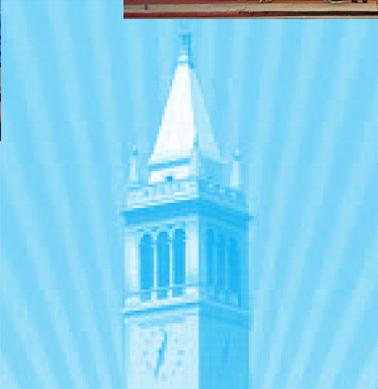


Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists

**A Report by the Housing
Advisory Commission and
the Civic Arts Commission
July 2025**



In 2018, the City Council adopted the City of Berkeley 2017-2018 Arts and Culture Plan Update (Update). The Update is a framework for supporting the arts. A key Update recommendation is to increase access to affordable housing and affordable spaces for artists and arts organizations. In 2021, the Civic Arts Commission commissioned a survey on affordable housing for artists in Berkeley by Creative Equity Research Partners. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

The 2022 survey on affordable housing for artists concluded that without affirmative strategies and policies, artists will continue to be priced out of Berkeley.

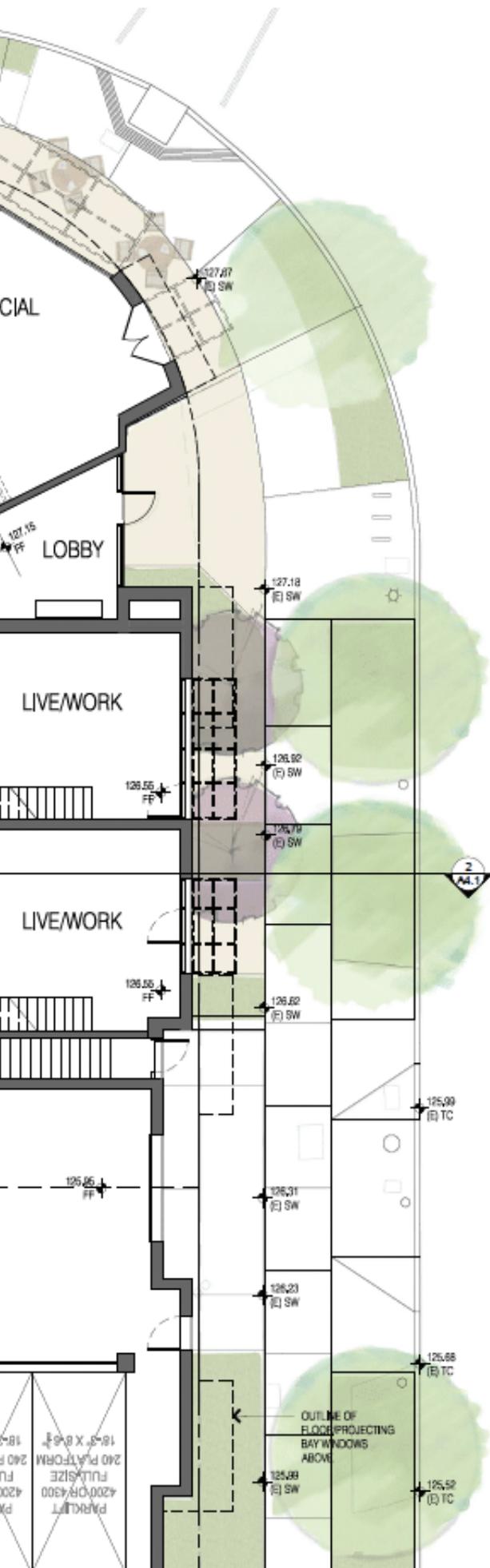
Acting on the survey report's findings, in July 2023, members of the Civic Arts Commission made a presentation to the Housing Advisory Commission (HAC) regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow the artist community.

The joint subcommittee met regularly over the past two years to prepare the following goals and recommendations to address the critical need for affordable housing for artists and cultural workers in Berkeley. This report was presented to the HAC and Civic Arts Commission at their respective July 2025 meetings with a recommendation that the report be forwarded to the Berkeley City Council for its consideration and approval.

Overview of Policy Recommendations

- 1 Adopt an ordinance implementing AB 812, which allows up to 10% of Below Market Rate units within cultural arts districts to be set aside for low-income artists.
- 2 Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in study areas already identified in the City's Housing Element, specifically the San Pablo Specific Plan and the Corridors Zoning Update: North Shattuck, College and Solano Ave.
- 3 Place an affordable housing bond measure on the 2028 ballot.
- 4 Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new-build or existing properties) for low-income artists, provide technical assistance, pre-development funding and/or other resources as necessary to kick-start such a project.
- 5 Implement the short- and medium-term strategies recommended in the Berkeley Social Housing Study Draft – May 2025.
- 6 Adopt a standardized process for designating local cultural districts and apply for State cultural district designation.
- 7 Preserve the funding for a Guaranteed Basic Income pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.

A proposed development on San Pablo Ave. (left) suggests live/work spaces on the first floor in place of traditional retail space.



Making the Case for Artist Housing in Berkeley

In 2018, the City Council adopted the City of Berkeley 2017-2018 Arts and Culture Plan Update. The Update is a framework for supporting the arts. It developed and recommended citywide goals, policy improvements, and actions to support and further develop local arts, culture, and entertainment. The Update contains five strategic goals. Goal number one is to increase access to affordable housing and affordable spaces for artists and arts organizations. Several of the policy recommendations are updated and included in this report.

In 2021, the Civic Arts Commission commissioned a survey on affordable housing for artists in Berkeley by Creative Equity Research Partners. One hundred and sixty-three (163) local artists were surveyed and represented a cross-section of Berkeley’s most vulnerable populations. The survey found that high housing costs were placing the community’s thriving cultural sector at increasing risk of displacement. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

Acting on the report’s findings, in July 2023, members of the Civic Arts Commission made a presentation HAC regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. The Civic Arts Commission’s key concern was that the affordable housing crisis was adversely impacting the artist community in Berkeley by pricing practicing artists out of the city, and negatively impacting the local economy and community vibrancy and creativity. Given the unique role that artists play in a community’s character and prosperity, HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow Berkeley’s artist community.

“ Goal number one is to increase access to affordable housing and affordable spaces ... ”

Current Housing Funding Landscape

This report comes at a unique and challenging moment when traditional funding sources for affordable housing face unprecedented constraints. Affordable housing developments serve as essential infrastructure for low- and moderate-income individuals and families, including the artists and cultural workers who contribute significantly to Berkeley’s identity and economy. Funding for affordable housing comes from various sources, including government programs, private investors, and local initiatives. All three sources for funding affordable housing projects are severely distressed for the foreseeable future—government funding is increasingly scarce as government cuts in spending gain momentum. Meanwhile, private sector funding is tentative at best given the uncertain economic atmosphere. In short, funding nationally and locally (both municipal and private sectors) is scarce.

Still, there are several actions to be taken to put necessary zoning into place, provide capacity building, and position the city with critical local matching funds, as well as building alliances and dreaming on a large scale, so that when the economic outlook improves and funding once again becomes available—the city of Berkeley will be ready to act. The need for affordable housing will not subside—and neither should our commitment to addressing it.

Artists as Economic Contributors and Vulnerable Workers

Artistic professions are highly valued but poorly compensated. Artists represent a significant yet vulnerable segment of our workforce. As a labor sector, artists are among the lowest-income workers, placing them within already marginalized communities that struggle with housing affordability. Despite this economic vulnerability, artists drive substantial economic activity, representing 7% of California’s economy—or 15% when including television and film industries. This economic contribution makes artists vital to the prosperity of California and the city of Berkeley.

According to the 2022 Creative Equity Research Partners survey, of the 88% respondents who had Bachelor’s degrees, 60% reported an annual household income of \$69,000 or below, which qualified as low-income in Alameda County. Forty-five percent (45%) were rent-burdened. These trends also intersect with the racial wealth gap: among respondents who identified as non-White, 72% reported low household incomes, compared to 55% among those who identified as White or Caucasian.

Berkeley’s artistic and cultural richness is actively promoted as an attraction to renters and homebuyers, yet the very artists who create this cultural value face displacement due to housing costs. Without accessible housing and workspace options, Berkeley risks losing its arts sector that defines much of the city’s local economy, character and appeal.

The definition of “artist” for the context of this report, approved by the Civic Arts Commission, May 25, 2022, is as follows:

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:

Fine Arts such as painting, sculpture, mixed media works, photography, papermaking, printmaking, filmmaking or videography, or interdisciplinary art practice.

Performing Arts such as dance, dance theatre, acting, directing, set design, or members of theatre troupes.

Musical Arts such as musicians, composers, singers, choir members, band members, or ensemble members.

Literary Arts such as writers of prose, poetry, or plays.

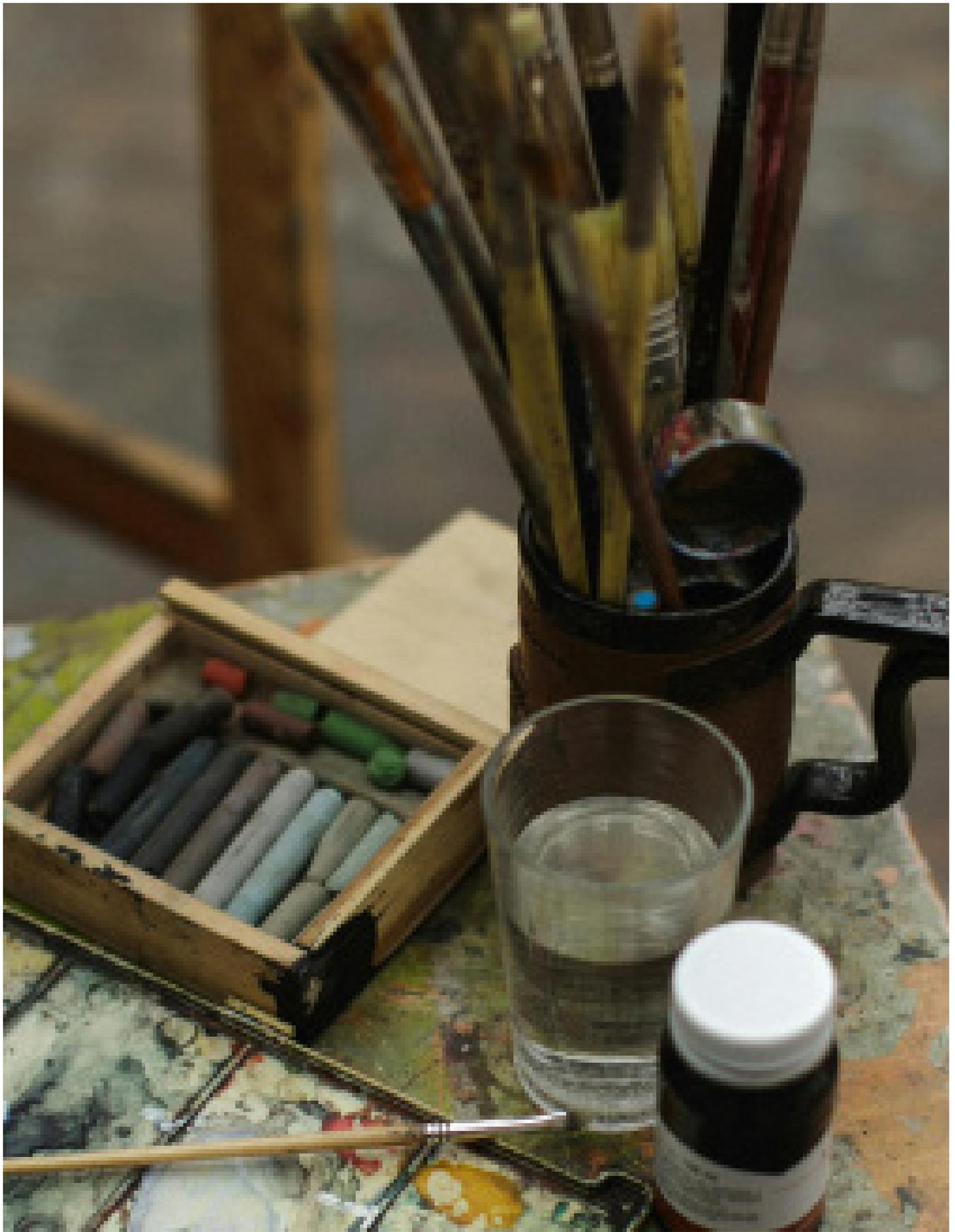
Social Practice Arts including interdisciplinary modes of creative production with methods of public engagement.

Craft Artisans who create works such as fine woodworking, ceramics, glass blowing, stained glass, textiles, jewelry, metal works, fashion, blacksmithing, basketry, etc.

Artists who have culturally specific creative practices (folk arts, traditional arts, tradition bearers)

Self-taught and “outsider” artists

The terms “artist”, “cultural worker”, and “creative workforce” are used interchangeably throughout this report.



EMBRACING BERKELEY’S COMMITMENT TO THE ARTS: Laying the Groundwork for Artists Housing

Current efforts by organizations like Vital Arts, which is conducting a regional artist census and providing emergency displacement prevention grants, and Artist Space Trust, which provides low-income housing for artists and trains artists to access existing affordable housing, highlight the two-pronged nature of this crisis.

The City’s Housing Element recognizes this need. Policy H-8 calls for developing workforce housing for low- and moderate-income households, including teachers, *artists*, and other residents who work in the city of Berkeley. This policy underpins the idea that artists, who are often teachers as well, contribute to the economy and vibrancy of the community and that high housing costs are placing the community’s thriving cultural sector at increasing risk of displacement. Further, the Housing Element includes programs like Program 27, focused on Priority Development Areas (PDAs), including the San Pablo Specific Plan, and other initiatives that call for rezoning to enable higher-density housing, especially near transit and services.

The Corridors Zoning Update is one of the primary tools to carry out the Housing Element’s vision. It will focus specifically on North Shattuck, College Avenue, and Solano Avenue—commercial corridors with potential for added housing. The goal is to update zoning codes to allow more housing (including affordable units), promote mixed-use development, and ensure compliance with state laws on housing capacity.

Both planning efforts emphasize equity and access. Berkeley has long valued its creative spirit. Now is the time to protect it. The dual imperative is clear: create more affordable housing and ensure artists can remain in their communities.

Goal: To support the long-term sustainability of the arts and culture sector by expanding access to affordable housing and workspaces for artists and arts organizations—through targeted policies, funding mechanisms, and land use strategies.

HAC and the Civic Arts Commission share the following recommendations:

1 Adopt an ordinance implementing AB 812, which allows up to 10% of Below Market Rate units within cultural arts districts to be set aside for low-income artists.

In 2023, the State Legislature adopted AB 812 (Chapter 747). The bill provides that cities with inclusionary zoning programs can set aside up to 10% of Below Market Rate (BMR) units for lower-income artists. The units reserved must be located within, or within one-half mile, of a State-designated, or wholly within a locally designated, cultural district. The city has two locally designated cultural arts districts: The Black Arts and Culture District in South Berkeley and the Arts District Overlay in downtown Berkeley. Community members and stakeholders are exploring a possible third local arts district in West Berkeley.

To provide a BMR unit set-aside for artists within local cultural districts, the city must adopt an ordinance implementing the state law. A draft ordinance has been prepared for Planning Commission and City Council consideration and is attached as Appendix A. [The Civic Arts Commission and HAC previously approved a recommendation referring the draft ordinance implementing AB 812 to the Planning Commission.]

Adopting an ordinance implementing AB 812 is an immediate action that can lead a concerted effort to retain the city’s creative workers, especially low-income artists and artists of color.

2 Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in areas already identified in the City’s Housing Element, specifically the San Pablo Specific Plan and the Corridors Zoning Update: North Shattuck, College and Solano Ave.

Planning staff are currently working with the community on the San Pablo Specific Plan and have recently initiated the Corridors Zoning Update: North Shattuck, College and Solano Avenue. Both planning initiatives focus on key commercial corridors with the goal of developing land use and economic revitalization initiatives that will encourage and support diverse housing, commercial activities, and public amenities. The Plans also provide critical opportunities for developing land use standards and policies that encourage and incentivize live-work spaces for artists, spaces for non-profit arts organizations, and affordable housing for low-income cultural workers. In addition, flexible outdoor and indoor spaces for exhibitions and performances should be encouraged along these commercial corridors. The exhibition and performance spaces should be accessible and affordable to ensure their usability by artists.

a. San Pablo Specific Plan

The San Pablo Specific Plan is investigating land use and zoning standards that promote access to housing, equity, safer streets, sustainability, and an economically vibrant commercial corridor.

The [December 4, 2024 presentation to the Planning Commission](#) provides an outline of the major goals derived from the community assessment. The identified goals, if translated into land use standards and policies, will go a long way to promoting affordable and diverse housing and encourage flexible spaces for arts and culture organizations and activities. The expansion of allowable ground floor uses to permit residential, with an emphasis on live-work spaces, is critical to animating the corridor and promoting economic vibrancy. Allowing pop-up uses by right and sponsoring public-private events are key avenues for supporting the arts and local artists. All of these strategies should be adopted in the final Plan.

Specific recommendations include:

- In exchange for increased density, require provision of ground floor, below-market-rate office or exhibition space for non-profit arts organizations or provision of ground floor affordable artist live-work space.
- All live-work projects should have a set-aside for below-market units specifically for artists.
- If corridor improvements are permitted in exchange for increased density, they should include outdoor areas suitable for exhibitions and performances. It is essential that “corridor improvements” include hard and soft funding as “hard” spaces are only as good as the programming that happens within them. Funds for ongoing activities, landscaping, amenities, etc. must be provided.
- Permitted ground floor uses must be expanded to have an economically vibrant and successful San Pablo Avenue. Residential uses must be allowed, with a focus on live-work housing. Offices should also be permitted with a focus on arts and cultural (and other) non-profit space. Day care facilities are critical to economic development and should be a permitted ground floor use.

b. Corridors Zoning Update: North Shattuck, College and Solano Ave.

The Corridors Zoning Update is a city of Berkeley initiative focused on revising zoning regulations along three key commercial corridors: North Shattuck Avenue, College Avenue, and Solano Avenue. These areas have been designated as priority commercial and transit corridors in the city's 2023–2031 Housing Element, aiming to increase housing capacity and promote equitable development.

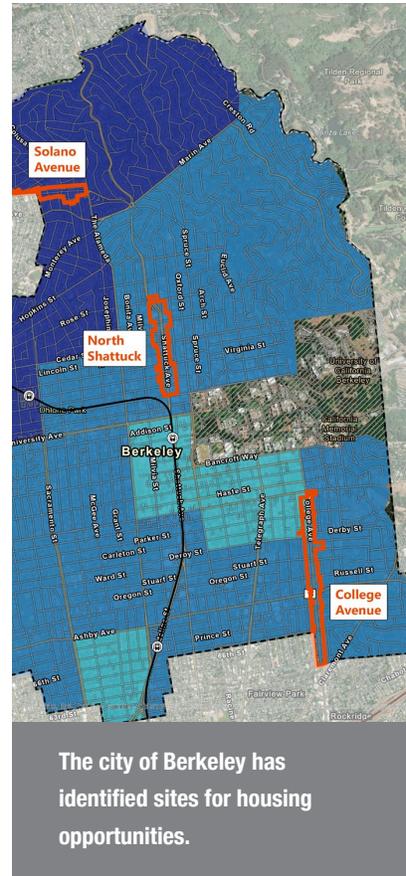
The Corridors Zoning Update is focused on land use and zoning standards that enhance housing capacity and address development barriers to advance fair housing and augment housing capacity, with a focus on equity and inclusion. The re-zoning effort launched earlier this year, and it is estimated to be completed at the end of 2026. The initial community meeting was held on May 1, 2025. [The PowerPoint presentation from the meeting can be found here.](#)

This initiative, which is just beginning, is an opportunity for affordable housing and arts organizations and advocates to be engaged to:

- Ensure that live-work spaces are permitted as part of the re-zoning; and
- Permit ground floor spaces in new residential developments, both market rate and affordable, to be used, by right, as flexible spaces that can accommodate offices and performance, exhibition and classroom facilities.

Affordable housing should be prioritized and incentivized:

- City-owned properties within the three corridors should be studied for feasibility for conversion into affordable housing sites; and
- A set-aside of affordable units for low-income artists should be included (see report recommendation #1 regarding adopting an ordinance implementing AB 812.)

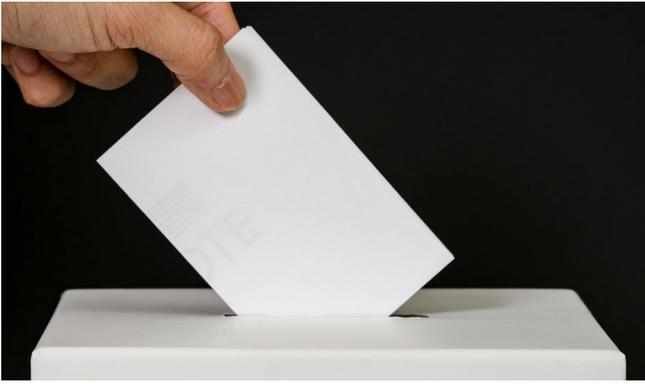


3 Place an affordable housing bond measure on the 2028 ballot.

In 2018, the voters approved Measure O, with 77.5% of voters voting yes. Measure O provides \$135 million of funding from bond revenue to pay for affordable housing projects. Since approval of Measure O, over 750 units of affordable housing have been built or are under construction and hundreds of units have been approved for funding and are in the development pipeline. The city completed two of the planned four issuances of the Measure O bond, with the third issuance anticipated in 2025.

The City does not have an annual Notice of Funding Availability (NOFA) process to allocate Measure O funds, but instead issues NOFAs when sufficient funding is available to support one or more projects. There are no immediate plans for a NOFA for the estimated \$1.8M in remaining Measure O funds. Staff anticipates that remaining Measure O funds could be used to support pipeline projects that need additional subsidy, or may be used to support a new project, in conjunction with other local housing funds.

While there are major affordable housing projects in the development pipeline, including the North Berkeley and Ashby BART stations, Measure O funds have been expended, encumbered, or reserved for identified projects. Therefore, there are no significant local funds that can be used for new affordable housing projects. Local funding is a critical component of affordable housing development as \$1 of local funding can leverage up to \$5-\$7 of additional funding.



Local matching funds make projects more competitive when applying for state and federal funding, and are essential for securing Low Income Housing Tax Credit funding, a key affordable housing mechanism. Without a new local source of affordable housing funding, the forward progress in addressing the city’s affordable housing crisis will be stalled and the gains in reducing the number of unhoused

people and providing stable housing for low-income families and individuals will be reversed. Therefore, it is imperative that the city begin the process of placing a new affordable housing bond measure on the November 2028 ballot.

A 2028 bond measure can ensure funding for:

- Workforce housing, including housing for artists;
- Redeveloping the West Berkeley Senior Center site on 6th Street;
- A Social Housing pilot project(s); and
- Initiatives identified in the San Pablo Specific Plan and Corridors Zoning Update.

“... it is imperative that the city begin the process of placing a new affordable housing bond measure on the November 2028 ballot.”

4 Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new- build or existing properties) for low-income artists, provide technical assistance, pre-development funding or other resources as necessary to kick-start such a project.

The city is fortunate to be part of a vibrant affordable housing and arts ecosystem. While the development of housing projects can take years, in the short term, it is also important for the city to work to support and retain its diverse workforce and residents.

City Housing and Economic Development staff could seek to work in close partnership with arts organizations, including Artist Space Trust who is already providing technical assistance programming to educate their members, and the larger arts community, on accessing existing affordable housing, navigating the Section 8 wait list, monitoring various housing advocacy and provider websites, learning about community land trust housing, and more.

Several housing developments exist which aim at housing artists —from a proposed project on Market Street in San Francisco, CA (upper left) to the majestic Warren Building / the Artspace Uptown Artist Lofts (left) in M^oichigan City, IN and Westbeth Artists Housing in New York City, NY (lower left).



Longer-term, and working in partnership, these same arts organizations are a vital asset to the city in the development of an artist-centered affordable housing project. The project would incorporate best practices gathered from across the sector to create affordable housing for low-income arts workers. It could include live-work units and studio spaces, define finance and ownership structures, and importantly, continue to deliver vital technical assistance programs, aimed at informing and engaging the most vulnerable within our arts community. All the lessons learned, and expertise gained, could then inform other artist-centered housing projects and zoning programs and policies, with the goal of preserving and growing the arts as an impactful economic sector and retaining and expanding the artist community in Berkeley.

Specific activities might include:

- Explore the feasibility of a NOFA for an artist-specific affordable housing project to be funded in part with Housing Trust Fund monies.
- If sufficient funds are not available for a NOFA, develop a pilot project to provide technical assistance and pre-development funding to support an affordable housing project for artists to be awarded through a Request for Proposals (RFP) process.
- Hold a workshop for arts organizations about how to access affordable housing with information about Section 8, the Inclusionary Housing program, the Housing Preference Policy, non-profit housing development organizations, and housing advocacy groups like East Bay Housing Organization (EBHO). The workshop could also include information about Fair Housing and the Rent Stabilization Program.

5 Implement the short- and medium-term strategies recommended in the Berkeley Social Housing Study - Draft - May 2025.

The Draft Berkeley Social Housing Study advances a vision of housing as a universal right and outlines how Berkeley can integrate social housing principles into local policy. It highlights the city's acute housing challenges – widespread rent burdens, homelessness, displacement of residents, and a persistent shortfall in affordable housing—indicating that current efforts are falling short of the need.

Drawing on international models (like Vienna and Denmark) and a U.S. example (Montgomery County, MD), the study finds that social housing can be effectively delivered by public and/or nonprofit entities if backed by sustained funding, and that when such housing constitutes a large share of the total stock, it dramatically improves overall affordability. Key findings emphasize the need for: 1) long-term public investment, 2) strict cost controls to keep development costs down, and 3) strong tenant participation in housing management to ensure success.

The study's financial analysis (comparing a mixed-income, cross-subsidy approach to a deeply affordable model) found that acquiring and rehabilitating existing buildings is more cost-effective per unit than new construction and can create affordable homeownership opportunities; however, delivering new social housing at scale will require either including some market-rate units to cross-subsidize lower rents or securing much larger public subsidies—in all cases, substantial outside funding is needed to reach the lowest-income households.

In the near term (1–3 years), the study recommends launching pilot projects to demonstrate social housing principles – for example, a mixed-income development and an acquisition-rehab project converting rentals to affordable homes. It also suggests bolstering existing programs by: 1) expanding the Small Sites Program (with sustainable funding) to preserve at-risk buildings, 2) encouraging cost-saving construction methods (like modular design), and 3) leveraging public land for affordable housing developments.

Over the medium term (4–10 years), the study calls for a 10-Year Affordable Housing Strategic Plan to set clear social housing goals (including targets for income mix and what proportion of Berkeley’s housing stock should be social) and to clarify the City’s future role in housing (whether to remain a funder or become a direct housing provider). The plan would also identify sites for future projects, institute formal cost controls on development (such as limits on unit size, per-unit cost, and developer fees), and explore new public financing tools like infrastructure financing districts to support social housing. Finally, the study urges efforts to “decommodify” housing by preserving affordable units long-term and establishing robust tenant governance structures (such as participatory budgeting and rent transparency) to ensure housing is treated as a public good.

“ ... the study urges efforts to “decommodify” housing by preserving affordable units long-term and establishing robust tenant governance structures ... to ensure housing is treated as a public good. ”

6 Adopt a standardized process for designating local cultural districts and applying for State cultural district designation.

The City of Berkeley currently has two locally designated cultural districts. However, they are implemented differently:

1. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012, as part of the Downtown Area Plan, and has specific boundaries outlined in the Downtown Mixed-Use District.
2. The Black Arts & Culture District was designated by the City Council on February 13, 2024, by Resolution No. 71,212–N.S. The Black Arts & Cultural District is not designated with its own unique boundaries, but rather by reference to the Adeline Corridor Specific Plan, which allows and “strongly encourage[s]” arts and entertainment uses in ground floor spaces.

In December 2024, the City Council referred to the City Manager and Civic Arts Commission the task of establishing common standards for locally designated cultural districts, with the recommendation that the city should consider a standard process for cultural district designation such that the above and future designations can qualify under AB 812 as a “similar locally designated cultural district.”

The referral also directs city staff to consider seeking state-level cultural district designation once local standards are in place. With the adoption of AB 189 (2015), the state of California launched the California Cultural District program as a pilot in 2017, with 14 state-designated cultural districts certified by the California Arts Council. In June 2025, the Council launched a second round of the California Cultural Districts program to select another 10 state-designated cultural districts.

Adopting common standards for locally designated cultural district will leverage the power of the AB 812 implementing ordinance by expanding the universe of available BMR set-aside units for lower-income artists, as these set-aside units can be located with 1/2 mile of a state-designated cultural district.

7 Preserve the funding for a Guaranteed Basic Income pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project. The feasibility of including low-income artists and cultural workers as eligible participants in a Guaranteed Basic Income (GBI) pilot project should be explored in recognition of their economic vulnerability and contribution to Berkeley’s cultural and economic vitality.

As part of its Reimagining Public Safety initiative, the City Council budgeted \$50,000 to hire a consultant to develop a GBI pilot project. According to staff, this project has not moved forward and the designated funding will be examined among competing priorities for the city budget in the fall. When the GBI pilot project is re-evaluated in the fall, HAC and the Civic Arts Commission recommend that the funding be retained for this initiative.



Artists share the same challenges as other economically precarious workers with irregular incomes. Participation in a GBI program could help stabilize housing and access to work spaces, thereby retaining an important sector of the local economy. A study of Oakland’s recently concluded GBI pilot program showed that the GBI pilot program resulted in more modest employment and modest improvements in housing outcomes, including less likelihood of becoming homeless, compared to the control group. Moving forward with a GBI pilot project is essential given all the on-going and anticipated cuts to federal and state social safety net programs and services. Strategies to meet the needs of lower income workers must be explored and implemented as resources shrink and the need grows. Developing and refining best practices is an important part of this effort if we are to support and sustain the arts and the working artists who make up the arts workforce.

“Berkeley has a long history of supporting the arts and artists with specific policies and requirements to ensure its standing as a vibrant and forward-looking community.”

Conclusion

Berkeley has a long history of supporting the arts and artists with specific policies and requirements to ensure its standing as a vibrant and forward-looking community. Its original Arts and Culture Plan was approved over 20 years ago. During this time, the city has weathered the Great Recession of 2008; multiple housing cycles and downturns resulting, at various times, in increases in its unhoused residents; a growing affordable housing crisis; a pandemic; and most recently, an unprecedented attack on the social safety net and funding for the arts and humanities by the federal government.

At the same time, the city has worked hard to address these challenges, with citizens voting for several measures to fund programs to reduce homelessness and build affordable housing. During the pandemic, the city provided emergency funding to non-profit arts organizations and tenants to prevent displacement. The city has undertaken several planning initiatives to incentivize more equitable development and pave the way for more affordable housing opportunities. These efforts must be built upon to realize the goal of supporting the long-term sustainability of the arts and culture sector. Adopting this report’s recommendations will go a long way to achieving that effort.

APPENDIX A

ORDINANCE NO. _____

Implementation of AB 812 (Chapter 747) Authorizing a Certain Percentage of Affordable Units be Reserved for Artists up to 10% of those Required Affordable Housing Units Consistent with the City of Berkeley's Affordable Housing Preference Policy

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 23.328 is amended to read as follows:

Section 23.328.010

Findings and Purpose.

Section 23.328.010 is amended to add the following:

H. AB 812 (Chapter 747) authorizes 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% of those required affordable housing units, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district, as specified.

I. The City of Berkeley has two locally designated cultural districts. The Black Arts and Culture District was designated by the City Council on February 13, 2024 by Resolution No. 71,212–N.S. 2. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012 as part of the Downtown Area Plan.

J. According to a 2022 survey produced for Berkeley's Civic Arts Commission by Creative Equity Research Partners, the 163 local artists surveyed represent a cross-section of Berkeley's most vulnerable populations, and high housing costs are placing the community's thriving cultural sector at increasing risk of displacement. Artistic professions are highly valued but poorly compensated. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual

household income of \$69,000 or below, which qualified as Low Income in Alameda County. 45% were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian.

K. In 2023, the City Council approved the City of Berkeley's 2023-2031 Housing Element Update, which included several programs to produce and preserve affordable housing for a broad population including Policy H- 8 (Workforce Housing): Develop Workforce Housing for low- and moderate-income households, including teachers, artists, and other residents who work in the City of Berkeley.

L. In 2023, the City Council approved an Affordable Housing Preference Policy for individuals who have previously been displaced from Berkeley and desire to return. Implementation of the AB 812 affordable housing set-aside for low-income artists shall be consistent with the Affordable Housing Preference Policy as it may be amended from time to time.

Section 23.328.020

Definitions

Section 23.328.020 is amended to add the following:

"Affordable housing" for the purposes of implementing AB 812 (Chapter 747) 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.

"Artist" for the purposes of this Chapter 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.

APPENDIX A ... continued

Section 23.328.030 Affordable Housing Regulations

Section 23.328.030 Affordable Housing Regulations is amended to add the following:

A. Requirement to Construct Affordable Units.

A. 10. Pursuant to AB 812 (Chapter 747), up to 10% of the required Affordable Units shall be reserved for Artists, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district. The percentage of Affordable Units set aside for Artists and consistency with the City’s Affordable Housing Preference Policy shall be determined by the City Manager or their designee who may promulgate additional rules and regulations consistent with the requirements of AB 812 (Chapter 747).

Section 2. The City Council intends that this Ordinance be construed as an amendment to the City’s existing affordability requirements, and that the repeal and re-enactment of any requirement shall not be construed to relieve a party of any outstanding obligation to comply with the requirements applicable to any previously approved Housing Development Project.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on _____, 20_____, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: _____ Nos: _____

Absent: _____

Credits/ Art and Photographs

Cover: (From left to right) Berkeley Art Museum-Pacific Film Archives; Sawtooth Building Artist Studios; La Pena Building Mural, Berkeley, photos by Daniella Thompson; Maudelle Miller Shirek Community (housing development) image provided by MWA Architects; the Campanille, image courtesy of U.C. Berkeley; The Ashby Stage: Home of the Shotgun Players, photo by Daniella Thompson.

Page 2: 2902 Adeline Street Site Plan (detail) by Trachtenberg Architects

Page 5: Photograph by Pexels/Cottonbro

Page 8: The City of Berkeley/North Shattuck, College, Solano Corridors Plan

Page 9: “Vote” photograph by Pexels/Sora Shimazaki (top); 1687 Market Street, rendering by Mark Cavagnero Associates (bottom inset), Warren Building image provided by Artspace, Westbeth Artists Housing photograph by Graham Dickie/*The New York Times* (bottom inset).

Page 12: Photograph by Pexels/Pixabay