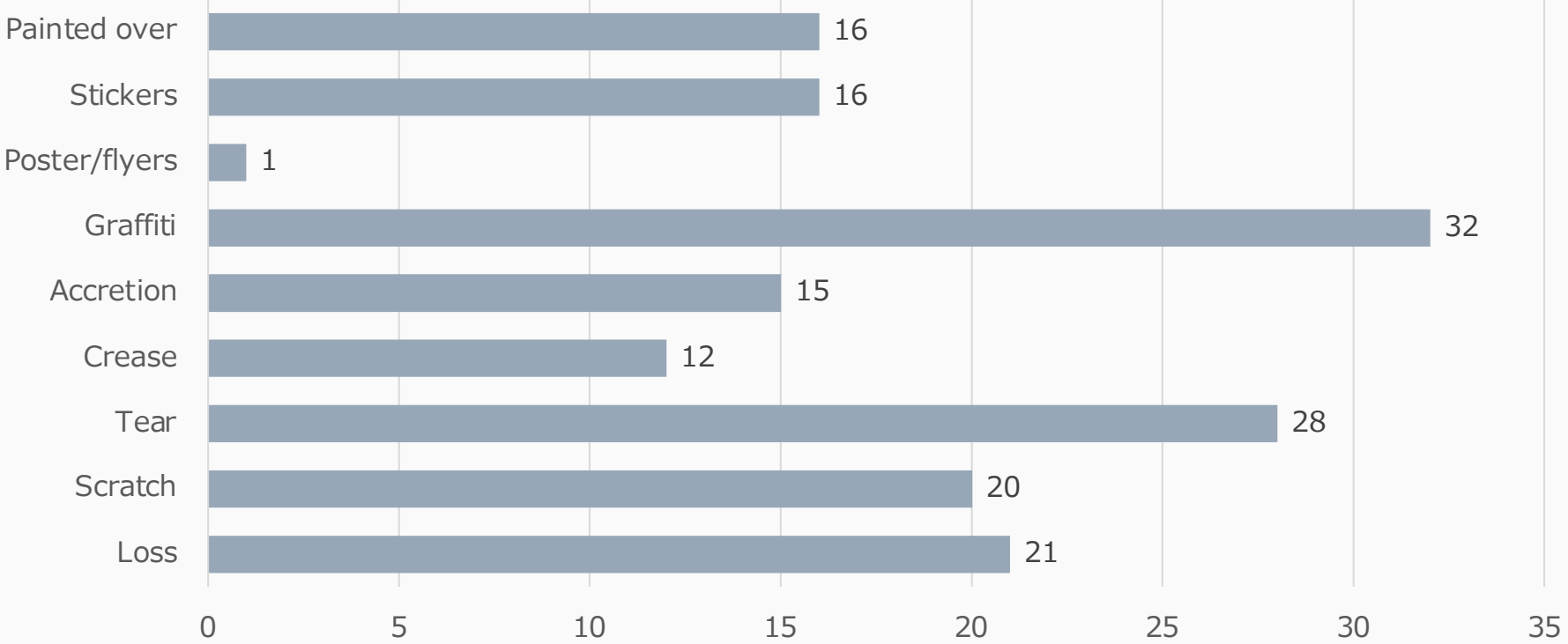
Close up of Telegraph Ave. District

Condition: Rating Breakdown



Condition: Types of Damages

Type of Damage



Number of Utility Boxes

**Condition:
Types of
Damages**

Graffiti



Tear



Loss



Location

A good location for public art:

- Visibly accessible to the public from different angles, even if occasionally blocked by adjacent objects.
- Located in an area with high pedestrian and vehicle traffic.
- In walking distance to other utility box murals.

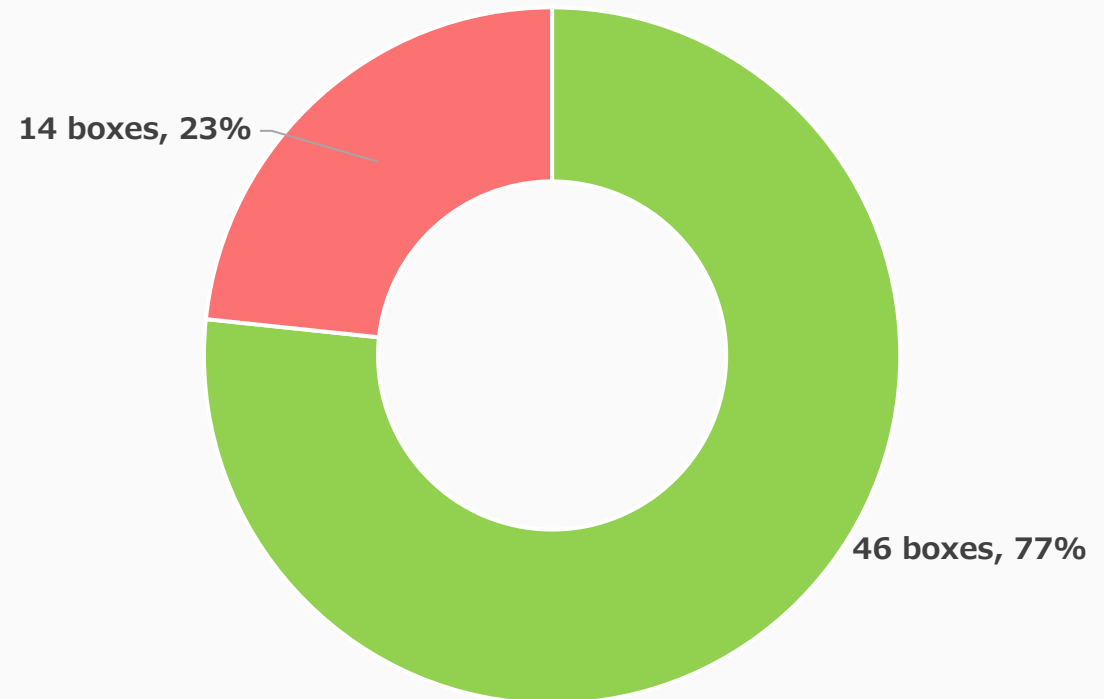
A bad location for public art:

- NOT visibly accessible to the public.
- Frequently blocked by parked vehicles or buses.
- Located in an area with low pedestrian and vehicle traffic.
- NOT in walking distance to other utility box murals.

Location

Good Location for Public Art

- Utility boxes with all three criteria for a good location
- Utility boxes with at least one criteria for a bad location



Location

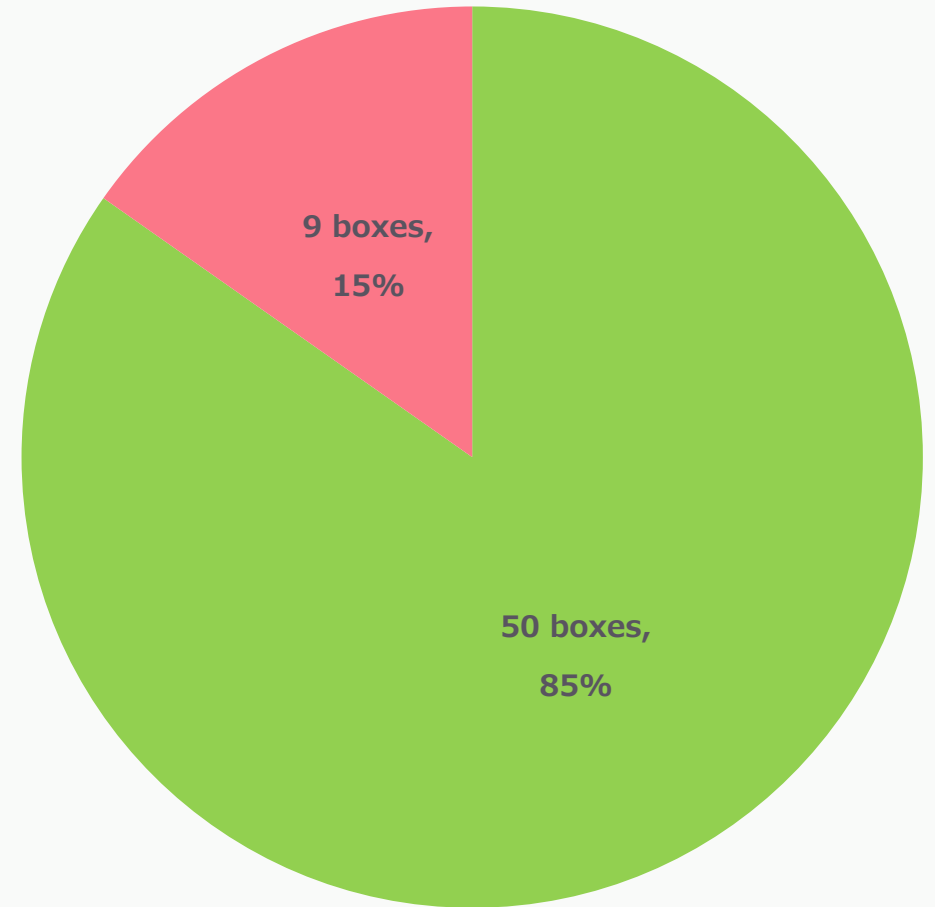
Walking distance:

- 1 to 3 blocks away from another utility box mural

NOT walking distance:

- more than 3 blocks away from another utility box

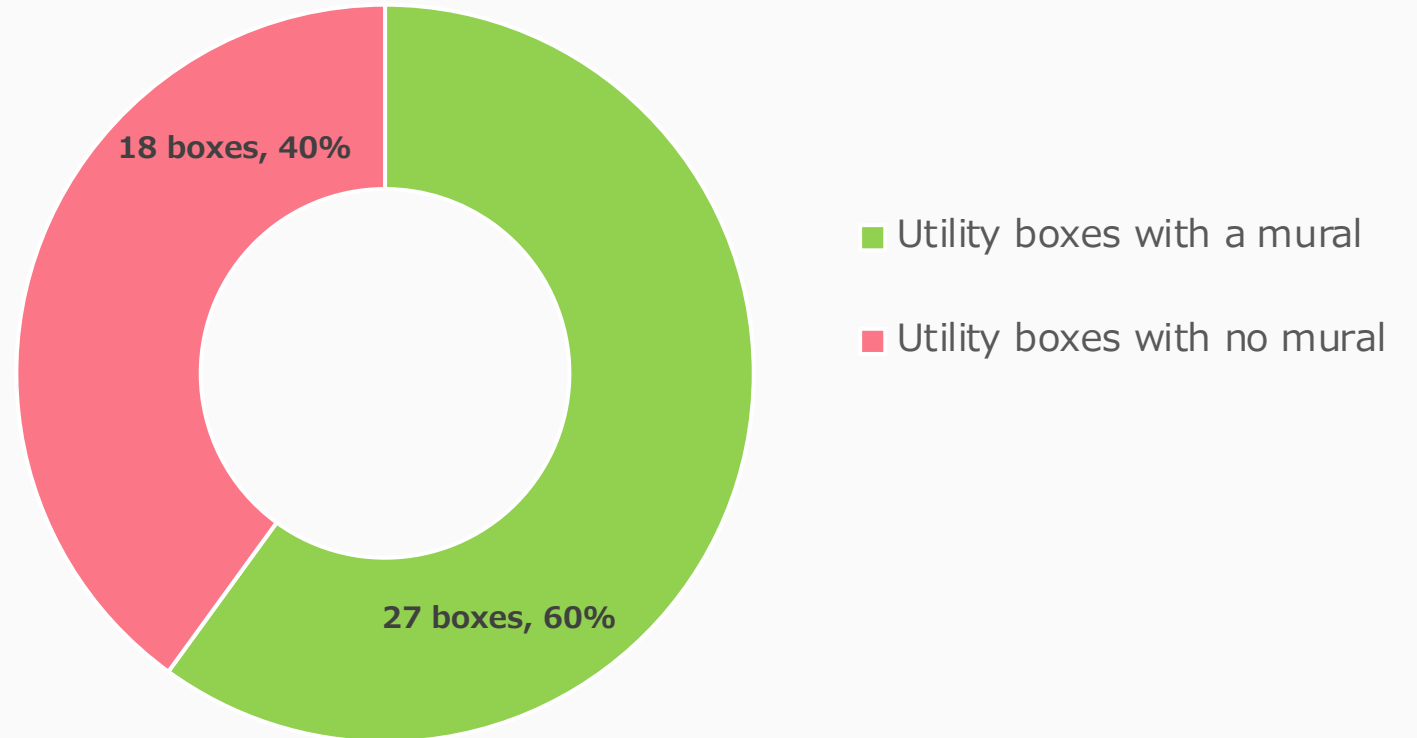
Walking Distance



■ in walking distance ■ not in walking distance

Curation and Design

Of all the utility boxes in the program,
how many boxes still have a mural?



Curation and Design



Example of an appropriate subject matter



Example of a NOT appropriate subject matter



Left: Ann Arnold, Higgins, Saki, and Carmella, Vine St./Shattuck Ave.

Center and Right: Rtystk, The Continuum of Art, Culture, and Wellness, Hearst Ave./Martin Luther King Jr. Way

Curation and Design



Next Steps...

- **Research managerial structure of other utility box art programs, both in-state and out-of-state.**
- Research environmentally-friendly materials.
- Revise the criteria for artist selection and design submission.
- Revise the curatorial framework and themes.
- **Final Goal: Provide recommendations for how to proceed with the Utility Box Mural Program**

Questions?

Andrea Calderon
Civic Arts Intern
Acalderon@berkeleyca.gov

Attachment 2

Downtown Berkeley Map



Box Location:

- Addison/Shattuck
- Addison/Kala Bagai
- Center/Oxford
- Center/Oxford (on campus)
- Center/Oxford (across from campus)
- Center/Shattuck
- Center/Shattuck (smaller)
- Allston/Shattuck (side wall)
- Allston/Shattuck
- Kittredge/Shattuck
- Kittredge/Shattuck (smaller box)
- University/Shattuck

Telegraph Map



Box Location:

- Bancroft/Telegraph
- Bancroft/Telgraph (side wall)
- Channing/Telegraph (large box)
- Channing/Telegraph (side wall)
- Channing/Telegraph (IKE box)
- Channing/Telegraph (small box)
- Durant/Telegraph
- Durant/Telegraph (side wall)
- Durant/Telegraph (horizontal box)
- Haste/Telegraph
- Telegraph (between Haste & Dwight) (IKE Box)
- Telegraph (between Haste & Dwight) (IKE Box) #2



Civic Arts Program

MEMORANDUM

TO: Civic Arts Commission
FROM: Jennifer Lovvorn, Civic Arts Program
DATE: April 15, 2024
SUBJECT: Implications of Amending the Public Art on Private Development Requirement

The Public Art on Private Development Requirement, Berkeley Municipal Code (BMC) 23.316 (Attachment 1), requires that developers do one of the following:

- A. Include on-site publicly accessible art valued at 1.75 percent of the construction cost. If the value of on-site publicly accessible art as installed is less than 1.75 percent of the construction cost, an amount equal to 80 percent of the difference in value shall be paid to the City as an in-lieu fee.
- B. Pay an in-lieu fee to the City of 0.80 percent of the construction cost.

This requirement applies to:

- New multifamily residential projects of five or more dwelling units
- New commercial structures
- New industrial structures
- All construction of building additions exceeding 10,000 square feet

The following project types are exempt from the requirement:

- Development projects where at least 60 percent of the units are affordable housing
- Buildings with religious assembly uses or nonprofit arts/cultural uses
- Transitional housing

Making any changes to the Public Art Requirement that could be construed as “establishing, increasing, or imposing” a fee would require a nexus fee study to achieve compliance with the state’s Mitigation Fee Act. Development impact fees are imposed on specific development projects to defray the cost of new or additional public facilities that are needed to serve these requirements—here, the public facility is public art. Any action “establishing, increasing, or imposing” a development impact fee that is imposed as a condition of approval of a development project by a local agency is subject to the state Mitigation Fee Act. Its

requirements include preparing a nexus fee study that shows a “reasonable relationship” between the fee and the cost the development imposes on the community. This requirement also includes annual reporting and the nexus study must be conducted again every eight years.

Examples of changes to the Public Art Requirement that may require a nexus fee study include:

1. An increase in the amount of the “percent for art” would qualify as “establishing, increasing, or imposing,” a fee.
2. Changes in applicability such that developers who previously were not subject to it now would be. For example, expressly making buildings that are classified as Group Living Accommodations subject to the art requirement (when they currently are not) would likely require a nexus study first because it would constitute an “increased” fee.
3. Similarly, any other changes to the applicability section (BMC 23.316.020) may result in a change to the basis upon which the fee is calculated and therefore result in an “increased” fee. For example, making changes to language to bring consistency between this requirement and other City requirements, such as the applicability threshold of “five or more dwelling units” to square feet to align with the affordable housing in-lieu fee.
4. Adding another option to allow developers to designate a percentage of construction cost to build non-profit arts venue space would also likely constitute a new or increased fee for the purposes of the state Mitigation Fee Act.
5. Similarly, amending the Public Art Requirement such that it only imposes a fee and does not offer the developer a choice between a public art installation or an in-lieu fee would likely require the City to conduct a nexus fee study.

From: [Salwan, Neetu](#)
To: [Lovvorn, Jennifer](#)
Cc: [Thomsen, Rose](#)
Subject: Referral to Civic Arts Commission from Agenda & Rules Committee
Date: Monday, February 5, 2024 4:29:10 PM
Attachments: [Draft Item 15 Arts and Community Storefront Activation.pdf](#)
[01-29 Minutes - Agenda Committee.pdf](#)

Internal

Hi Jen,

At the Agenda & Rules Committee on January 29, the Committee referred the following agenda item to the Civic Arts Commission for further analysis.

Arts and Community Storefront Activation

From: Councilmember Bartlett (Author)

Recommendation: Creating a plan/strategy to leverage Berkeley's arts community and cultural resources to incentivize the occupation of empty storefronts.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Attached, please find the agenda item, as well as the annotated agenda for the Agenda & Rules Committee meeting.

Thank you,

Neetu Salwan

Assistant City Clerk

Berkeley City Clerk Department

nsalwan@berkeleyca.gov

510.981.6916



BEN BARTLETT

VICE MAYOR

CONSENT CALENDAR
FEBRUARY 13, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett

Subject: Arts and Community Storefront Activation

RECOMMENDATION

Creating a plan/strategy to leverage Berkeley's arts community and cultural resources to incentivize the occupation of empty storefronts.

CURRENT SITUATION

According to the 2022 Economic Dashboard report by Berkeley's Office of Economic Development, the city has experienced an average citywide commercial vacancy rate increase of 8.4% since 2017 (City of Berkeley, Office of Economic Development, 2022). The same report records a normal district commercial vacancy rate of 4-8%. In an analysis made by Berkeleyside, vacancy rates in Berkeley neighborhoods like Downtown, Telegraph, and University are shown to be experiencing high rates of vacancy, since the peak of the COVID-19 pandemic (Furio, 2023). While commercial properties remain empty they still generate tax revenue for the city. This has its implications on whether the city sees a reduction in tax income if the value for these properties increases.

The City of Berkeley is experiencing an ongoing housing crisis characterized by severe shortages in housing, resulting in substantial increases in the cost of housing (Duane, 2023). This ongoing shortage in accessible housing, along with the high rates of commercial vacancies, contribute to a decline in quality of life and present myriad economic and social challenges for the city.

BACKGROUND

Negative implications for a neighborhood's economy may arise from an increase in commercial vacancies. The U.S. Department of Housing and Urban Development asserts that blight in cities has the ability to "decrease surrounding property values, erode the health of local housing markets, pose safety hazards, and reduce local tax revenue" (2018). The study on *Analyzing blight impacts on urban areas: a multi-criteria approach* (Pinto et al., 2021) recognizes impacts on an individual's quality of life, values and behaviors that may be influenced by the presence of blight in their city. Blight creates a negative environment for a city and injures the city's view of itself.

Arts and culture are a form of "placemaking", and can be instrumental in helping community members experience greater success in life.

Public art is part of a "strategy for equitable community development that centers the needs of people and communities in designing shared public spaces". Benefits include increased public safety, individual wellbeing, and an opportunity for self-expression for historically marginalized individuals experiencing exclusion (Young, 2022).

NeighborWorks features placemaking projects in communities connecting people with arts and culture (Regan, 2021).

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

San Francisco's New Deal initiative through its Vacant to Vibrant Program is designed to combat urban blight by financially and professionally supporting artists, small businesses, and landlords to create pop-ups in commercial buildings that would otherwise be empty (Leahy, 2023).

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

There are various ways to support artists and small businesses to install temporary activations of empty storefronts, and to incentivize landlords and commercial property owners use of the commercial space. In the City of Milwaukee, WI, the Artistic Board-Up Neighborhood Revitalization Initiative covers windows and doors of otherwise abandoned buildings with the beautiful designs painted by local artists. (City of Milwaukee, Department of Neighborhood Services, 2013).

Shared cultural spaces can also be leveraged to incentivize the occupation of vacant commercial spaces. The City of Crenshaw, California has implemented Small Business Anti-Displacement Strategies and Tools and Public Banking in the City of Los Angeles to promote a community-owned real-estate model and partnering with public banks to support small business owners and artists (Osemwengie et al., 2022). This can also take the form of creating centers that provide training for employment that the community requests a demand for.

OUTCOMES AND EVALUATION

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CONTACT PERSON

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ATTACHMENTS AND MATERIALS

1. [City of Berkeley 2022 Economic Dashboard - Office of Economic Development](#)
2. [New reports show that storefront vacancy rates remain high in Berkeley \(BerkeleySide\)](#)
3. [A Tale of Paradise, Parking Lots and My Mother's Berkeley Backyard \(NYT\)](#)
4. [Mitigating Neighborhood Blight \(HUDUSER\)](#)
5. [Analyzing blight impacts on urban areas: A multi-criteria approach \(Science Direct\)](#)
6. [How Public Art Can Improve Quality of Life and Advance Equity \(Housing Matters\)](#)
7. [Using art to keep a neighborhood's culture in place \(NeighborWorks\)](#)
8. [SF Will Give You Thousands To Open Pop-Ups in Empty Downtown Storefronts. Here's How To Apply \(The San Francisco Standard\)](#)
9. [Vacant to Vibrant by SF New Deal page](#)

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, JANUARY 29, 2024

2:30 P.M.

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1608158758>. To request to speak, use the “raise hand” icon on the screen. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 160 815 8758**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair. Please be mindful that the meeting will be recorded.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

Roll Call: 2:31 p.m.

Present: Hahn, Arreguin

Absent: Wengraf

Public Comment – 9 speakers.

Review of Agendas

1. Approval of Minutes: January 16, 2024

Action: M/S/C (Arreguin/Hahn) to approve the minutes of 1/16/24.

Vote: Ayes – Hahn, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

2. Review and Approve Draft Agenda:

a. 2/13/24 – 6:00 p.m. Regular City Council Meeting

i. Request from Bay Area Housing Finance Authority for presentation on the ceremonial calendar.

Action: M/S/C (Arreguin/Hahn) to refer Item 15 regarding Arts and Community Storefront Activation to the Civic Arts Commission for further consideration.

Vote: Ayes – Hahn, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Action: M/S/C (Hahn/Arreguin) to approve the agenda of 2/13/24 with the changes noted below.

- *Item 8 Commission Establishment (City Manager) – Moved to Action Calendar*
- *Item 13 RFP for Development of WBSC (Arreguin) – Moved to Consent Calendar*
- *Item 14 Middle Housing (Taplin) – Referred to Land Use, Housing, & Economic Development Committee; Councilmember Hahn added as co-sponsor*
- *Item 15 Arts and Community Storefront (Bartlett) – Referred to the Civic Arts Commission; Councilmember Hahn added as co-sponsor*
- *Item 16 Black Arts and Culture District (Bartlett) – Moved to Consent Calendar; Councilmember Hahn and Councilmember Taplin added as co-sponsors*

Order of Action Items

Item 12 LPC Appeal

Item 8 Commission Establishment

Vote: Ayes – Hahn, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

3. Selection of Item for the Berkeley Considers Online Engagement Portal

- None selected

4. Adjournments In Memory – None

Scheduling

5. **Council Worksessions Schedule** – Mayor Arreguin announced the cancellation of the February 6, 2024 worksession, and that the OED Economic Dashboards presentation will be scheduled for a future City Council meeting.
6. **Council Referrals to Agenda Committee for Scheduling** – received and filed
7. **Land Use Calendar** – received and filed

Referred Items for Review

8. **Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Remote Public Comments**

Action: 2 speakers. Continued to the next meeting.

9. **Amend Berkeley Municipal Code Chapter 3.78 To Expand Eligibility Requirements for Representatives of The Poor to Serve on The Human Welfare and Community Action Commission**
From: Councilmember Harrison (Author), Councilmember Bartlett (Co-Sponsor)

Referred: November 13, 2023

Deadline: July 25, 2024

Recommendation: Amend Berkeley Municipal Code Chapter 3.78 to expand eligibility requirements for Representatives of the Poor to serve on the Human Welfare and Community Action Commission, or any successor commission, to consider the current geographic formation of poverty in Berkeley.

Financial Implications: None

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action: 3 speakers. Continued to the next meeting.

10. **City Council Legislative Systems Redesign**

Action: 2 speakers. Councilmember Hahn noted that she will move forward with proposed edits to the Rules of Procedure that will make the council report guidelines mandatory. Continued to the next meeting.

Unscheduled Items

11. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**

Unscheduled Items

12. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
13. **Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

Items for Future Agendas

- **None**

Action: M/S/C (Arreguin/Hahn) to adjourn the meeting.

Vote: Ayes – Hahn, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Adjourned at 3:59 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on January 29, 2024.

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.



Draft Minutes
Civic Arts Commission Meeting
Wednesday, March 27, 2024
6:00 PM

Meeting Location: Tarea Hall Pittman South Branch Library
1901 Russell St, Berkeley, CA 94703

1. CALL TO ORDER 6:03pm

2. ROLL CALL

Commissioners Present: Blecher, Bullwinkel, Covarrubias, Crandall, Ibarra, Passmore, Woo.

Commissioners Absent: Anno, Pineda.

Staff Present: Hilary Amnah, Grants Program Lead; Jennifer Lovvorn, Commission Secretary/Chief Cultural Affairs Officer; Mark Salinas, Public Art Program Lead.

Members of the public present: 3

3. LAND ACKNOWLEDGEMENT

4. PUBLIC COMMENT (for items not on the agenda): 3

5. CHAIR'S REPORT

- a) Announcing Commissioner Riti Dhesi's departure
- b) Welcoming newly appointed Commissioner Kathleen Crandall
- c) Civic Arts Commission retreat in the fall

6. PRESENTATIONS, DISCUSSION & ACTION ITEMS (All items for presentation, discussion and possible action)

- a) **Action Item:** To approve the Public Art Subcommittee's recommendation of 2024/2025 Cube Space Curator. M/S/C (Bullwinkel/Crandall) to approve William Hernandez Luege as the 2024/2025 Cube Space curator.

Vote: Ayes — Blecher, Bullwinkel, Covarrubias, Crandall, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Anno, Pineda.
Public Comment: 0

- b) **Presentation:** Demographics for FY24 Grants
Presented by Hilary Amnah, Grants Program Lead
Public Comment: 0
- c) **Presentation:** Civic Arts Grants-funded Community Festivals Quarterly Report
Presented by Hilary Amnah, Grants Program Lead
Public Comment: 0

7. STAFF REPORT

- a) Civic Arts Updates, Jennifer Lovvorn
- b) Grants Program Updates, Hilary Amnah
- c) Public Art Program Updates, Mark Salinas

8. COMMITTEE REPORTS

- a) Grants – No report
 - Dana Blecher, Chair
 - Lisa Bullwinkel
 - Cameron Woo
- b) Public Art – Refer to Item 6(a)
 - Matt Passmore, Chair
 - Kim Anno
 - Cristina Ibarra
- c) Policy Subcommittee – No report
 - Kim Anno, Chair
 - Lisa Bullwinkel
 - Cameron Woo
- d) Joint Subcommittee with Housing Advisory Commission – The next meeting will be 3/28/2024.
 - Kim Anno, Chair
 - Lisa Bullwinkel
 - Cameron Woo

- e) Representative on Design Review Committee – Discussion of State density bonus laws.
 - Cameron Woo

9. COMMUNICATION (Received from the Public for Items not on the Agenda)

- a) None

10. APPROVAL OF MINUTES

- a) **Action Item:** M/S/C (Woo/Ibarra) to approve Draft Minutes of February 28, 2024 Meeting
Vote: Ayes — Blecher, Bullwinkel, Covarrubias, Ibarra, Passmore, Woo;
Nays — None; Abstain — Crandall; Absent — Anno, Pineda.
Public Comment: 0

11. ADJOURNMENT 7:19 PM

- a) M/S/C (Covarrubias/Bullwinkel) to adjourn.
Vote: Ayes — Blecher, Bullwinkel, Covarrubias, Crandall, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Anno, Pineda.
Public Comment: 0

Staff Contact:

Jennifer Lovvorn



Secretary to the Civic Arts Commission

Berkeley, CA 94704

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