



**Civic Arts Commission Meeting**  
**Wednesday, February 28, 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**
- 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 Chochoenyos (*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) Commission Agenda Items Format (Subcommittee Action Items Introduced/Presented by Subcommittee Chairs)

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

- a) **Action Item:** Chair and Vice Chair Election  
Introduced by Jennifer Lovvorn, Commission Secretary/Chief Cultural Affairs Officer  
**Public Comment**
  
- b) **Action Item:** Approval of FY24 Public Art Budget  
Introduced by Matthew Passmore, Public Art Subcommittee Chair and Presented by Jennifer Lovvorn, Chief Cultural Affairs Officer (Attachment 1)  
**Recommendation:** Approve FY24 Public Art Budget  
**Public Comment**
  
- c) **Presentation:** Report out from Californians for the Arts Regional Meetings  
Presented by Commissioner Lisa Bullwinkel (Attachment 2)  
**Public Comment**
  
- d) **Presentation:** California Arts and Culture Summit  
Presented by Commissioner Lisa Bullwinkel (Attachment 3)  
**Public Comment**
  
- e) **Presentation:** Affordable Housing for Artists Updates Introduced by Commissioner Kim Anno and Presented by Jennifer Lovvorn.
  - (i) New State Law AB 812 "Housing development approvals: reserving affordable units in or near a cultural district for artists" (Attachment 4)
  - (ii) Establishment of Black Arts and Culture District in Berkeley (Attachment 5)
  - (iii) Council Referral "Development of Artists Affordable Housing Certification Program" (Attachment 6)**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
  - Riti Dhesi
  - 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 December 6, 2023 Meeting (Attachment 7)  
 From: Commission Secretary  
**Recommendation:** Approval of December 6, 2023 Meeting Minutes

**11. ADJOURNMENT**

**Attachments:**

1. FY24 Public Art Budget
2. Report from Californians for the Arts Regional Meetings
3. California Arts and Culture Summit
4. New State Law AB 812
5. Establishment of Black Arts and Culture District in Berkeley

6. Council Referral "Artists Affordable Housing Certification Program"
7. Draft Minutes of December 6, 2023 Civic Arts Commission Meeting

Staff Contact:

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

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

**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.**

PUBLIC ART FUND BUDGET - FY24		Budget
<b>Fund 150</b>		
Date: 2/22/2024		
<b>FY24 FUNDING</b>		<b>Amount</b>
FY23 Carryforward Total Balance		\$157,108.63
FY23 "Art" Carry Forward Balance	\$136,022.41	
FY23 "Administration" Carry Forward Balance	\$8,718.72	
FY23 "Conservation" Carry Forward Balance	\$6,867.50	
Encumbrances Carried Forward from FY23	\$5,500.00	
FY24 Total Allocations		\$119,451.79
FY24 1.75% Allocation (Annual Capital Budget June 2023)	\$57,190.49	
PW Reconciliation FY23 1.75% Allocation (AAO#2 May 2024)	\$59,256.67	
PRW Reconciliation FY23 1.75% Allocation (AAO#2 May 2024)	\$3,004.63	
<b>TOTAL FUNDS AVAILABLE FOR FY24</b>		<b>\$ 276,560.42</b>
<b>FY24 BUDGET EXPENSES</b>		<b>Budget</b>
<b>FY24 PUBLIC ART FUND ADMINISTRATION FUNDING</b>		<b>Available Funding</b>
FY24 Available Admin Funding	\$32,609.08	
Projected Admin Costs FY24		\$ 32,609.08
<b>Subtotal</b>	<b>\$0.00</b>	<b>\$ 32,609.08</b>
<b>CONSERVATION PROJECTS</b>		<b>Available Funding</b>
FY24 Available Conservation Funding	\$18,812.68	
Conservation projects TBD		
Unallocated Conservation Funds in FY24	If not used, will carry forward to next year	\$ 18,812.68
<b>Subtotal</b>	<b>\$0.00</b>	<b>\$ 18,812.68</b>
<b>ART PROJECTS</b>		<b>Available Funding</b>
FY24 Available Art Funding	\$225,138.66	
BART Plaza Ambient Sound Installation Commission	Spiritual Technologies (4 +\$1,500 video + \$1,500 travel)	\$ 7,000.00
James McKee encumbrance carryforward	Sound Contract - \$1500 still encumbered	\$ 1,500.00
BART Plaza Sound Compositions	2 sound installations at \$5,000/each - Contract for 2 in FY24	\$ 10,000.00
BART Plaza Artwork Plaques	3 signs at \$200 ea.	\$ 600.00
BART Plaza Sound Installations Technician	Technical Assistance with System/Component Replacement	\$ 50,000.00
Xain contract carryforward	Home Sculpture Removal - Transport	\$ 4,000.00
Home Sculpture De-Installation	Contract with Licensed Contractor	\$ 5,000.00
2D Art Purchases for City Buildings		\$ 45,000.00
Artwork Preparator to Install Purchased Works		\$ 10,000.00
<b>Other Projects from Work Plan (Not Yet Started)</b>		
Council Referral for City Flag	Estimate	\$ 25,000.00
Collection Signage Program		\$ 30,000.00
Unallocated Art Funds in FY24	If not used, will carry forward to next year	\$ 37,038.66
<b>Subtotal</b>	<b>\$0.00</b>	<b>\$ 225,138.66</b>
<b>Total Budget</b>	<b>\$ -</b>	<b>\$ 276,560.42</b>

PUBLIC ART ON PRIVATE DEVELOPMENT FUNDS BUDGET - FY24		Budget
<b>FUND 148</b>		
Date: 2/22/2024		
<b>FY24 FUNDING</b>		<b>Amount</b>
FY23 Carryforward Total Balance		\$2,681,018.88
FY23 "Art" Carry Forward Balance	\$1,886,097.07	
Art Encumbrance Carryforward from FY23	\$39,834.50	
FY23 "Administration" Carry Forward Balance	\$453,936.39	
Admin Encumbrance Carry Forward from FY23	\$12,815.58	
FY23 "Conservation" Carry Forward Balance	\$233,453.84	
Conservation Encumbrance Carry Forward from FY23	\$54,881.50	
In-Lieu Payments for FY24		\$835,611.74
1951 SHATTUCK	\$480,000.00	
2000 University	\$41,388.52	
1331 Ashby	\$7,040.00	
787 Bancroft	\$164,905.22	
2213 Fourth	\$96,000.00	
2650 Telegraph	\$46,278.00	
On-Site Art Admin Fees for FY24		\$0.00
Bayer Community Benefit Payment for FY24	148-21-208-252-0000-000-000-441310	\$62,424.00
<b>TOTAL FUNDS AVAILABLE FOR FY24</b>		<b>\$3,579,054.62</b>
<b>FY24 PUBLIC ART FUND ADMINISTRATION FUNDING</b>		<b>Available Funding</b>
FY24 Available Admin Funding		\$646,359.12
Projected Admin Costs FY24 (CAC)		\$110,372.00
Encumbrance Carryforward: Ari Gelardin contract carryforward	Admin	\$829.00
Encumbrance Carryforward: Jeremy Kaplan	Admin	\$6,986.58
Encumbrance Carryforward: Barbara Goldstein for BAWP	Admin	\$5,000.00
Cube Space Curator	Leila Weefur -- 2 Exhibitions (\$5,000)	\$5,000.00
Chandra Cerrito Public Art Project Management		\$26,000.00
New Cube Space Curator FY24 & FY25		\$-
Public Art Master Plan Consultant		\$-
Unallocated Admin in FY24	If not used, will carry forward to next year	\$492,171.54
<b>Subtotal</b>		<b>\$0.00</b>
<b>FY24 BUDGET PROJECTS</b>		<b>Budget</b>
<b>CONSERVATION PROJECTS</b>		
FY24 Available Conservation Funding		\$378,138.91
Move Funds from Art to Conservation to cover project costs		\$120,000.00
Total		\$498,138.91
Encumbrance Carryforward: Preservation Arts -- Contract 32200133	Conservation	\$6,587.50
Preservation Arts (includes the specific projects below and as needed)	CCO to add money - includes work below	\$185,000.00
Romare Bearden conservation - based on estimate	\$28,000.00	
Wareham Sculpture conservation	\$32,550.00	
Toki graffiti abatement	\$2,500.00	
Balance for "As-needed" services	any balance remaining at end of year to be rolled over to FY25	
Encumbrance Carryforward: Atthowe Fine Arts -- Contract 32300137	As-Needed Services - Art and Conservation	\$48,294.00
Atthowe Fine Art Services	CCO to add money - includes work below	\$150,050.00
Wehrle Mural conservation	\$133,000.00	
Warham deinstall	\$7,500.00	
Balance for "As-needed" services	any balance remaining at end of year to be rolled over to FY25	
ARG Conservation	As-Needed Services - Art and Conservation	\$100,000.00
Peace Wall conservation	\$95,310.17	
Complete Selvin		
Unallocated Available Funds in FY23		\$8,207.41
<b>Subtotal</b>		<b>\$0.00</b>
<b>ART PROJECTS</b>		
FY24 Available Art Funding		\$2,554,556.59
Move Funds from Art to Conservation to cover project costs		-\$120,000.00
Total		\$2,434,556.59
<b>Berkeley Art Works Projects</b>	Remaining project costs	\$6,272.00
<b>Municipal Artist in Residence</b>	Encumbrance Carryforward: Kala Art Institute	\$25,150.00

Continued on next page

<b>Turtle Island Monument</b>	Costs to date	\$ 65,540.75
<b>Jean LaMarr Project at Ohlone Park</b>	Artist contract, Fabrication contract and installation	\$ 107,711.25
<b>HOMELESSNESS SOCIAL PRACTICE PROJECTS</b>	Three projects	\$ 75,000.00
<b>Wang Po Shu - Earthsong Bell Sign</b>		\$ 20,454.56
<b>Utility Box Mural Program (Pilot Reboot)</b>	New murals and removal of wrap	\$ 60,675.00
<b>Mural at Fire Station #5</b>	SUSSMAN, NIGEL	\$ 500.00
<b>Civic Center Exhibition Costs</b>	Civic Center Exhibition - extension	\$ 2,100.00
<b>CUBE SPACE</b>		
Cube Space Artist Fees		\$ 7,000.00
Cube Space Signage		\$ 2,500.00
Photography Cube Space		\$ 1,930.00
Cube Space contingency	For supplies & equipment	\$ 1,600.00
<b>Mildred Howard Sculpture</b>	Remaining artist contract and installation	\$ 277,000.00
<b>West Service Center Photo Project by Lara Kaur</b>	Artist contract and installation	\$ 72,000.00
<b>Aquatic Park Public Art</b>		
Selection Costs Tile and First Sculpture RFQ	Proposal fees and panelist fees	\$ 6,200.00
Aquatic Park Tile Mural Project	Masako Miki Contract	\$69,000
Aquatic Park Sculpture New Selection Process	Panelist fees and artist proposal fees and travel	\$ 15,000.00
Aquatic Park Sculpture	Likely to be encumbered in FY25	\$ 450,000.00
<b>Santa Fe Railroad Right of Way</b>	Panelist fees and artist proposal fees and travel	\$ 15,000.00
<b>Add funds to Measure T1 Artworks</b>		
MLK Youth Service Center	Funds from 148 to augment Measure T-1 Funds	\$ 150,000.00
African American Health Resource Center	Funds from 148 to augment Measure T-1 Funds	\$ 150,000.00
South Berkeley Senior Center	Funds from 148 to augment Measure T-1 Funds	\$ 150,000.00
<b>Other Projects from Work Plan (Not Yet Started)</b>		
Telegraph Ave crosswalk/street murals		\$ 25,000.00
Telegraph Ave Art Plan		\$ 145,000.00
Hidden Gems (Berkeley pathways and stairs)		\$ 200,000.00
BLM Mural on Gilman on BART column		\$ 80,000.00
Harrison Street Artwork		\$ 75,000.00
Dona Spring Memorial (Council Referral)		\$ 150,000.00
<b>GENERAL PUBLIC ART COSTS</b>		
Photography of public art projects		\$ 8,000.00
Graphic Design (Exhbiton Announcements + Signage)		\$ 4,000.00
Contingency		\$ 16,923.03
<b>Subtotal</b>		\$0.00 \$ 2,434,556.59
<b>Total Budget</b>		\$0.00 \$ 3,579,054.62

# CA STATE PROGRAMS

## Prop 28 Implementation

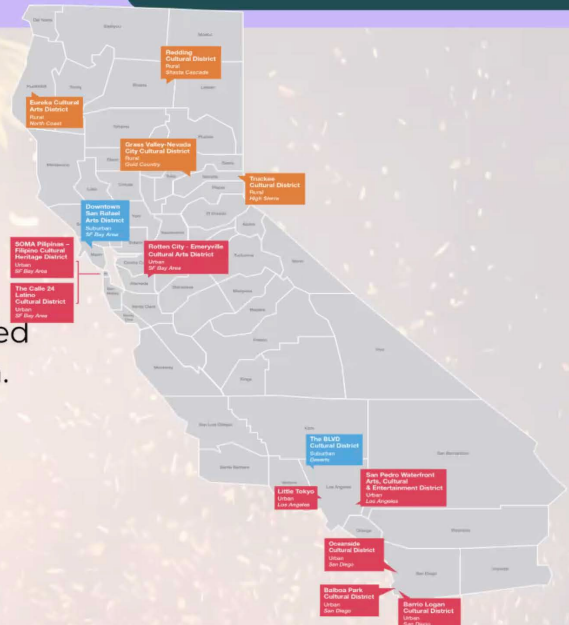
- **Most funding (80%) required for school district employees to provide arts education instruction:**
  - For LEAs with over 500 students:
    - At least **80% of the funds are restricted for certificated or classified employees** to provide arts education.
    - Up to 20% are for arts education support, including training, supplies, materials, and arts educational partnership programs.
    - Up to 1% of total funds are allowable for LEA administrative costs to implement the proposition.
  - Upon written request from the principal of a school site, the California Department of Education for “good cause” shown may provide a waiver from the above funding requirement. The California Department of Education has yet to clarify what the formal process for waiver submission and review will be.



# CA STATE PROGRAMS

## Cultural Districts: \$10m

- A Cultural District, as outlined by the program, is **a well-defined geographic area with a high concentration of cultural resources and activities**
- There are **14 state-designated districts** that were established in 2017
- In January 2023: The 14 Cultural Districts were granted a uniform allocation of **\$671,428** with Recertification.
  - The remaining **\$400,000** will be utilized for program evaluation, and statutorily mandated staff support.
- There is currently **no additional funding** to expand the Cultural District program





# CA STATE PROGRAMS

Arts in CA Parks: \$25M

Artists, culture bearers, and California Native American tribes will be **eligible to receive funding to create artwork throughout state and local parks**

- The public is invited to take a survey for the development of the program through: [ArtsinCaliforniaParks.org](https://ArtsinCaliforniaParks.org)
- Join the new **Arts in California Parks Artist Directory**, a tool designed to help facilitate the co-creation of project proposals between park entities and creative partners
- Opportunities for creatives and communities to collaborate with park entities on funded projects will be announced in 2024, under two distinct sub-programs:
  - The **Local Park Grant Program**, which will fund projects in local parks through a competitive grant program, will launch in 2024 and is anticipated to include three funding cycles
  - The **State Parks** sub-program-initiated pilot projects in 2023 and will fund additional projects in State Parks in summer 2024 and summer 2025
- More than **20 pilot projects** are underway within state parks, including performances, events, and installations

# HOUSING POLICIES

State Legislation

## Artist Housing in Cultural Districts

Assm. Boerner (AB 812)

- Gives local governments the authority to require developers to offer up to ten percent of low to moderate income housing units to be made available to artists in city/county/state designated cultural districts
- Does not displace an existing tenant
- Eligibility will be determined locally and will include: annual income verification and artist status verification
- Signed by Governor Newsom, October 11
- Implementation strategies are local, CFTA building training tools TBA





## CA Arts & Culture Summit

Join CA for the Arts for the second annual CA Arts & Culture Summit in Sacramento on Tuesday, April 16. The Summit will take place during CA for the Arts 6th Annual Arts, Culture & Creativity Month (ACCM) with this year's thematic focus "Art Work is Real Work." Members at the \$250 and above level also receive a \$50 discount on their Summit tickets.

Back by popular demand, the CA Arts & Culture Summit 2024 is sure to sell out. This year we are offering a Members-Only Presale window through February 19th. Get your tickets now before they sell out. In addition to early access, there will be additional member-only perks at the Summit you won't want to miss. Members at the \$250 and above level also receive a \$50 discount on their Summit tickets.

Make sure you are a current member of CA Arts Advocates or CA for the Arts to access the presale. Use the button below to get your Member Tickets, check your membership status, and join or renew.

## [Members Only Summit Registration](#)

The Summit will unite arts and civic leaders for two days of events filled with knowledge-sharing, coalition-building, and movement visioning. Participants will get a deep dive into topical impact areas such as arts and health, arts and climate, cultural equity and community self-determination, artist's housing, and the public policies and advocacy needed to support the creative industries and workforce. The Summit will bring together arts advocates, cultural policy thought leaders, public and private arts funders, artists, creatives, educators, culture bearers, teaching artists, students, public officials, and creative industry representatives from across the state to build our movement to prioritize Arts, Culture, and Creativity as key drivers for California's key initiatives including, equity and justice, education, workforce development, climate resilience, and economic mobility.

## [Hotel link and an insider view of Sac Arts + Culture itinerary to be announced soon.](#)

Sheraton Grand Sacramento Hotel

Rooms available 4/15-4/17

Reservation deadline for discounted rate 3/18 (while supply lasts)

### RESOURCES

[ACCM 2024 Sponsorship Package](#) →

[ACCM 2024 Members-Only Sale](#) →

[ACCM 2024 Zoom Backgrounds](#) →

[ACCM 2023 Program](#) →

member discount registration. \$250\*\*

\*Discount available for members at the Arts Champion Level (\$250) and above

## Advocacy Day at the Capitol

Rally and Legislator Meetings

Wednesday, Apr 17, 2024 | 9am-5pm |

Location: California State Capitol Park

FREE - Register when you purchase Summit Tickets

Advocacy Day follows the Summit on Wednesday, April 17th. Join fellow advocates at the Capitol for a Rally and Press Event to kick off a day of meetings with your state legislators. This is an important opportunity for arts leaders to educate, advocate and build relationships with their representatives during state budget negotiations. For more information on Advocacy Day & Advocacy Month opportunities, email Tracy Hudak at [tracy@caforthearts.org](mailto:tracy@caforthearts.org)

## Sponsorship Opportunities

ACCM Sponsors are our vital partners in elevating the visibility and impact of ACCM, developing and activating arts advocates, and educating the public and elected officials on the value that arts, culture and creative workers create in our state. With direct reach to over 20,000 engaged arts advocates in the State and networks to hundreds of thousands of arts organizations, creative businesses, arts workers, cultural bearers, elected officials, funders and arts patrons— your sponsorship puts you in front of committed and influential arts, culture and creative industries leaders.

If you want to reach motivated arts, culture and creative industry enthusiasts and if celebrating the creative workforce aligns with your values, then join us as a sponsor of one or all of our many activities throughout the month of April. Our dynamic suite of programming offers a multitude of opportunities to visibly align your company or organization with Arts, Culture, & Creativity Month. For more information on sponsorship opportunities please contact: [nefesha@caforthearts.org](mailto:nefesha@caforthearts.org)

## ACCM 2024 Sponsorship Package

### Underwrite Scholarships

Last year, we were able to offer close to 75 scholarships for attendees to the Summit with underwriting from the state and a private foundation. Unfortunately, due to circumstances beyond our control, that funding is no longer available. If you are willing and able, please sponsor a scholarship!

AMENDED IN SENATE JUNE 08, 2023  
 AMENDED IN SENATE MAY 30, 2023  
 AMENDED IN ASSEMBLY APRIL 10, 2023  
 AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL

NO. 812

**Introduced by Assembly Member Boerner**  
**(Coauthors: Assembly Members Wendy Carrillo and Haney)**  
*(Coauthor: Senator Blakespear)*

February 13, 2023

An act to add Section 65914.8 to the Government Code, relating to housing.

## LEGISLATIVE COUNSEL'S DIGEST

AB 812, as amended, Boerner. Housing development approvals: reserving affordable units in or near a cultural district for artists.

Existing law requires the Arts Council to establish criteria and guidelines for certification of state-designated cultural districts and collaborate with other public agencies and private entities to maximize the benefits of state-designated cultural districts. The Planning and Zoning Law imposes various requirements on cities and counties with regard to their review and approval of certain housing developments.

This bill would authorize a city or county that requires, as a condition of approval, that a certain percentage of units of a residential development be affordable housing, as specified, to reserve for artists up to 10 percent of those required affordable housing units if certain conditions are met, including that the units reserved are located within or within ~~one one-half~~ mile from a ~~designated state-designated~~ cultural ~~district~~. *district or within a locally designated cultural district, as specified.*

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

### Digest Key

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

### Bill Text

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 65914.8 is added to the Government Code, immediately following Section 65914.7, to read:

65914.8. (a) If a local agency requires, as a condition of approval of the development of residential units, that a certain percentage of the units of the development be affordable housing, the local agency may reserve for artists up to 10 percent of those required affordable housing units if all of the following conditions are satisfied:

- (1) The units reserved are located within or within ~~one one-half~~ mile from a state-designated cultural district certified pursuant to Chapter 9.2 (commencing with Section 8758) of Division 1 of Title 2 or *within* any similar locally designated cultural district.
- (2) The ~~city, county, or city and county~~ *local agency* adopts an ordinance for this purpose that does all of the following:

13<<2/28/24>>

(A) It is consistent with the Local Tenant Preferences to Prevent Displacement Act (Chapter 12.76 (commencing with Section 7061) of Division 7 of Title 1).

(B) It prohibits an existing tenant from being evicted in favor of an artist.

(C) It contains a fair and comprehensive vetting process that includes, but is not limited to, initial and annual income verification consistent with applicable affordable housing laws and artist status verification.

(b) For purposes of this section, the following definitions apply:

(1) "Affordable housing" means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.

(2) "Artist" means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.

(3) "Local agency" means a city, county, or city and county.

**SEC. 2.** The Legislature finds and declares that Section 1 of this act adding Section 65914.8 to the Government Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.

**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR  
FEBRUARY 13, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Bartlett (Author), Councilmember Taplin (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Subject: Establishing a Black Arts and Culture District in the Adeline Corridor

### RECOMMENDATION

Adopt a resolution designating the Adeline Corridor as the Black Arts and Culture District. Include members of Healthy Black Families and Equitable Black Berkeley in the Planning Committee to emphasize community involvement and focus on arts, culture, and well-being for South Berkeley residents. Establish a Black Arts and Culture Center.

### CURRENT SITUATION

Meetings with Healthy Black Families and Equitable Black Berkeley representatives are ongoing to help with the vision of what the Black Arts and Culture District will be.

### BACKGROUND

The Adeline Corridor's development has been in the making for years to increase affordable housing, preserve historic structures, and increase economic growth. This area is located between Dwight Way to 62nd street with a focus on improvement while keeping its charm and legacy. By 2024, Healthy Black Families will have established their headquarters at 2001 Ashby Street, which will be a space for community members to receive health care with a focus on community programming with this larger facility.

### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

- [City of Berkeley Arts and Culture Plan, 2018-2027](#)
- [EIFD](#) - Proposal of creating Enhanced Infrastructure Financing Districts (EIFD) to assist with funding elements of the Adeline Corridor Plan and future projects. (2021)

### CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Reached out to Healthy Black Families and Equitable Black Berkeley.

### RATIONALE FOR RECOMMENDATION

Establishing this district would uplift members of the South Berkeley community with the development of affordable housing, thriving new businesses, and encouraging learning through the arts. Having a Black Arts and Culture Center creates a safe place and gathering area with a focus on encouraging young artists and bringing economic prosperity. This district will draw more Black families to Berkeley and encourage Cal alumni to stay after graduation with home-buying opportunities.

## IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

- Look for funding support from The Civic Arts Grant program.
- Work with Berkeley Cultural Trust to help engage community support for this new district.

## ENVIRONMENTAL SUSTAINABILITY

Studies have yet to be conducted.

## FISCAL IMPACTS

There are no direct fiscal impacts to the City of Berkeley related to the adoption of the Black Arts and Culture District.

## OUTCOMES AND EVALUATION

Establishing a Black Arts and Culture District in South Berkeley will create a vibrant community for citizens and visitors. The arts encourage civic participation, give a voice to diverse perspectives, promote intercultural communication, and enhance Berkeley's economy and physical environment. Berkeley's rich history of supporting the arts and social justice activism will flourish in a Black Arts and Culture District.

## CONTACT PERSON

Vice Mayor Ben Bartlett  
James Chang  
Tina R. Posner

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)  
[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)  
[tposner@cityofberkeley.info](mailto:tposner@cityofberkeley.info)

## ATTACHMENTS AND MATERIALS



RESOLUTION NO. ##,###-N.S.

Resolution of the Council of the City of Berkeley in the State of California  
Establishing the Black Arts and Culture District in the Adeline Corridor

WHEREAS, the City of Berkeley recognizes the importance of arts and culture in enriching community life, fostering civic engagement, and driving economic development; and

WHEREAS, the Adeline Corridor has been identified as a vibrant community space with a rich history and potential for further development to serve as a cultural hub for the Black community and beyond; and

WHEREAS, the City's commitment to social justice, diversity, and inclusion aligns with the goals of the Black Arts and Culture District, aiming to provide a platform for voices of the Black community and to celebrate its contributions to the city's cultural landscape; and

WHEREAS, the development of the district will also contribute to the city's economic growth by attracting businesses, tourism, and providing opportunities for local artists and entrepreneurs; and

WHEREAS, the establishment of a Black Arts and Culture Center within the district will serve as a cornerstone for community gathering, artistic expression, and cultural preservation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the Adeline Corridor is hereby designated as the Black Arts and Culture District.



Civic Arts Commission

CONSENT CALENDAR  
May 23, 2023

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Jennifer Lovvorn, Secretary to the Civic Arts Commission  
 Subject: Development of Artists Affordable Housing Certification Program

RECOMMENDATION

Refer to the City Manager the further development of an Artists Affordable Housing Certification Program based upon the program guidelines developed and approved by the Civic Arts Commission in May 2022.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact of an Artist Affordable Housing Certification Program consists of staff time dedicated to the following activities:

- Developing a program that includes: certification process guidelines, a staffing plan, and forecasting annual proposed costs for the development and implementation of ongoing Artist Affordable Housing Certification Program.
- Maintaining a database of affordable artist live/work units located in Berkeley
- Maintaining a database of certified artists in Berkeley
- Convening a panel of arts professionals and community members to conduct a review for artist certification that might complement an application to low-income live/work housing in Berkeley
- Conducting public outreach workshops for artists interested in becoming certified
- Providing information to building owners and developers interested in listing housing opportunities with the program

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Arts & Culture Plan (adopted 2018) determined that affordable housing for artists was an urgent need. Additionally, there is an opportunity in the City of Berkeley to meet this need by utilizing vacant storefronts, as well as integrating artist housing into new housing developments. These strategies would help the City fulfil the goals for increased low-income housing articulated in the Housing Element (adopted 2023).

Artists affordable housing could play a positive role in supporting Berkeley's cultural resilience, fostering a healthy intergenerational environment in new housing projects, as

well as activating existing vacant storefronts. Artists can provide a cultural environment that nurtures community in Berkeley's overall housing development plans.

### BACKGROUND

Increasing access to affordable housing and affordable spaces for artists and arts organizations was identified as the top goal in the City of Berkeley Arts & Culture Plan approved by City Council in 2018. Affordable living and workspace for artists is a pressing issue for our community, with artists increasingly priced out and unable to live and work in Berkeley.

In response, the Civic Arts Commission generated a report entitled "Affordable Housing for Artists in Berkeley" (Attachment 1) that includes data about the unique housing and space needs of artists based on a survey and focus groups with diverse artists and cultural workers. The report was presented at the December 8, 2021 Civic Arts Commission meeting and it gave rise to important discussions around housing and work-space affordability for artists and was further studied by an ad hoc Artists Affordable Housing Task Force composed of a Civic Arts Commissioner, a local developer, artists, and nonprofit housing professionals which has been working concurrently with the affordable housing for artists assessment (2020-22).

In response to this affordable housing for artists assessment, Council approved a referral (Attachment 2) on January 25, 2022 requesting that the City Manager, Planning Commission, and Housing Advisory Commission "review, consider, and incorporate recommendations [from the assessment of affordable housing needs for artists in Berkeley] to the greatest extent possible, into the Housing Element update and related planning and zoning processes." Consultants hired by the City to assist with the development of the Housing Element requested an artist certification process for affordable housing as a prerequisite for including affordable housing for artists into the upcoming Housing Element. To respond, the ad hoc Artists Affordable Housing Task Force, convened to develop recommendations for an artist certification process, which was further developed by the Civic Arts Commission's Policy Subcommittee. The Artist Certification Process was ultimately approved by the Civic Arts Commission at its May 24, 2022 meeting (Attachment 3).

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts associated with this recommendation.

### RATIONALE FOR RECOMMENDATION

An artist certification process is needed in order to determine whether an individual is eligible for affordable housing specifically designated as live/work space for artists.

### ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Jennifer Lovvorn, Secretary to the Civic Arts Commission, (510) 981-7533

Attachments:

1. Civic Arts Commission, Affordable Housing for Artists in Berkeley, December 2021.
2. Berkeley City Council, Referral: Affordable Housing for Artists Inclusion in Housing Element, January 25, 2022.
3. Artist Certification Process (Approved), Berkeley Civic Arts Commission, May 24, 2022.

# affordable housing for artists in Berkeley

## a baseline survey

Anh Thang Dao-Shah, ph.d.& Asif Majid, ph.d  
creative equity research partners  
December 2021

## **contents**

<b>2</b>		<b>executive summary</b>
<b>3</b>		<b>introduction</b>
<b>6</b>		<b>survey results</b>
<b>8</b>		<b>key findings</b>
<b>13</b>		<b>recommendations</b>
<b>15</b>		<b>further research</b>
<b>16</b>		<b>appendices</b>
		<b>a: community advisory group members</b>
		<b>b: survey questions</b>

## executive summary

This project aims to respond to concerns around housing and art space affordability among artists and arts organizations in Berkeley by answering two key questions:

- 1) What are the trends around local affordability issues that can be addressed through targeted resources and policy solutions?
- 2) What pre-existing housing disparities impact what artists seek in possible affordable housing solutions?

As in other parts of the Bay Area, narratives of concern around affordability in the arts ecosystem in the past decade are often anecdotal. The sector lacks comprehensive data that could inform system change solutions. To that end, this report is based on a survey and focus groups with a diverse group of artists and cultural workers in Berkeley to provide systematic data around the unique housing and space needs of artists. It seeks to better position Berkeley's arts community to participate in the City's current affordable housing efforts and help improve the safety of local arts spaces, without causing further artist displacement.

### key findings

#### **Artists are highly educated, yet have low income**

Berkeley's artists and artists/cultural workers who responded to the survey are highly educated (88% have a Bachelor's degree or higher). Yet, 60% of that same group has lower, very low, or extremely low income.

#### **Artists and cultural workers have multiple forms of employment**

Only 32% of all respondents reported that they are employed full time. Others indicated that they cobble together different types of part-time and short-term contract work, as well as self-employment, in order to make ends meet.

#### **Artists are rent burdened**

Artists and artists/cultural workers disproportionately rent their living space (71%). Of those who rent, 77% are rent burdened or severely rent burdened, based on the California's Department of Housing and Community Development definitions.

#### **Artists have a unique need for flexible live/work spaces**

Responding artists and artists/cultural workers indicated, at a rate of 82%, that they do their creative work in their living space. Of those respondents, over half (56%) practice artistic disciplines that require extra ventilation.

### recommendations

- **create policies that prioritize artists for new affordable housing**
- **designate some of Berkeley's upcoming affordable housing funding from measure O for units specific to artists**
- **consult artists when designing new policies for live/work spaces**
- **develop artist-specific resources and technical assistance to bring artists into the existing affordable housing pipeline**
- **pilot a guaranteed basic income program for qualifying artists**

## introduction

### *why this project?*

This project was initially conceptualized in 2019 in response to concerns around housing and art space affordability among artists and arts organizations in Berkeley. It was motivated by two events.

First, the [2018 Arts and Culture Plan Update for the City of Berkeley](#) identified -- as a primary goal -- the need to increase access to affordable housing and spaces for artists, cultural workers, and arts organizations. The cultural plan specified a number of action steps towards this goal, including undertaking a data-informed assessment of current art space affordability challenges and displacement risks in Berkeley, as well as the development of strategies to protect and create affordable spaces for Berkeley artists, cultural workers, and arts organizations based on the assessment's findings.

Second, in November 2018, the voters of Berkeley approved two bond measures totaling \$135 million to fund affordable housing in Berkeley. Berkeley City Council subsequently began the development of an affordable housing framework ([Housing for a Diverse, Equitable and Creative Berkeley](#)) to guide Berkeley's affordable housing policies, programs, and projects through 2030. This framework explored wide array of affordable housing for artists and other creative workers. In July 2019, the Council referred this policy document to various Commissions for further development. However, the pandemic caused this work to be temporarily put on hold.

As elsewhere in the Bay Area, concerns around the arts ecosystem's affordability over the past decade are mostly anecdotal, arising when a major artist or arts organization imminently faces the loss of their living and work space. These stories, while important, inadequately inform systems change solutions aimed at addressing structural concerns.

To that end, this project's goal is to develop an assessment that provides systematic data around the unique housing and space needs of artists and cultural workers. This will better position the arts community to participate in Berkeley's ongoing affordable housing efforts and help improve art space safety in Berkeley without causing further displacement of artists. Two key questions guided this project from the beginning:

- 1) What are the trends around local affordability issues that can be addressed through targeted resources and policy solutions?**
- 2) What pre-existing disparities could impact possible affordable housing solutions for artists?**

This second question is key to ensure the solutions we suggest do not unintentionally impact some groups more than others.

In April 2020, the COVID-19 pandemic brought a pause to the assessment project and



raised new affordability questions, as the arts community dealt with the consequences of regular lockdowns. While some local, state, and federal measures -- such as the eviction moratorium and extension of unemployment benefits to independent contractors -- helped prevent widespread displacement during the pandemic's height, the new normal brought new concerns as artists and cultural organizations continue to struggle with canceled events, lower venue capacity, and overall uncertainty.

These questions brought new urgency to the project, as well as the need to methodologically pivot and narrow the project's focus. Instead of focusing on both housing needs of artists and space needs of arts organizations as originally envisioned, this project focused on understanding the affordable housing and workspace needs of individual artists and cultural workers to ensure timely recommendations that would allow for participation in ongoing affordable housing efforts. This shift also allowed for the inclusion of additional questions that sought to understand both the short-term impact of the pandemic and the ongoing challenges that would inform long-term strategies to address affordability issues in Berkeley.

### *methodology and data limitations*

In order to collect data directly from artists and cultural workers during the ongoing pandemic, an online survey was issued in September 2021 through the Berkeley Civic Arts Program. The survey was open for four weeks and was accompanied by a robust outreach strategy, including outreach and reminder emails through the Civic Arts Program's and City of Berkeley's mailing lists and social media channels, the direct networks of a number of arts organizations represented by members of an ad-hoc advisory group, and posting on other community-serving digital platforms like Nextdoor. A list of all survey questions is found in Appendix B.

In addition to quantitative data, this project relies on the insights of artists, cultural leaders, and the City's affordable housing experts to provide context to the affordability crisis and housing needs. Research staff conducted three focus group meetings with 21 community stakeholders, who formed an ad-hoc community advisory group.

Members of the advisory group were selected to provide different perspectives on the historic and current landscape of arts and culture in Berkeley with a specific focus on housing needs for artists and cultural workers. With research staff, the advisory group helped design survey questions, reviewed preliminary findings, and brainstormed potential solutions. A list of the advisory group participants is provided in Appendix A.

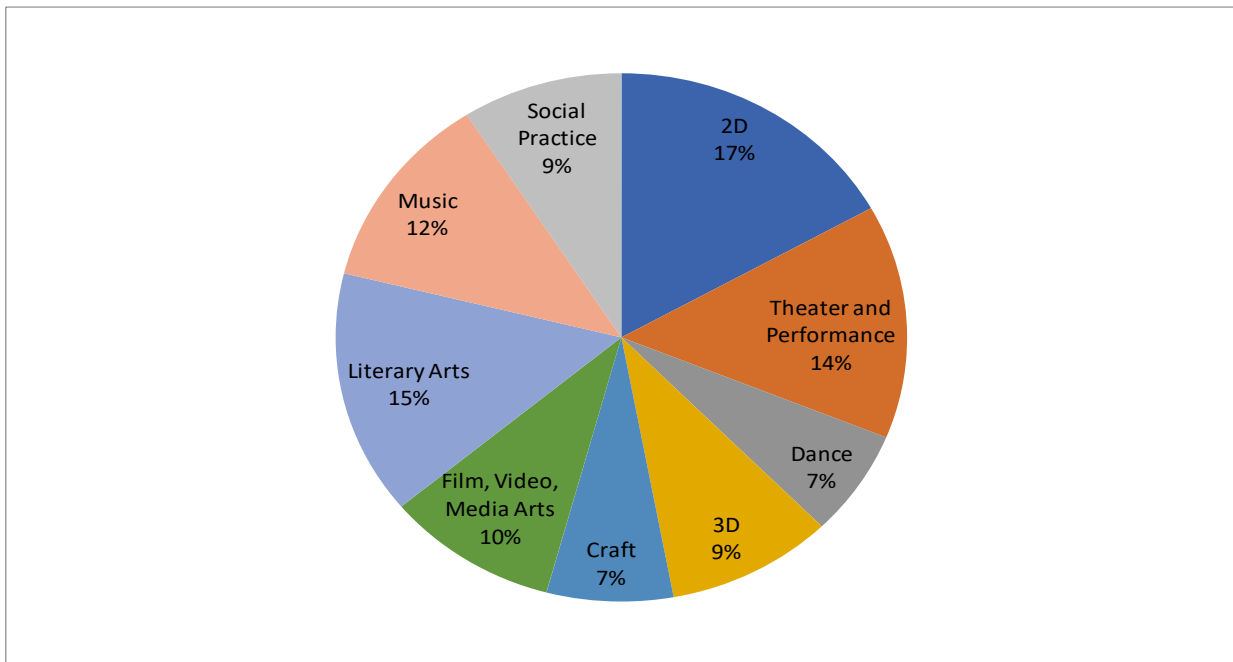
Any survey of artists must contend with the fact that there is no baseline dataset regarding the number of artists in a given community, due to the various ways artists can be defined. The most common way to define a professional group is to use IRS data that classifies someone's profession based on the income they earn from their main profession. Artists' main sources of income, however, often do not come from artwork; income sources are diverse and cross-sectoral. The same can be said for cultural workers. Plus, an artist's level of engagement with an art practice is not limited to paid opportunities. Income is thus an inadequate defining criterion. Through this survey's

grassroots and community-centered approach, this project provides a snapshot of the needs of the arts and culture sector and should be understood as baseline data that should be supplemented with ongoing and long-term data collection and analysis.

## survey results

### who responded?

A total of 163 artists and cultural workers responded to the survey. This constitutes 0.14% of Berkeley’s population, based on data from the 2020 census. For comparison, in a similar study in 2015 in San Francisco, which involved a six-week survey and multiple in-person outreach events, 560 artists and cultural workers responded to the survey. That constituted 0.07% of San Francisco’s population, based on 2010 census data. In other words, the Berkeley survey had double the response rate.



Of the Berkeley survey respondents, **48% identified as artists, 15% identified as cultural workers, and 37% identified as both artists and cultural workers.** In total, 32% of respondents do not currently reside in Berkeley, while 39% have lived in Berkeley for more than 10 years.

**31%**of respondents identified as LGBTQIA+

**62%**of respondents identified as female

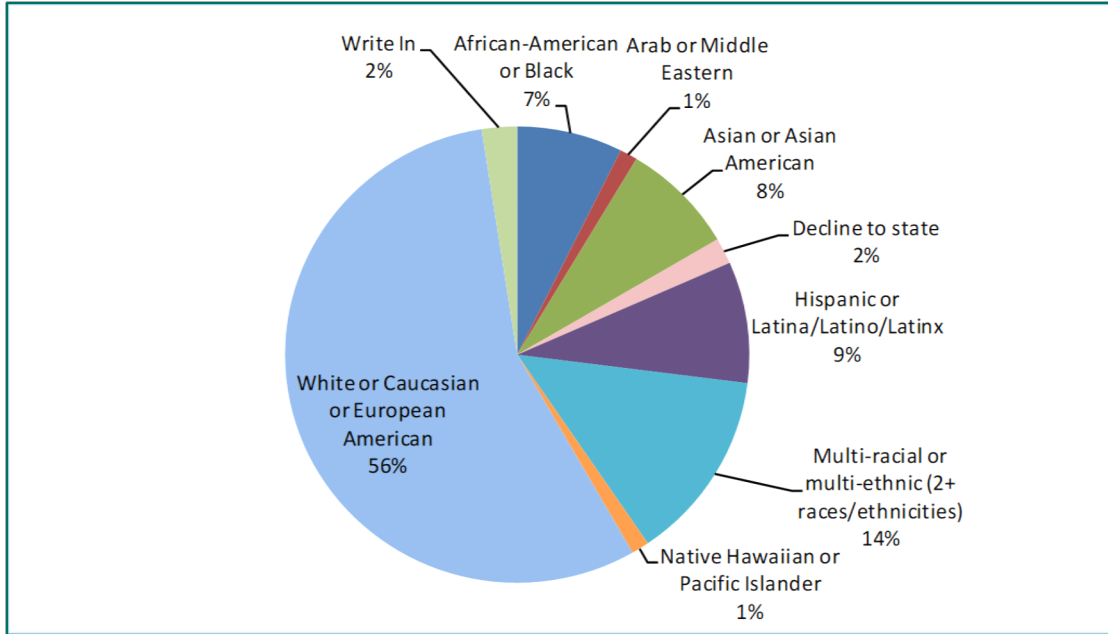


Figure 2: Race and ethnicity of survey respondents

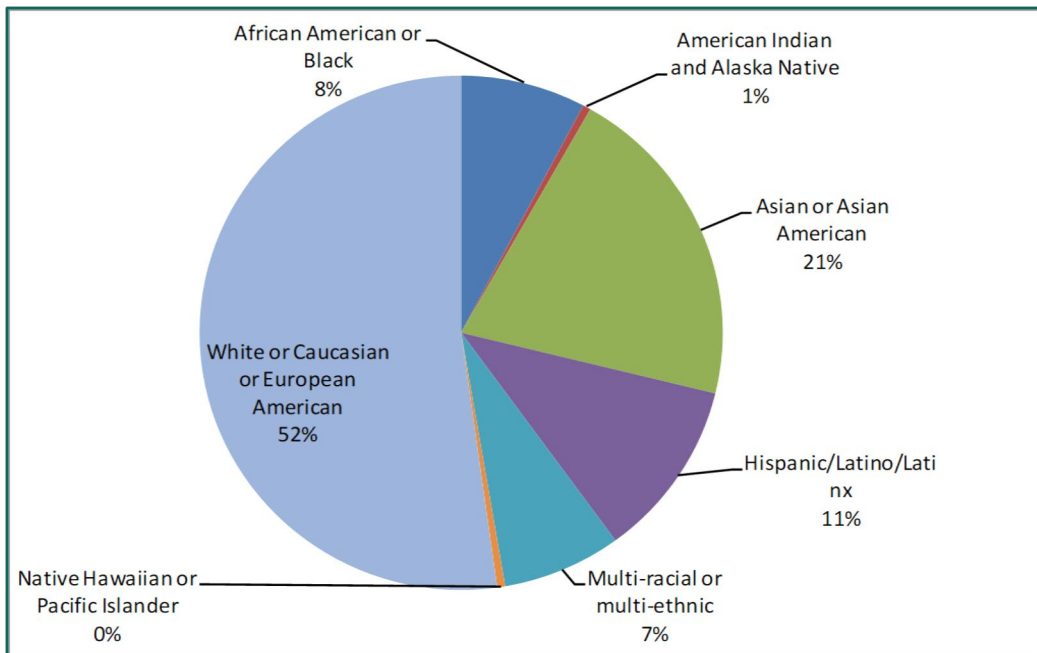


Figure 3: Race and ethnicity of City of Berkeley residents

## key findings

### *Artist respondents are highly educated, yet have low income*

Of those respondents who identified as artists or as both artists and cultural workers, 88% reported having a Bachelor's degree or higher. Of that same group, 60% reported an annual household income of \$69,000 or less. According to the [California Department of Housing and Community Development, in Alameda County for a single individual in 2019](#) (when this project and survey were first developed), annual household income of \$26,050 or below constitutes extremely low income, between \$26,051-\$43,400 is defined as very low income, and between \$43,401-\$69,000 is defined as lower income. Per these categories, 60% of those who identified as artists or both artists and cultural workers have lower, very low, or extremely low income. [In 2021, the upper threshold for the lower income category has risen to \\$76,750](#), meaning that artists are now even further behind financially than they were two years ago.

While low income is prevalent across the group, this rate is significantly higher among BIPOC respondents. Of respondents who identified as non-White, 72%, reported having lower, very low, or extremely low income, compared to 55% among those who identified as White or Caucasian. Due to the small number of participants, we are unable to make comparison between different groups who identify as non-White.

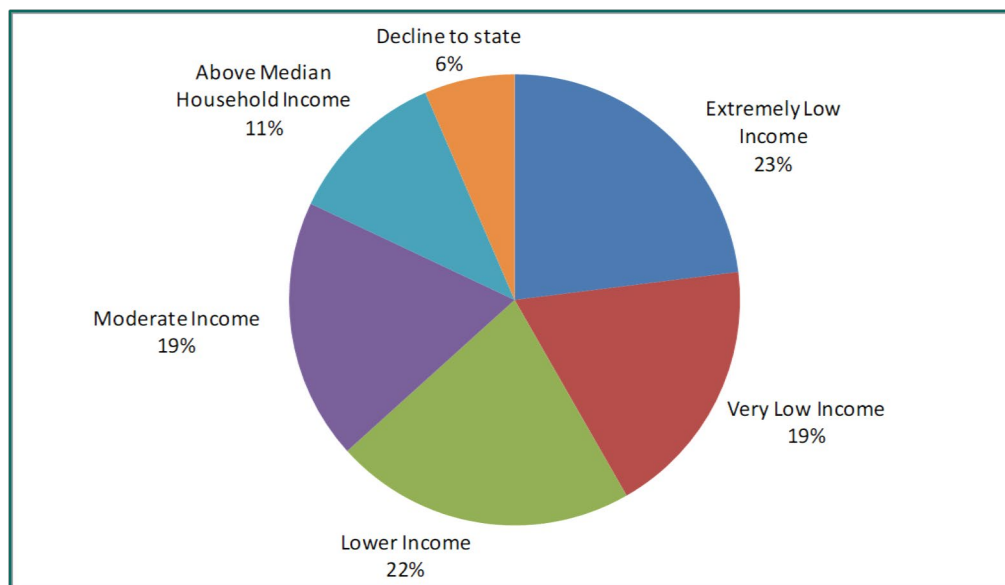


Figure 4a: Income categories for all artist respondents

<i>Income Category</i>	<i>Income Range</i>	<i>Percentage of Artist Respondents</i>
Extremely Low	≤ \$26,050	21%
Very Low	\$26,051-\$43,400	16%
Low	\$43,401-\$69,000	23%

Median	\$69,001-\$78,200	17%
Moderate	\$78,201-\$93,850	18%
Decline to State	n/a	5%

Figure 4b: Income ranges for artist respondents

### Artists and cultural workers have multiple forms of employment

Only 32% of all respondents reported that they are employed full-time. Others indicate that they engage in a patchwork of different types of part-time and short-term contract work, as well as self-employment, in order to make ends meet. Examples of employment that respondents are undertaking include: being a self-employed artist for one’s own or another’s art practice, being employed part time/doing regular work for pay as either a cultural worker or otherwise, doing contract work as a cultural worker or something other than a cultural worker, and undertaking unreported work for cash.

### Artist respondents report being rent burdened, but are not immediately concerned with losing their housing

Among respondents who identify as artists and as both artists and cultural workers, 71% of respondents rent. Of those who rent, 77% are rent burdened or severely rent burdened. According to the [US Department of Housing and Urban Development](#), a household or individual that spends more than 30% of their monthly household income on rent is rent burdened. Severely rent burdened households or individuals spend more than 50% of their monthly household income on rent.

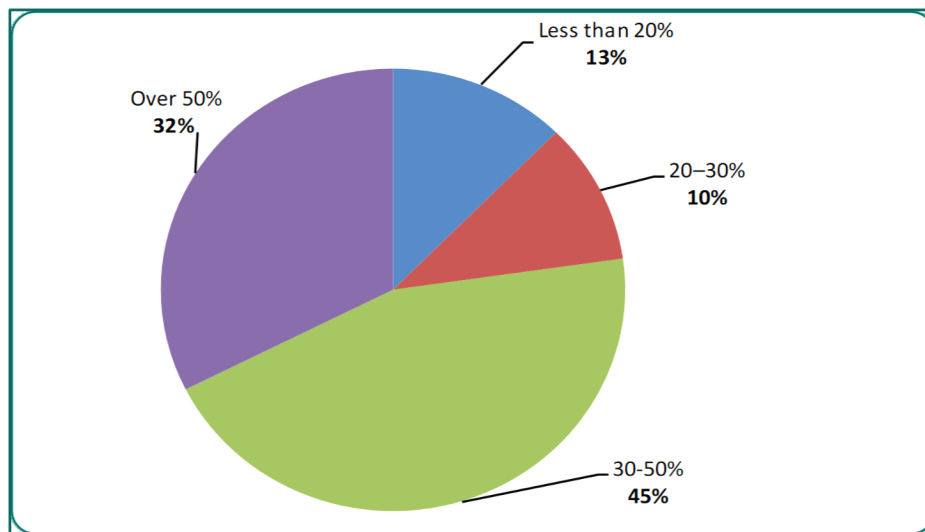


Figure 5: Respondents’ percentage of monthly household income spent on rent

While studies have shown that rent burden and extremely low income decrease the health and overall wellbeing of all those impacted, for artists this burden can

fundamentally change the way they engage with their artistic practice. Qualitative comments provided by the respondents highlighted having to scale back on their practice in order to earn the income they need to pay rent. This means they are unable to focus on developing their creative practice. As one respondent, a musician, explained:

The cost of living in the Bay Area fundamentally changes how I am able to grow in my craft. Since we are all hustling to pay rent at this level, rehearsals must be paid, limited and without a "post gig hang" - something I find central to collaborating with others. This limits how much performing I can do with others, which limits how much I can grow, experiment and contribute in my craft.

Over the long term, the lack of opportunities for artists to devote time and energy to their practice can lead to the abandonment of artistic practice altogether.

Despite respondents' high rent burden and low income, those identifying as artists and as artists/cultural workers do not indicate concerns around losing their housing in the near future.

Only 9% of respondents reported that they were evicted due to no-fault causes in the last 2 years. No-fault eviction is defined as evictions that take place when leases are not renewed without the tenant having violated any regulations as long as a notice to move out is sent to the tenant within the required time period. Landlords might choose to evict tenants who are paying rent on time and complying with regulations due to owner move in or the need to retrofit a building. In the last decade, as the affordability crisis has intensified throughout the Bay Area, no-fault eviction has often been used to let go of long-term tenants who are protected from rent increases to bring in new tenants who are charged at market rate. In the survey issued to San Francisco artists, about 30% of respondents reported that their leases were not going to be renewed due to no fault of their own.

Only 6% of respondents had to rely on the eviction moratorium during the pandemic. In total, only 9% of respondents are uncertain or very uncertain that they will be able to retain housing after the moratorium ends (20% were neither certain nor uncertain). Though seemingly at odds with other findings, this sentiment could be attributed to three factors.

First, Berkeley has strong renter protection policies. Qualitative survey responses show that many respondents who rent are aware of and rely on rent control, which helps keep their rent affordable. This is especially true with respondents who have resided in Berkeley for more than five years. Not concerned with immediate loss of housing does not mean that existing housing needs are met, however. As one respondent explained:

The only reason I am able to remain in the Bay Area is because I have been in the same unit for a decade and we have rent control - the other apartments in my building go for over twice what we're paying. [...] If I ever wanted to leave this apartment (and I do), I would have to leave the area entirely, because I can't afford anything else.

The gap between existing housing and respondents’ needs is especially acute for those working in artistic disciplines that have specific space requirements like extra ventilation.

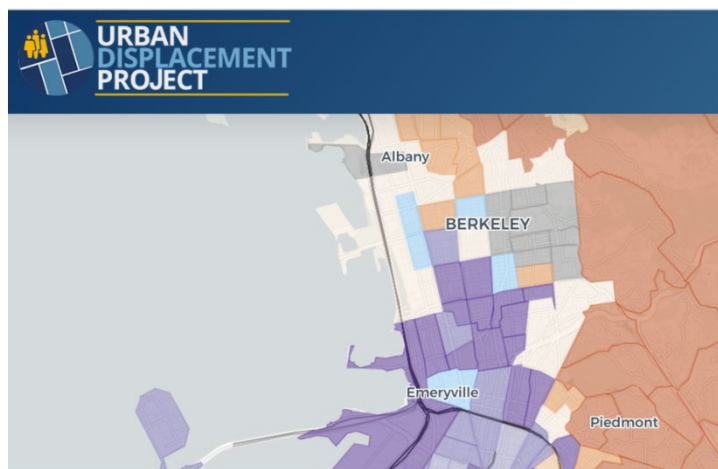
Second, the fact that the majority of respondents engage in multiple forms of employment means that they have multiple sources of income beyond their artistic practices to rely on for rental needs. However, as discussed above, in the long-term, the high burden of rent and reliance on other means of employment to make ends meet will impact artists’ abilities to sustain their art. As one artist wrote:

*My housing is over 2/3 of my income, leaving little to nothing for anything over basic living expenses.*

Lastly, the timing of the survey suggests that those who are currently still residing in Berkeley are the ones who managed to weather the wave of displacement that took place in the last decade through the two factors described above and we have not captured the concerns of those who already had to leave as displacement was taking place. According to the [Urban Displacement Project](#), by 2018, almost all of Berkeley, except the immediate area surrounding University of California, Berkeley was experiencing ongoing and advanced gentrification, with a few areas already becoming exclusive and three areas in North Berkeley marked as low income and susceptible to displacement. South Berkeley area between Ashby Avenue and Emeryville border was in an advance gentrification stage with displacement having taken place between 2000 and 2018.

For comparison, the study in San Francisco took place in 2015, in the middle of the biggest wave of gentrification in the broader Bay Area. In that study, more than 1/3 of respondents expressed immediate concerns about loss of housing due to rent increase, end of lease term or fear of no-fault eviction.

Notably, South Berkeley also had high percentage of BIPOC population (between 50% and 70%). This data confirms that, like in the rest of the Bay Area, BIPOC communities are more susceptible to early displacement and the survey respondents’ demographic reflects these changes in the population.





## *Artists have a unique need for flexible, live/work space*

Of responding artists and artists/cultural workers, 82% reported that they make their art where they live, with 56% of this group requiring extra ventilation for their art.

This finding reflects the way that affordability challenges can fundamentally change an artist's practice. For artists needing extra ventilation, this could mean a choice between maintaining their own health and practicing their art, particularly if there is no adequate separation between where artists sleep, cook, and eat and where artworks are being stored, produced, or left to dry. The need for flexible and affordable live/work space has pushed artists to make choices to live in dangerous conditions that can have fatal consequences. As one artist respondent explained:

It's really hard to find space to train that is affordable. I need at least 20' ceilings, ideally 30'. There were many affordable live/work warehouse conversions with this kind of ceiling height pre-Ghostship but many of these affordable spaces were affordable due to slumlord and very DIY situations, which often meant common housing needs like sealed roofs, consistent mail/package delivery, heating, bedroom windows/egress, were not guaranteed. The tragedy at Ghostship has led cities around the Bay Area to tighten up their policies around DIY spaces to prevent similar situations. However, without intentional creation of spaces that meet the needs of practicing artists, such policies do not solve the root cause problem that have caused artists to seek out those spaces in the first place.

## recommendations

### *Create policies that prioritize artists for new affordable housing*

Artists are an important part of the fabric of Berkeley as a city. As such, they should be part of ongoing conversations about Berkeley's housing plan. The survey results demonstrate that artists -- as a group -- have low income, a high rent burden, and have traditionally been left out of ongoing affordable housing. In order to mitigate further displacement and allow artists to continue to work and thrive in Berkeley, the City could consider creating a priority category for artists who meet income qualification to access affordable housing. Such a priority category would require working with the arts community to create an inclusive definition of what it means to be an artist. It should also take into consideration and center artists from Black, Indigenous, and People of Color (BIPOC) communities, as well as LGBTQ+ communities who have already been displaced. In doing so, artists will have an opportunity to return to Berkeley and enrich the city's social and artistic fabric.

### *Designate some of Berkeley's upcoming affordable housing funding from measure o for units specific to artists*

On July 24, 2019, Berkeley's Civic Arts Commission approved an amendment recommendation for Measure O that called for "significantly increas[ing] the supply of affordable housing and live/work housing for artists, artisans, and cultural workers" through adding to the zoning ordinance, incentivizing developers to build market-rate housing that includes affordable live/work units for creative workers, and incorporate live/work spaces for artists and cultural workers into large-scale affordable housing projects. Other proposals included the development of a community land trust and transforming underused retail spaces and City-owned buildings into artist live/work spaces. These recommendations should be revisited and implemented, as they align with the range of qualitative responses that came through the survey. Respondents also suggesting the development of: 1) co-ops; 2) a separate affordable housing lottery specifically for those artists and cultural workers from BIPOC and other underserved communities; and 3) relationships between the City and land trusts to purchase buildings that serve as artist housing. These suggestions point to the importance of re-evaluating how zoning and other policies further disenfranchise artists and cultural workers.

### *Consult artists when designing new policies for live/work spaces*

Across the Bay Area, responses to the Ghostship fire emphasized increased attention to artist DIY live/work spaces. These spaces were often the only options for artists to access live/work spaces that met their needs. Yet, artists have always worked to transform neighborhoods through their work and creative use of space. As Berkeley works to address affordability issues for all of its residents, consulting and involving

artists in the planning process can help bring about a much-needed, new, and fresh perspective on issues such as rezoning, repurposing ground floor spaces, and requiring community benefit proposals for new development.

### ***Develop artist-specific resources and technical assistance to bring artists into the existing affordable housing pipeline***

Due to the nature of their work, artists often have a unique income structure that makes applying for affordable housing more difficult. In addition, the survey shows that artists have needs for certain types of spaces that might be difficult to identify. Funding technical assistance to support artists to translate their needs and apply for the existing affordable housing pipeline could be an important step in helping artists leave inadequate living situations. The advisory group also recommended creating a one-stop shop that features affordable housing for artists (perhaps akin to a specialized version of [San Francisco's DAHLIA housing portal](#)), which would create a platform where artists could share information about available housing and get connected to resources like financial technical assistance. A space geared towards artists' housing needs might be especially beneficial for artists who are looking for affinity housing along the lines of race and sexual identity, which allows them to stay more connected with their own communities.

### ***Pilot a guaranteed basic income program for qualifying artists***

Acknowledging the disproportionate impact of the pandemic on a community that was already struggling due to ongoing affordability challenges, multiple cities such as [San Francisco](#) and [Minneapolis](#) have launched pilot programs providing artists from marginalized communities who meet income requirements with a monthly stipend that would help cover their basic needs. Stipends are unrestricted, so they can be spent on rent and food while artists continue their artistic practice. Due to the existing racial wealth gap, which was reflected in the survey results, such a pilot should prioritize BIPOC artists. These types of programs are gaining national attention because the arts and culture are often cited as key strategies for economic recovery. Practicing artists are essential for such recovery. The advisory group agreed that a basic income program would address two key findings in this report -- respondents' extremely low income and high rent burden -- both of which have already forced artists to significantly modify or abandon their art practices.

## further research

While the survey and focus groups discussed in this report have provided a much-needed snapshot into the space needs of artists in Berkeley, limited data does not allow us to paint a comprehensive picture. The following research and data collection is recommended, in order to complement this report.

### *Work with arts organizations to understand the income levels and housing needs of cultural workers*

Only 15% of the respondents to the survey identified exclusively as cultural workers, meaning that there was not a statistically significant sample from which to draw conclusions about the needs of cultural workers. Further research, specifically on the housing needs and income levels of cultural workers, is needed.

### *Conduct a disparity study*

Currently, Berkeley does not have comprehensive race and ethnicity data for seekers of affordable housing. Therefore, it is impossible to determine whether or not the artists who responded to this survey are demographically representative of the population that qualifies for affordable housing. A disparity study will ensure that changes in policy will not disproportionately impact certain groups.

### *Continue to collect data on artists*

The lack of baseline data on artists -- even as simple as the total number of artists and disciplines practiced in a given community -- prevents us from understanding the extent of the issues that artists face. More long-term data collection and analysis of artists in Berkeley will allow the city to identify trends, as well as possible challenges that can be mitigated by timely policy changes.

## appendices

### *a: community advisory group members*

Kim Anno, Berkeley Civic Arts Commission  
Delores Nochi Cooper, Berkeley Juneteenth Festival  
Bruce Coughran, Indra's Net Theater  
Hadley Dynak, Berkeley Cultural Trust  
Misty Garrett, City of Berkeley  
Ashlee George, Capoeira Arts Foundation and BrasArte  
Mayumi Hamanaka, Kala Art Institute  
Archana Horsting, Kala Art Institute  
Mildred Howard, Independent Artist  
Beatriz Leyva-Cutler, BAHIA  
Amanda Montez, City of Berkeley  
Mirah Moriarty & Rodrigo Esteva, Dance Monks  
PC Muñoz, Freight & Salvage and BCT E&I Committee  
Natalia Neira, La Pena Cultural Center and BCT E&I Committee  
Daniel Nevers, Berkeley Art Center  
Nancy Ng, Luna Dance Institute  
Kathryn Reasoner, Vital Arts  
Leigh Rondon, Shotgun Theater  
Irene Sazer, Independent Artist (Civic Arts Grantee)  
Sean Vaughn Scott, Black Repertory Group Theater  
Rebecca Selin, Gamelan Sekar Jaya  
Terry Taplin, Berkeley City Council and former Berkeley Civic Arts Commissioner  
Rory Terrell, Local Artists Berkeley  
Tyese Wortham, CAST  
Chingchi Yu, Independent Artist (Civic Arts Grantee)

## ***b: survey questions***

### **Messaging**

Are you an artist or cultural worker struggling to find affordable housing for you and your family?

Artists and cultural workers in Berkeley and throughout the Bay Area are facing an affordability crisis that prevents them from focusing on their creative work. Through the recently completed cultural planning process, the City of Berkeley identified as a primary goal the need to protect and increase access to affordable housing for artists and cultural workers.

Currently, there is little to no data on the affordable housing concerns of Berkeley artists and cultural workers. Your responses to this survey will help the City of Berkeley create programs and policies tailored to the housing needs that are specific to Berkeley's arts sector, including affordable housing and live-work spaces.

Thank you for helping keep Berkeley affordable for artists and cultural workers.

---

### **Survey Questions**

1. Are you an artist or cultural worker?
  - a. Artist [proceed to question 2]
  - b. Cultural Worker (staff member at an arts culture organization) [Proceed to Question 4]
  - c. Both
  
2. If you are an artist, how would you describe your artistic practice/artwork? Select all that apply:
  - a. 2D (Painting, Printmaking, Drawing, Photography, etc.)
  - b. 3D (Sculpture, Installation)
  - c. Theater/Performance
  - d. Dance
  - e. Craft
  - f. Film, Video, and/or Media Arts
  - g. Literary (Creative Writing, Poetry, etc.)
  - h. Music
  - i. Social Practice
  - j. Write in\_\_\_\_\_
  
3. Do you work with a medium that requires extra space and/or ventilation? This may include metal welding, spray paint, etc.
  - a. Yes
  - b. No

4. If you are a cultural worker, do you work at a Berkeley-based arts and culture nonprofit organization?
  - a. Yes
  - b. No
  
5. What is your primary language?
  - a. English
  - b. Spanish
  - c. Chinese (Mandarin and Cantonese)
  - d. Tagalog
  - e. Vietnamese
  - f. Persian
  - g. Portuguese
  - h. Punjabi
  - i. Swahili
  - j. Write In: \_\_\_\_\_
  - k. Decline to State
  
6. What is your race/ethnicity?
  - a. African-American or Black
  - b. American Indian or Alaska Native or Indigenous or First Nations
  - c. Arab or Middle Eastern
  - d. Asian or Asian American
  - e. Hispanic or Latina/Latino/Latinx
  - f. Native Hawaiian or Pacific Islander
  - g. White or Caucasian or European American
  - h. Multi-racial or multi- ethnic (2+ races/ethnicities)
  - i. Write In \_\_\_\_\_
  - j. Decline to State
  
7. What best describes your gender identity?
  - a. Female (cisgender)
  - b. Female (transgender)
  - c. Male (cisgender)
  - d. Male (transgender)
  - e. Gender-fluid/Genderqueer/Gender-expansive/Non-binary
  - f. Write In \_\_\_\_\_
  - g. Decline to State
  
8. How do you describe your sexual orientation or sexual identity?
  - a. LGBTQ+
  - b. Heterosexual/straight
  - c. Write in \_\_\_\_\_
  - d. Decline to State
  
9. Do you identify as a person with a disability?

- a. Yes
  - b. No
10. Please select the highest degree or level of school you have COMPLETED. If currently enrolled, mark the previous grade or highest degree already received.
- a. Less than high school
  - b. High school diploma/GED
  - c. Associate's degree
  - d. Bachelor's degree
  - e. Master's degree
  - f. Doctorate degree
11. How many people live in your household, including yourself?
- a. One [Proceed to Question 14]
  - b. Two
  - c. Three
  - d. Four
  - e. Five
  - f. More than five: Write In \_\_\_\_\_
12. Do you have any children under the age of 18?
- a. Yes
  - b. No [Proceed to Question 14]
13. If yes, how many children currently live with you?
- a. One
  - b. Two
  - c. Three
  - d. More than three
  - e. Write in: \_\_\_\_\_
14. What is your total household income?
- a. Less than \$26,050
  - b. \$26,051-\$43,400
  - c. \$43,401-\$69,000
  - d. \$69,001-\$98,549
  - e. More than \$98,550
  - f. Decline to state
15. If you are an artist, do you make 50% or more of your income from your artistic practice?
- a. Yes
  - b. No
  - c. I don't know
  - d. I am not an artist



16. What is your current employment status? Check all that apply:
  - a. Self employed artist for your own art practice
  - b. Self-employed, but not for your own art practice
  - c. Employed full time as a cultural worker
  - d. Employed full time as something other than a cultural worker
  - e. Employed part time/doing regular work for pay as a cultural worker
  - f. Employed part time/doing regular work for pay as something other than a cultural worker
  - g. Contract work as a cultural worker (for example: I receive a 1099 from a nonprofit arts organization organization)
  - h. Contract work as something other than a cultural worker (for example: I receive a 1099 from a separate non-arts organization or business)
  - i. Unreported work for cash
  - j. Not employed
  
17. How easy is it to predict your total income from month to month?
  - a. Very easy
  - b. Moderately easy
  - c. Neither easy nor difficult
  - d. Moderately difficult
  - e. Very difficult
  
18. How certain are you that your total income will return to pre-pandemic levels, over the next 6 months?
  - a. Very certain
  - b. Moderately certain
  - c. Neither certain or uncertain
  - d. Moderately uncertain
  - e. Very uncertain
  
19. What percentage of your average monthly income do you spend on housing costs?
  - a. Less than 20%
  - b. 20%-30%
  - c. 30%-40%
  - d. 40%-50%
  - e. More than 50%
  - f. I don't know
  
20. What is the zip code where you work?
  
21. What is the zip code where you live?
  
22. How long have you lived in Berkeley?
  - a. I do not live in Berkeley
  - b. Less than a year

- c. 1 - 3 years
  - d. 3 - 5 years
  - e. 5 - 10 years
  - f. More than 10 years
  - g. How long? \_\_\_\_\_
23. How long do you expect to remain in Berkeley?
- a. I do not live in Berkeley
  - b. Less than a year
  - c. 1 - 3 years
  - d. 3 - 5 years
  - e. 5 - 10 years
  - f. More than 10 years
  - g. How long? \_\_\_\_\_
24. Do you own or lease your living space?
- a. Lease [proceed to question 25]
  - b. Own [proceed to question 28]
25. What is your lease term?
- a. Month to month
  - b. 1 year
  - c. 2-3 years
  - d. More than 3 years
26. How many square feet is your space?
27. How much do you pay in rent per month?
28. Have you been displaced due to a “no-fault” or “no-cause” eviction in the past 2 years? (A “no-fault” or “no-cause” eviction is an eviction that is no fault of the tenant, but is allowed under the law.)
- a. Yes
  - b. No
  - c. I don't know
29. If you were displaced, did you have to move away from Berkeley?
- a. Yes
  - b. No
30. If you were not displaced, did you have to rely on the eviction moratorium that Berkeley has implemented over the past 12 months?
- a. Yes
  - b. No
  - c. I didn't know that evictions had been halted over the past 12 months.

31. How certain are you that you will be able to retain your housing when the eviction moratorium ends?
- Very certain
  - Moderately certain
  - Neither certain or uncertain
  - Moderately uncertain
  - Very uncertain
32. Do you use your living space for housing and your creative practice?
- Yes [proceed to question 37]
  - No [proceed to question 32]
33. If you have a work space that is separate from your living space, do you own or lease your work space?
- Lease [proceed to question 34]
  - Own [proceed to question 36]
34. What is the lease term for your work space?
- Month to month
  - 1 year
  - 2-3 years
  - More than 3 years
35. How much do you pay in rent per month for your work space?  
Write in \_\_\_\_\_
36. How many square feet is your work space?  
Write In \_\_\_\_\_
37. Have you been displaced from your work space due to a “no-fault” or "no-cause" eviction in the past 2 years? (A “no-fault” or “no-cause” eviction is an eviction that is no fault of the tenant, but is allowed under the law.)
- Yes
  - No
  - I don't know
38. If you were displaced, did you have to move your work space away from Berkeley?
- Yes
  - No
39. Do you share your work space?
- Yes
  - No

40. What are some challenges you've faced in the past when trying to access or find affordable housing?
41. Please share any ideas you have on how to ensure equitable participation of BIPOC artists and cultural producers from other historically underserved communities, as well as recommendations for local organizations that should be consulted.
42. Do you have anything else to share with us?

-----END OF SURVEY-----



Sophie Hahn  
City Council District 5  
510-981-7140  
shahn@cityofberkeley.inf

CONSENT CALENDAR  
January 25, 2022

To: Honorable Members of the City Council  
From: Councilmember Hahn (Author), Councilmember Taplin (Co-Sponsor),  
Councilmember Harrison (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)  
Subject: Referring the Civic Arts Commission’s *affordable housing for artists in Berkeley* Report and other Artist Live, Work and Live-Work opportunities to the Housing Element Update

RECOMMENDATION

1. Refer the Civic Arts Commission’s report entitled *affordable housing for artists in Berkeley* to the City Manager, Planning Commission, and Housing Advisory Commission to review, consider, and incorporate recommendations, to the greatest extent possible, into the Housing Element update and related planning and zoning processes.
2. Refer to the City Manager, Planning Commission, and Housing Advisory Commission consideration of the feasibility and impacts of allowing ground floor affordable live, work, and live-work space for artists in certain commercial, manufacturing, and mixed-use buildings/areas, both new-build and existing, and exploration of other opportunities for living, work and live-work space for artists.

SUMMARY/CURRENT SITUATION:

Affordable living and work-space for artists is a pressing issue for our community, with artists increasingly priced out and unable to live and work in Berkeley. Affordable housing for artists has been identified in numerous planning documents as a key need. Most recently, the Civic Arts Commission generated a report entitled *affordable housing for artists in Berkeley* that reported data about the unique housing and space needs of artists, based on a survey and focus groups with diverse artists and cultural workers. (See Attachment 1: *affordable housing for artists in Berkeley*). The report was presented at the [December 8, 2021 Civic Arts Commission meeting](#), and generated important discussion around housing and work-space affordability for artists.

Berkeley is currently engaged in an in-depth process to update the City's Housing Element. The results of the update will shape the development of housing in Berkeley for much of the next decade. A key component of the Housing Element is to identify sites that can accommodate future housing needs across income levels and other demographic factors. The Housing Element also involves the development of a variety of approaches to meet community housing and affordability needs such as zoning updates and new affordable housing requirements and programs.

With the [Housing Element update process already in progress](#), it is important for the recently completed *affordable housing for artists in berkeley* report to be referred and the report's findings and recommendations to be incorporated into the Housing Element Update, as feasible.

In addition to the findings and recommendations of the *affordable housing for artists* report, an informal group of artists has been discussing the possibility of allowing ground-floor commercial space to be substituted for affordable artist work- or live-work space in new-buildings, or in existing buildings via conversions in some locations or building types. Because there are many elements to consider, including impacts to the retail environment, feasibility and costs, quality of work- and living-space for artists, relationship to affordable housing and community benefit requirements in new-build, locations and buildings types where artist ground floor live-, work- and live-work space may be feasible, and more, this idea is referred more generally to the City Manager, Planning Commission, and Housing Advisory Commission (HAC).

Exploration of other potential means to create, convert and/or reserve affordable living, work, and live-work space for artists is also referred, allowing the City Manager, Planning Commission, and HAC to broaden their analysis and consultation to consider all opportunities to create affordable living and work-spaces for artists.

To the extent feasible opportunities for affordable artist living and live-work space may be identified from the *affordable housing for artists in berkeley* report or through additional exploration, concepts should be incorporated into the Housing Element Update.

#### BACKGROUND:

The City's 2018-2027 Arts and Culture Plan Update identifies affordable artist housing as the first of five strategic goals:

## **Goal 1 Increase Access to Affordable Housing and Affordable Spaces for Artists and Arts Organizations**

Support the long-term sustainability of the arts and culture sector by expanding the availability of affordable housing and spaces for both artists and arts organizations.

The Plan Update also includes the following introductory remarks:

“Berkeley is home to a vibrant and diverse community that strongly values its rich cultural fabric. Characterized by its collective nature, the city is famous for its distinguished university, beautiful natural setting, and its remarkable history as a home for progressive movements. Arts and culture permeate civic life in Berkeley through numerous acclaimed theaters, performing arts spaces, as well as the city’s many artists. Over 150 arts and culture nonprofits operate in Berkeley and together they contribute to a dynamic, continually evolving arts and culture community that interacts closely with other sectors of the city’s economy. The nonprofits that make up the arts community are particularly diverse in terms of their size and their creative disciplines.

Along with the cultural richness the arts infuse into the community, the arts sector is also a significant economic driver, generating an estimated \$165 million in total economic activity. In 2017, Berkeley Mayor Jesse Arreguin stated that “in addition to fostering civic pride, a flourishing arts scene [brings] new visitors to our city and more revenue to local businesses.” Currently, as the San Francisco Bay Area is experiencing substantial economic growth, rising real estate and living costs have created an especially challenging environment for the arts community in Berkeley. Some artists and arts organizations are leaving the city because they can no longer afford to live and work here.”

Most recently, the Civic Arts Commission generated a report entitled *affordable housing for artists in berkeley* that reported data about the unique housing and space needs of artists, based on a survey and focus groups with diverse artists and cultural workers. (See Attachment 1: *affordable housing for artists in berkeley*). The report was presented at the [December 8, 2021 Civic Arts Commission meeting](#), and generated important discussion around housing and work-space affordability for artists.

Discussions of affordability in the arts ecosystem are often anecdotal, with few studies to provide comprehensive data to inform potential solutions. To provide more comprehensive information, the Civic Arts Commission requested and received a report with findings based on a survey and focus groups. The study consulted a diverse group of Berkeley artists and cultural workers and provides systematic data around the unique housing and space needs of artists. The report explicitly seeks to position Berkeley’s arts community for inclusion in

the City's affordable housing efforts and to help improve the safety of local arts spaces while avoiding further displacement.

The study was initially conceptualized in 2019 in response to concerns around housing and art space affordability among artists and arts organizations in Berkeley, and was motivated by two events.

First, the 2018 Arts and Culture Plan Update for the City of Berkeley identified -- as a primary goal -- the need to increase access to affordable housing and spaces for artists, cultural workers, and arts organizations. The cultural plan specified a number of action steps towards this goal, including undertaking a data-informed assessment of current art space affordability challenges and displacement risks in Berkeley, as well as the development of strategies to protect and create affordable spaces for Berkeley artists, cultural workers, and arts organizations based on the assessment's findings.

Second, in November 2018, the voters of Berkeley approved two bond measures totaling \$135 million to fund affordable housing in Berkeley. Berkeley City Council subsequently began the development of an affordable housing framework (Housing for a Diverse, Equitable and Creative Berkeley) to guide Berkeley's affordable housing policies, programs, and projects through 2030. This framework explored a wide array of affordable housing for artists and other creative workers. In July 2019, the Council referred this policy document to various Commissions for further development. However, the pandemic caused this work to be temporarily put on hold.

The survey and subsequent report on its findings was completed and released by the Civic Arts Commission in November 2021. It made several key findings and recommendations that relate to zoning and planning decisions which may potentially be made as part of the ongoing Housing Element Update.

Some key findings of the report include recommendations that the City of Berkeley:

1. Create policies that prioritize artists for new affordable housing

Artists are an important part of the fabric of Berkeley as a city. As such, they should be part of ongoing conversations about Berkeley's housing plan. The survey results demonstrate that artists -- as a group -- have low income, a high rent burden, and have traditionally been left out of ongoing affordable housing. In order to mitigate further displacement and allow artists to continue to work and thrive in Berkeley, the City could consider creating a priority category for artists who meet income qualification to access affordable housing."



2. Designate some of Berkeley's upcoming affordable housing funding from Measure O for units specific to artists

"On July 24, 2019, Berkeley's Civic Arts Commission approved an amendment recommendation for Measure O that called for "significantly increas[ing] the supply of affordable housing and live/work housing for artists, artisans, and cultural workers" through adding to the zoning ordinance, incentivizing developers to build market-rate housing that includes affordable live/work units for creative workers, and incorporate live/work spaces for artists and cultural workers into large-scale affordable housing projects."

3. Consult artists when designing new policies for live/work spaces

Across the Bay Area, responses to the Ghostship fire emphasized increased attention to artist DIY live/work spaces. These spaces were often the only options for artists to access live/work spaces that met their needs. Yet, artists have always worked to transform neighborhoods through their work and creative use of space. As Berkeley works to address affordability issues for all of its residents, consulting and involving artists in the planning process can help bring about a much-needed, new, and fresh perspective on issues such as rezoning, repurposing ground floor spaces, and requiring community benefit proposals for new development.

4. Develop artist-specific resources and technical assistance to bring artists into the existing affordable housing pipeline

Due to the nature of their work, artists often have a unique income structure that makes applying for affordable housing more difficult. In addition, the survey shows that artists have needs for certain types of spaces that might be difficult to identify. Funding technical assistance to support artists to translate their needs and apply for the existing affordable housing pipeline could be an important step in helping artists leave inadequate living situations.

Because the report and findings include important information about the housing and space needs of artists, the *affordable housing for artists in berkeley* study is being referred to the Housing Element Update and to the Planning Commission and HAC for immediate consideration.

In addition to the findings and recommendations of the *affordable housing for artists* report, an informal task force of artists has been discussing the possibility of allowing ground-floor commercial space to be substituted for affordable artist work- or live-work space in new-buildings, or in existing buildings via conversions, in some locations or building types.

Because there are many elements to consider, including impacts to the retail environment, feasibility and costs, quality of work- and living-space for artists, relationship to affordable housing and community benefit requirements in new-build, locations and buildings types where artist ground floor live-, work- and live-work space may be feasible, and more, this idea is referred more generally to the City Manager, Planning Commission, and Housing Advisory Commission (HAC).

The presence of artists living and working around the clock has been documented as an important factor in creating more livable, animated urban areas. At the same time, retail vacancies have risen steadily in recent years as more purchasing has migrated online. The COVID-19 pandemic has accelerated this trend and led to even greater amounts of empty space, even in Berkeley's most popular commercial areas. Removing barriers to use or re-use of vacant retail/commercial spaces may be a means to provide affordable live/work spaces for artists while also activating storefronts.

To explore the possibilities of using retail/commercial space to house working artists, an informal task force including members of the Civic Arts Commission, affordable housing advocates, artists, and developers was convened. The goal of the group's work was to increase active uses of often-vacant ground floor space and provide a new low-impact supply of affordable live/work spaces for artists.

Some of the ideas generated by this informal group include:

1. Allowing affordable live/work housing for artists in lieu of ground floor retail or commercial use in specific locations (for example, away from main commercial nodes, or on side-streets) or corridors, including the San Pablo and University Avenue corridors and/or in other appropriate locations.
2. Developing a clear set of allowable uses and criteria for tenant eligibility including the responsibility to maintain a lively street presence.

In addition to consulting with the arts community, including members of the informal task force, the City Manager, Planning Commission and HAC should consult with business and commercial property owners to fully understand the opportunities and challenges of allowing live-work in lieu of retail, and to identify the circumstances, requirements,

locations and other factors that could make affordable live-work ground floor uses work both for artists, and for the health and vitality of commercial districts.

#### ALTERNATIVES CONSIDERED

By referring the *affordable housing for artists in berkeley* report and its findings and other affordable living and work-space considerations to be developed simultaneous with and/or as part of the Housing Element, we can ensure that artists' unique housing, work-space and affordability needs are considered during the Update process, and incorporated as feasible in the Housing Element and other zoning and planning processes.

#### FISCAL & STAFF IMPACTS

Staff and the Commissions are already engaged in in-depth discussion of housing needs, zoning changes, and programs to meet housing and affordability needs communitywide. Adding more explicit consideration of the specific needs of artists, drawing from studies already completed and with input from the Arts Commission and arts community, will add important information to existing discussions. Additional formal study or consulting help is not envisioned.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This referral asks only for concepts to be studied and incorporated into a planning process already underway, and does not entail environmental or climate impacts.

#### CONTACT PERSON

Councilmember Sophie Hahn, [shahn@cityofberkeley.info](mailto:shahn@cityofberkeley.info); 510-682-5905

#### Attachments

1. *affordable housing for artists in berkeley*

## Artists Definition and Certification process for the City of Berkeley

Approved by the Civic Arts Commission: May 25, 2022

*Whereas: "Artists play a critical role in the well-being of our communities and in the economic, social, and cultural fabric of our cities. Artists bring unique talent and skill to fostering cohesion and belonging, building trust, activating civic engagement, addressing mental health, cultivating collective safety, and celebrating community identity." From the City of San Francisco Guaranteed Income & Pilot, powered by Yerba Buena Center for the Arts: Learning and Insight from Design to Launch*

The purpose of the following process is to identify artists who are eligible for inclusion in a pool of applicants specifically qualified for artist's affordable live/work housing in the City of Berkeley. All artists must also qualify as low-income as set by the State of California.

The affordable live/work housing units available to this list of artists will be identified by the City of Berkeley. The Civic Arts Program will solicit applications from artists who reside in Berkeley or those who have been displaced from Berkeley within five years prior to their application for the affordable live/work housing eligible list.

Step One: Artists must apply for verification of low-income status per State of California guidelines before being considered for City of Berkeley artist certification.

Step Two: A rotating jury of arts professionals and artists will convene to review the following materials submitted by each applicant to certify artists for this program:

- A. Artist statement
- B. Submitted samples of artwork (online or PDF formats)
- C. Letter of interest and commitment to producing art and having a creative practice

Step Three: When spaces become available, certified artists can apply to be in a lottery for spaces that may have specific space-use conditions (clean vs. messy, loud vs. quiet, need for ventilation, need for use of heavy equipment, etc.).

### **Artists Affordable Housing Eligible List of Certified Artists**

1. The City of Berkeley will maintain a list of eligible artists who are interested in obtaining Artists Affordable housing in a lottery as spaces become available. This list shall be kept in two locations within the City of Berkeley. Two locations will be identified as being independent of any city-wide technical catastrophe.
2. Civic Arts will advertise the twice annual artist certification process.
3. Available units will be advertised to certified artists.
4. Information about the program and types of housing will be available on the Civic Arts website.
5. Annually Civic Arts will post an invitation to encourage building owners and developers to list unit opportunities with the program.
6. City of Berkeley should adopt a policy to incentivize this program with a City tax/fees waiver to encourage qualified building owners to list unit opportunities.

Step Four: This pool will be renewed twice a year.

#### **Requirement for Art Production:**

All artists occupying artists affordable live/work housing must maintain arts production with an active creative practice in these spaces. The intent of the program is to create and maintain spaces for producing artists with consistent public presentations. If an artist ceases to produce work for two-years then the artist will be notified of non-compliance and will be evicted.

#### **Artists eligibility using one or more of the following criteria:**

1. An individual (or team member of an arts group) who is regularly engaged in the arts on a professional basis. These include but are not limited to those who practice:

- A. Fine Arts such as painting, mixed media works, sculpture, photography, papermaking, printmaking, filmmaking or videography, or interdisciplinary art practices
  - B. Performing Arts such as dance, dance theatre, acting, directing, set design, or members of theatre troupes
  - C. Musical Arts such as musicians, composers, singers, choir members, band members, or ensemble members
  - D. Literary Arts such as writers of prose, poetry, or plays
  - E. Social Practice Arts including interdisciplinary modes of creative production with methods of public engagement
  - F. Craft Artisans who create such as fine woodworking, ceramics, glass blowing, textiles, jewelry, stained glass, metal works, fashion, blacksmithing, basketry, etc.
  - G. Artists who have culturally specific creative practices (folk arts, traditional arts, tradition bearers)
  - H. Self-taught and “outsider” artists
2. Creative production may be documented and renewed biennially on a CV or resume including one or more of the following:
- A. History of creating a body of public or publicly-displayed artwork, including public performances
  - B. Record of exhibitions and/or artwork sales or performances
  - C. History of temporary or permanent public art works
  - D. Education, apprenticeships or study

This definition does not include architectural and landscape services, industrial or graphic design services, computer systems design services, and other commercial activities normally conducted in an office environment.

**Art/Craft Studio shall be defined as:**

1. A live and work establishment in which the creation of art or crafts as defined above takes place. Such an establishment may be used to host periodic open studios, but otherwise is subject to the applicable district's requirements for incidental sales of goods made on site.
2. Art/Craft Studios may also include rehearsal spaces, small gathering places designed to include possible classes, readings, micro performances, exhibitions, or presentations. These are not required but available.
3. Art/Craft studios typically have larger spaces where the artist is in production. The living portion of the spaces must include kitchen, bathroom, and sleeping area. All construction is subject to building code that requires two entrances to the units. All spaces must include at least one operable window.

**Requirement for Street Activation:**

Street presence is of value to the life and sustainability of the City of Berkeley. Towards this end, recipients of artists affordable housing also make a commitment to participating in a visual display in street facing windows. The display is a visual phenomenon occupying the windows in relationship to artists' creative practice.

1. Artists have the routine responsibility to maintain a current lively rotating street presence in the windows of their spaces that face the street where they reside. The form for this is determined by the artist and the medium they are working in. The window displays can be two or three dimensional, in a tandem relationship to their art(s) practice. The scale of the visual presence will be conceived to respect the scale of the windows. Media may be presented in compliance with sound and light regulations in the City of Berkeley.
2. Windows facing the interior yards, or back yards do not need to be activated.



Civic Arts Commission

**Draft Minutes**  
**Civic Arts Commission Meeting**  
**Wednesday, December 6, 2023**  
**6:00 PM**

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

**1. CALL TO ORDER 6:06 PM**

**2. ROLL CALL**

**Commissioners Present:** Anno, Blecher, Bullwinkel, Dhesi, Ibarra, Passmore, Woo.

**Commissioners Absent:** Covarrubias.

**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:** 6

**3. LAND ACKNOWLEDGEMENT**

**4. PUBLIC COMMENT (for items not on the agenda): 2**

**5. CHAIR'S REPORT**

- a) Budget Referral of \$300,000 for Capital Projects Grants included in Annual Appropriation Ordinance Adjustment #1 ("AAO#1")
- Council Meeting on December 12, 2023: First reading of AAO#1
  - Council Meeting on January 14, 2024: Second reading of AAO#1

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



- a) **Action Item:** Approval of 2024-2025 Poet Laureate for the City of Berkeley as recommended by the Poet Laureate Selection Panel  
M/S/C (Passmore/Dhesi) to approve Aya de Leon as the 2024-2025 city of Berkeley Poet Laureate as recommended by the Poet Laureate Selection Panel.  
Vote: Ayes — Anno, Blecher, Bullwinkel, Dhesi, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Covarrubias.  
Public Comment: 2
- b) **Presentation:** Project Overview by Marcel Pardo Ariza, 2023/2024 Municipal Artist-in-Residence for the City of Berkeley’s San Pablo Area Specific Plan Introduced by Jennifer Lovvorn, Chief Cultural Affairs Officer and presentation by Marcel Pardo Ariza, Municipal Artist-in-Residence  
Public Comment: 0
- c) **Action Item:** Cube Space Exhibition  
Introduced by Jennifer Lovvorn, Chief Cultural Affairs Officer and presented by Leila Weefur.  
M/S/C (Anno/Woo) to approve artist Ebti Shedid for Cube Space curated by Leila Weefur for exhibition in 2024.  
**Public Comment**  
Vote: Ayes — Anno, Blecher, Bullwinkel, Dhesi, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Covarrubias.  
Public Comment: 0
- d) **Action Item:** FY25 Individual Artist Projects Grant Guidelines  
Introduced by Dana Blecher, Grants Subcommittee Chair and presented by Hilary Amnah, Grants Program Lead  
M/S/C (Ibarra/Anno) to approve the FY25 Individual Artist Projects Grant Guidelines.  
Vote: Ayes — Anno, Blecher, Bullwinkel, Dhesi, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Covarrubias.  
Public Comment: 0
- e) **Action Item:** FY25 Community Festivals Grant Guidelines  
Introduced by Dana Blecher, Grants Subcommittee Chair and presented by Hilary Amnah, Grants Program Lead (Attachment 2)  
M/S/C (Bullwinkel/Ibarra) to approve the FY25 Community Festivals Grant Guidelines.  
Vote: Ayes — Anno, Blecher, Bullwinkel, Dhesi, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Covarrubias.

Public Comment: 0

- f) **Action Item:** FY25 Arts Program Grant Guidelines  
Introduced by Dana Blecher, Grants Subcommittee Chair and presented by Hilary Amnah, Grants Program Lead  
M/S/C (Bullwinkel/Dhesi) to approve the FY25 Arts Program Grant Guidelines.  
Vote: Ayes — Anno, Blecher, Bullwinkel, Dhesi, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Covarrubias.  
Public Comment: 0
- g) **Action Item:** 2024 - 2025 Grant Review Panelists Pool  
Introduced by Dana Blecher, Grants Subcommittee Chair and presented by Hilary Amnah, Grants Program Lead  
M/S/C (Passmore/Dhesi) to approve new roster of grant review panelists for the FY25 Civic Arts Grant Cycle.  
Vote: Ayes — Anno, Blecher, Bullwinkel, Dhesi, Passmore, Woo; Nays — None; Abstain — Ibarra; Absent — Covarrubias.  
Public Comment: 0
- h) **Action Item:** Letter of support to Council for Capital Projects Grants funding  
Introduced by Dana Blecher, Civic Arts Commission Chair  
M/S/C (Ibarra/Bullwinkel) to approve letter of support to Council for Capital Projects Grant Program funding with minor modifications to the draft letter made at the meeting.  
Vote: Ayes — Anno, Blecher, Bullwinkel, Dhesi, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Covarrubias.  
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) Policy & Joint Subcommittee with Housing Advisory Commission – First meeting is January 25, 2024.
  - Kim Anno, Chair
  - Lisa Bullwinkel
  - Cameron Woo
- c) Public Art – No report.
  - Matt Passmore, Chair
  - Kim Anno
  - Riti Dhesi
  - Cristina Ibarra
- d) Representatives on Civic Center Project – No report.
  - Lisa Bullwinkel
  - Cameron Woo
- e) Representative on Berkeley Cultural Trust – No report.
  - Lisa Bullwinkel
- f) Representative on Design Review Committee – Next meeting December 22, 2023.
  - Cameron Woo

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


- a) None

**10. APPROVAL OF MINUTES**

- a) **Action Item:** Draft Minutes of October 25, 2023 Meeting  
M/S/C (Dhesi/Woo) to approve Minutes of October 25, 2023 Meeting  
Vote: Ayes — Anno, Blecher, Bullwinkel, Dhesi, Passmore, Woo; Nays — None; Abstain — Ibarra; Absent — Covarrubias.  
Public Comment: 0

**11. ADJOURNMENT 7:59 PM**

- Action Item:** M/S/C (Woo/Bullwinkel) to adjourn the meeting.  
Vote: Ayes — Anno, Blecher, Bullwinkel, Dhesi, Ibarra, Passmore, Woo; Nays — None; Abstain — None; Absent — Covarrubias.  
Public Comment: 0

Staff Contact:  
Jennifer Lovvorn   
Secretary to the Civic Arts Commission  
Berkeley, CA 94704  
Telephone (510) 981-7533  
TDD (510) 981-6903  
jlovvorn@berkeleyca.gov

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

**ACCESSIBILITY INFORMATION:**

**To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.**