



Civic Arts Commission Meeting

Wednesday, February 26, 2025

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

Jonathan Bachrach, District 1
Dana Blecher (Chair), District 6
Lisa Bullwinkel, District 4
Modesto Covarrubias, District 7
Sean Vaughn Scott, District 3
Eduardo Pineda, District 5
Cameron Woo (Vice Chair), District 2
Vacancy, District 8
Vacancy, Mayor

3. LAND ACKNOWLEDGEMENT

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

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

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

5. CHAIR'S REPORT

- a) Welcome Commissioner Vaughn Scott
- b) Reflections and Gratitude from Outgoing Chair

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

- a) **Action Item:** Next Cube Space Curator (15 min)
Introduced by Modesto Covarrubias, Public Art Subcommittee Chair and Presented by Mark Salinas, Public Art Program Lead (Attachment 1)
Recommendation: Approval of recommendation for next Cube Space Curator for six, three-month long exhibitions (October 2025 – March 2027).
Public Comment
- b) **Action Item:** Public Art Project Plan for the Santa Fe Trackbed to Park Conversion (15 minutes)
Introduced by Modesto Covarrubias, Public Art Subcommittee Chair and Presented by Mark Salinas, Public Art Program Lead (Attachment 2)
Recommendation: Approval of Public Art Project Plan for the Santa Fe Trackbed to Park Conversion.
Public Comment
- c) **Report:** Poet Laureate Program Update (10 minutes)
Presented by Jennifer Lovvorn, Chief Cultural Affairs Officer (Attachment 3)
Public Comment
- d) **Action Item:** Annual Officer Elections (5 minutes)
Introduced by Jennifer Lovvorn, Chief Cultural Affairs Officer
Recommendation: Elect Civic Arts Commission Chair and Vice Chair
Public Comment
- e) **Discussion Item:** Nexus Study (15 minutes)
Civic Arts Commissioners to discuss connecting with their appointing Council Member to find out level of interest in conducting a Nexus Study (Attachment 4)
Public Comment

- f) **Discussion Item:** Update on Proposed Affordable Housing for Artists Ordinance (15 minutes)
Civic Arts Commissioners to discuss Housing Advisory Commission's action and next steps on the proposed Ordinance for affordable housing for artists within Cultural Districts (Attachment 5)
Public Comment

7. STAFF REPORT

- a) Civic Arts Program Updates, Jen Lovvorn (5 minute)
- b) Grants Program Updates, Hilary Amnah (5 minute)
- c) Public Art Program Updates, Mark Salinas (5 minutes)

8. COMMITTEE REPORTS

- a) Grants
- Dana Blecher, Chair
 - Lisa Bullwinkel
 - Cameron Woo
- b) Public Art
- Modesto Covarrubias, Chair
 - Jonathan Bachrach
 - Lisa Bullwinkel
 - Eduardo Pineda
- c) Policy Subcommittee
- Lisa Bullwinkel
 - Cameron Woo
- d) Joint Subcommittee with Housing Advisory Commission
- Cameron Woo, Chair
- 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 January 22, 2025 Meeting (Attachment 6)
From: Commission Secretary
Recommendation: Approval of January 22, 2025 Meeting Minutes

11. ADJOURNMENT

Attachments:

1. Next Cube Space Curator
2. Public Art Project Plan for the Santa Fe Trackbed to Park Conversion
3. Poet Laureate Program Update
4. Civic Arts Commission Budget Referral Request to Council for Nexus Study
5. Housing Advisory Commission Report and Ordinance for Affordable Housing for Artists within Cultural Districts
6. Draft Minutes of January 22, 2025 Meeting

Staff Contact:

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

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ACCESSIBILITY INFORMATION:

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

History of Cube Space Curators + Exhibitions

Demetri Broxton:



Civic Arts Staff (Jen Lovvorn):



Leila Weefur:



Civic Arts Staff (Zoe Taleporos):



Leila Weefur:



Civic Arts Staff (Jen Lovvorn) (Mark Salinas):

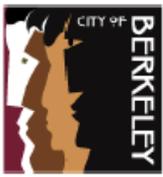


William Hernandez Luege:



Joanna Keane Lopez
April 2025 – June 2025

TBD
July 2025 – September 2025



Civic Arts Commission
Office of Economic Development

2024/25 CUBE SPACE CURATOR SELECTION PANEL

MEETING DATE

March, 19, 2024 4:00pm

SELECTION PANELISTS

Mathew Passmore, Chair, Public Art Subcommittee
Kim Anno, Public Art Subcommittee
Riti Dhesi, Public Art Subcommittee
Cristina Ibarra, Public Art Subcommittee

PROCESS

The following applicants presented an overview of their practice and proposals in response to the City of Berkeley Informal Proposals for Cube Space Curatorial Services 2024/2025, issued on February 2, 2024.

- Kevin B. Chen
- William Hernandez Luege
- Matthew Villar Miranda

The panelists discussed and evaluated each of the proposals based on the following criteria:

- Ability to successfully research artists that represent all communities; collaborations towards opportunities that build audience and artist experiences.
- Ability to develop concepts into physical space; management of public-facing projects with multiple stakeholders; understanding of project management.
- Ability to communicate curatorial intent and artist talent to the general public; development of new audiences or networks for artists.
- Ability to share comprehension of scope of work and to communicate qualifications.

The panelists then scored the applicants on each criteria using a 1 to 5 point system with the highest total possible score being 80 points. After point tabulation, the panel ranked all scores.

RESULTS

- William Hernandez Luege: 69
- Kevin B. Chen: 61
- Matthew Villar Miranda: 53

PANEL RECOMMENDATIONS

The panel selected William Hernandez Luege as Cube Space Curator for 2024/2025 and recommends this selection to the Civic Arts Commission for approval at their March 27, 2024 meeting.

- Ability to successfully research artists that represent all communities; collaborations towards opportunities that build audience and artist experiences.
- Ability to develop concepts into physical space; management of public-facing projects with multiple stakeholders; understanding of project management.
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William Hernandez Luege

Cube Space Curator: August 2024 – September 2025*

**WHL cannot provide services beyond September 2025*

Staff Recommendation
Kevin Chen

Cube Space Curator: October 2025 – March 2027

February 2025 - April 2025: Prep Time for Kevin

May 2025: Kevin presentation to PAS on 5/6 proposing Artist1

June 2025 to September 2025: Prep Time for Artist1

October 2025 to December 2025 Artist1 Exhibit

Jan 2026 to March 2026 Artist2 Exhibit

April 2026 to June 2026 Artist3 Exhibit*

July 2026 to Sept 2026 Artist4 Exhibit

Oct 2026 to Dec 2026 Artist5 Exhibit

Jan 2027 to March 2027 Artist6 Exhibit

**Staff begins RFQ process for next Curator, resulting in April 2027 Artist1 Exhibit*

Alternative*

March 2025: Staff Issues RFQ

May/June 2025: Presentations to PAS/CAC

July 2025 to September 2025: Prep Time for Curator

October 2025: Presentations to PAS/CAC

November 2025 to February 2026: Prep Time for Artist

March 2026 to May 2026 Artist1 Exhibit

** Staff must curate October 2025 to February 2026*

March 4, 2024

Mark Salinas
Public Art Program Lead
City of Berkeley, Office of Economic Development, Civic Arts
2180 Milvia Street, 5th Floor
Berkeley, CA 94704

Dear Mr. Salinas,

Thank you for offering this opportunity to submit a proposal to provide the City of Berkeley with curatorial services for the Cube Space in 2024/2025. I have been rooted in the Bay Area since 1994, actively supporting emerging and mid-career artists through the curation of exhibitions and public programs across a range of organizations, including small non-profit galleries, expansive museums, indoor and outdoor civic venues, private and public academic institutions, and DIY artist-run spaces. Over the past three decades, I have curated over 100 exhibitions—comprising both solo and group shows—and organized hundreds of public programs. Additionally, I have contributed to numerous selection panels for artist residency programs, public art commissions, awards, and funding initiatives, consistently advocating for artists with clear conceptual visions and innovative material approaches. Furthermore, I firmly believe that my ongoing practice as a visual artist is indispensable to my role as a curator and cultural producer, as it enables me to offer additional problem-solving skills and creative solutions to artists I work with.

While I have held and presently hold a curatorial position at an institution—Curator at San Francisco State University (SFSU) Fine Arts Gallery—I have also worked concurrently as an independent curator since 2009. In my capacity as an independent curator, I have curated exhibitions and programs for Headlands Center for the Arts, Minnesota Street Project, San Francisco Arts Commission Galleries, San Jose Institute of Contemporary Art, San Francisco Art Institute, Yerba Buena Center for the Arts, University of Nevada Reno, SOMArts Cultural Center, and Chinese Culture Center of San Francisco & Kearny Street Workshop. My curatorial work has garnered attention from national publications including *Art in America*, *afterimage: the journal of media arts and cultural criticism*, *KQED Arts*, *Sculpture Magazine*, *Art Papers*, *San Francisco Chronicle*, *Art Practical*, *New Art Examiner*, *Art Nexus*, *Bidoun Magazine*, *Hyperallergic*, *Contemporary Magazine*, and *Bitch Magazine*. I have delivered lectures and participated in panel discussions at the School of the Art Institute of Chicago, Manetti Shrem Museum of Art, Berkeley Art Museum and Pacific Film Archive, Asian Art Museum, and at annual conferences for Americans for the Arts and California Association of Museums. In essence, I am deeply committed to championing our local artists and fostering a vibrant arts community, and I would value the opportunity to bring my expertise and experience to the Cube Space in the coming year.

In addition to conducting research and curating exhibitions, I possess extensive experience collaborating with artists and preparators in installing a diverse array of artwork—ranging from 2D and 3D pieces to time-based media and installations—in various exhibition spaces. This facet of my practice aligns with the uniqueness of the Cube Space as an exhibition venue, enabling me to bring the totality of my skills and experience with artwork installation to the program. An illustrative example of my holistic approach to exhibition conception and execution is a course I currently teach at SFSU, titled ART 619 Exhibition Design. Restricted to upper-division Studio Art, Art History, and Museum Studies majors, this course is designed to explore gallery management, curatorial practices, and exhibition design and installation in both pedagogical and practical contexts. Throughout the semester, my curriculum delves into the relationship and ethical responsibilities of exhibitions to cultural representation and the broader community. We utilize actual exhibitions showcased at the SFSU Fine Arts Gallery as a professional workshop, providing students with hands-on experience. It's noteworthy that several former students have successfully transitioned into roles within galleries and museums across the Bay Area, encompassing curatorial, educational, and registration departments. Many have also established themselves as professional preparators for organizations such as SFMoMA, Lawrence Fine Art Services, Oakland Museum of CA, and Minnesota Street Project Art Services.

My primary curatorial focus centers on championing artists whose work addresses pressing contemporary issues and illuminates the experiences of historically underrepresented communities. Through the curation and production of exhibitions, my objective

is to create inclusive platforms where diverse ideas and narratives can resonate with wide audiences. The discipline of exhibition production is distinctive in its ability to explore topics and themes intersecting with various fields, including history, urban planning, anthropology, law, sociology, and economics, all through the lens of artistic practice. This approach presents unique opportunities for generating fresh insights, fostering reflection, and deepening understanding. Below are several examples of my curatorial projects that embody this approach.

[Have You Seen Me?](#) 2023 group exhibition at SFSU Fine Arts Gallery, focusing on the return of the gaze in contemporary self-portraiture to explore the constraints and possibilities of representation. Featuring works by Marcel Pardo Ariza, Erica Deeman, Yaron Michael Hakim, and Jamil Hellu.

[Copycat](#) 2019 group exhibition at SFSU Fine Arts Gallery, exploring intellectual property and the significance of originality in the era of technical reproducibility. Featuring works by Libby Black, Enrique Chagoya, Kota Ezawa, Nina Katchadourian, Scott Kildall, Michael Mandiberg, Sean Peeler, Stephanie Syjuco, Charlene Tan, Chris Thorson, and Daren Wilson.

[Culture Catalyst](#) 2018 group exhibition at San Francisco Arts Commission Galleries, commemorating the art and impact of the Neighborhood Arts Program. Featuring works by Zulfikar Ali Bhutto, Nancy Cato, Enrique Chagoya, Lenore Chinn, Veronica De Jesus, Orlando de la Garza, Katie Dorame, Juan R. Fuentes, Katie Gilmartin, Aron Kantor, Viêt Lê, Yolanda López, Macro Waves, E. "Oscar" Maynard, Geri Montano, Jane Norling, Joe Ramos, Eustinove P. Smith, Eugene E. White, René Yañez, and works from The Cultural Conservancy and Queer Ancestors Project.

[Infrastructure](#) 2014 solo exhibition by Jenny Odell at Intersection for the Arts, examining the physical infrastructure of essential utility systems—such as electrical power plants, wastewater treatment plants, and solar panel fields—often concealed from daily view and situated on the outskirts of towns and cities.

Extensive photographic documentation, media coverage links, and written curatorial statements on more of my curatorial projects—both solo and group exhibitions—can be accessed through my website kevinbchen.com.

If given the opportunity to provide the City of Berkeley with curatorial services for the Cube Space, I would leverage my three decades of active involvement within the Bay Area arts community, my extensive network of colleagues spanning various cultural sectors, and my experience collaborating with students at local colleges and universities to identify potential artists for consideration. This initial list of artists would undergo careful consideration based on the clarity of their concepts and the caliber of their artistic execution. The ultimate goal would be to curate a dynamic and diverse selection of projects, reflecting my long-standing commitment to foregrounding artists from historically underrepresented communities.

Contemplating the physical site and context of the Cube Space evokes ideas that explore the interplay between interior and exterior spaces, the contrast between public and private domains, the juxtaposition of transparency and opacity, the dance of light and shadow, and the impulse to both reveal and conceal. Given that the schedule for Cube Space exhibitions aligns with the four seasons, I may draw upon the distinctive characteristics associated with each season to inform my curatorial approach.

Exhibition for Artist 1	September through November (Fall): Transition, Introspection, Reflection
Exhibition for Artist 2	December through February (Winter): Interiority, Solitude, Stillness
Exhibition for Artist 3	March through May (Spring): Growth, Hope, Renewal
Exhibition for Artist 4	June through August (Summer): Joy, Abundance, Leisure

Some artists who I am already thinking about for an exhibition at the Cube Space include Macro Waves, Jessica Monette, Ahn Lee, Jonathon Bout, Lena Colletto, Abiam Alvarez, Mary Anne Kluth, Mansur Nurullah, Behnaz and Baharak Khaleghi, Reniel Del Rosario, Mark Baugh-Sasaki, Shirin Towfiq, Renetta Sitoy, and Sarah Lee. In conclusion, attached you will find my condensed 2-page resume and an itemized breakdown of hours and rates corresponding to the responsibilities outlined for curatorial services at the Cube Space in the document titled "CITY OF BERKELEY INFORMAL PROPOSAL FOR CUBE SPACE CURATORIAL SERVICES 2024/2025," received on February 6, 2024. I am deeply honored and excited about the prospect of this opportunity.

Respectfully,



Kevin B. Chen

KEVIN B. CHEN

www.kevinbchen.com | kevinbchen@gmail.com

PROFESSIONAL POSITIONS

- Curator, San Francisco State University Fine Arts Gallery, San Francisco, CA (2018–current)
- Manager Artist Studio and Public Programs, de Young Museum/Fine Arts Museums of San Francisco, San Francisco, CA (2015–2017)
- Curatorial Consultant, San Francisco Arts Commission Galleries, San Francisco, CA (2014)
- Program Director, Intersection for the Arts, San Francisco, CA (1998–2014)
- Programs Manager/Administrative Assistant, Kala Art Institute, Berkeley, CA (1994–1998)

TEACHING POSITIONS

- Lecturer, San Francisco State University, San Francisco, CA (2017–current)
- Adjunct II Professor, California College of the Arts, San Francisco, CA (2013–2017, 2022–current)
- Visiting Artist, Mills College, Oakland, CA (2019–2023)
- Lecturer, Stanford University, Stanford, CA (2016–2022)

BOARD & COMMITTEE AFFILIATIONS (SELECTED)

- Root Division, *Curatorial Committee*, San Francisco, CA (2014–current)
- Recology/SF Recycling & Disposal, Inc., *Artist in Residence Program Advisory Board*, San Francisco, CA (2007–current)
- University of San Francisco, *Curatorial Advisory Committee*, San Francisco, CA (2020–2022)
- City of Oakland Cultural Affairs Commission, *Public Art Advisory Committee*, Oakland, CA (2011–2017; Co-Chair 2014–2017)
- Headlands Center for the Arts, *Programming Committee*, Sausalito, CA (2001–2009)
- San Francisco Art Institute, *Community Advisory Board*, San Francisco, CA (2001–2004)
- San Francisco Camerawork, *Board of Directors*, San Francisco, CA (2000–2002)

CURATED EXHIBITIONS (SELECTED)

- *A Window DiSplay* by Kai Tse, presented by The Roll Up Project, Oakland, CA (2024)
- *The Annual Murphy & Cadogan Contemporary Art Awards Exhibition* (group exhibition), presented by The San Francisco Foundation and SOMArts Cultural Center, San Francisco, CA (2016–2023)
- *Have You Seen Me?* (group exhibition co-curated with Sharon E. Bliss), presented by San Francisco State University Fine Arts Gallery, San Francisco, CA (2023)
- *Over and Under* (group exhibition), presented by Richmond Art Center, Richmond, CA (2020)
- *Once at Present* (group exhibition co-curated with Taraneh Hemami), presented by Minnesota Street Project, San Francisco, CA (2019)
- *Copycat* (group exhibition), presented by San Francisco State University Fine Arts Gallery, San Francisco, CA (2019)
- *2019 MFA Thesis Exhibition* (group exhibition), presented by San Jose State University at Root Division, San Francisco, CA (2019)
- *Culture Catalyst: Celebrating the Art and Legacy of the Neighborhood Arts Program* (group exhibition co-curated with Jaime Cortez), presented by San Francisco Arts Commission Galleries, San Francisco, CA (2018)
- *Detritus* (group exhibition co-curated with Lisa Ellsworth & Lordy Rodriguez), presented by San Jose Institute of Contemporary Art, San Jose, CA (2017)
- *Bring it Home: (Re)Locating Cultural Legacy through the Body* (group exhibition co-curated with Meg Shiffler), presented by San Francisco Arts Commission Galleries, San Francisco, CA (2016)
- *(Im)materiel* (group exhibition), presented by Headlands Center for the Arts, Sausalito, CA (2015)
- *The Point: Kirk Crippens in collaboration with the Bayview-Hunters Point community*, presented by The San Francisco Arts Commission Galleries at City Hall, San Francisco, CA (2015)
- *Infrastructure* by Jenny Odell, presented by Intersection for the Arts, San Francisco, CA (2014)
- *Chico & Chang* (group exhibition), presented by San Jose Institute of Contemporary Art, San Jose, CA (2012)
- *Hiding In Plain Sight* by Hasan Elahi, presented by Intersection for the Arts, San Francisco, CA (2011)
- *The Bodies Are Back* by Margaret Harrison, presented by Intersection for the Arts, San Francisco, CA (2010)
- *Present Tense Biennial: Chinese Character* (group exhibition), presented by Chinese Culture Center of San Francisco & Kearny Street Workshop, San Francisco, CA (2009)
- *How I Learned To...* by Weston Teruya & Michele Carlson, presented by Intersection for the Arts, San Francisco, CA (2008)
- *Most Wanted* by Taraneh Hemami, presented by Intersection for the Arts, San Francisco, CA (2007)
- *Elemental* by Ala Ebtekar, presented by Intersection for the Arts, San Francisco, CA (2004)
- *CODE 33* by Suzanne Lacy, presented by Intersection for the Arts, San Francisco, CA (2001)
- *Seismicity* by Lebbeus Woods, presented by Intersection for the Arts, San Francisco, CA (2000)

SELECTION PANELS – RESIDENCY PROGRAMS, FUNDING, AWARDS & COMMISSIONS (SELECTED)

- Recology/SF Recycling & Disposal, Inc., *Artist in Residence Program*, San Francisco, CA (2007–current)
- Haas Institute for a Fair and Inclusive Society, UC Berkeley, *Artist in Residence Program*, Berkeley, CA (2019)
- Headlands Center for the Arts, *Artist in Residence Program*, Sausalito, CA (2000–2003, 2014, 2017, 2019)
- Minnesota Street Project, *Tosa Studio Award*, San Francisco, CA (2018)
- SOMArts Cultural Center, *Curatorial Residency Program*, San Francisco, CA (2017–2018)
- Americans for the Arts, *2017 Public Art Network Year in Review*, Washington, DC (2017)
- Kenneth Rainin Foundation, *Open Spaces Program*, Oakland, CA (2016)
- Zellerbach Family Foundation, *Community Arts Program*, San Francisco, CA (2013–2015)
- Kala Art Institute, *2015–2016 Kala Fellowship Award*, Berkeley, CA (2015)
- Southern Exposure, *Alternative Exposure: Round 9*, San Francisco, CA (2015)
- San Francisco Arts Commission Public Art Program, *Public Art Commissions*, San Francisco, CA (2000–2003, 2006–2010, 2012–2015)
- MACLA/Movimiento de Arte y Cultura Latino Americana, *Community Supported Art Project*, San Jose, CA (2014)
- Multi-Arts Production (MAP) Fund, *2014 Grant Cycle*, New York, NY (2014)
- Center for Cultural Innovation, *Investing in Artists Grants Program*, Los Angeles, CA (2014)
- Creative Work Fund, *Traditional Arts & Visual Arts*, San Francisco, CA (2013)
- Montalvo Arts Center, *2014 Lucas Artists Residency Program*, Saratoga, CA (2013)
- Creative Capital Foundation, *2012 Professional Development Program Workshop Subsidy Grants*, New York, NY (2011)
- Djerassi Resident Artists Program, *2012 Visual Arts Residency Awards*, Woodside, CA (2011)
- Alliance of Artists Communities, *Visions from the New California 2010 Residency*, Providence, RI (2009)
- Alameda County Arts Commission, *Small Scale Artwork Commission Program*, Oakland, CA (2008)
- City of San Jose Office of Cultural Affairs, *Arts Grant Program*, San Jose, CA (2006, 2008)
- Arts Council Silicon Valley, *Organization Enhancement Fund*, San Jose, CA (2001, 2003)

EXHIBITION JUROR (SELECTED)

- Axis Gallery, *17th Annual National Juried Exhibition*, Sacramento, CA (2022)
- Arts Benicia, *Tattoo You Juried Exhibition*, Benicia, CA (2022)
- Root Division, *MFA Never 2020: Archive Project & Juried Exhibition*, San Francisco, CA (2020)
- Nicholas Cohn Art Projects, *Art and Social Activism Festival*, New York, NY (2019)
- Triton Museum of Art, *Salon at the Triton: 2D Competition & Exhibition*, Santa Clara, CA (2018)
- Stanford Art Gallery, *Presence: 5th Annual Undergraduate Exhibition*, Stanford, CA (2018)
- San Francisco Art Institute, *Portrayal(I): Fall 2016 BFA Exhibition*, San Francisco, CA (2016)
- California College of the Arts, *27th Annual Barclay Simpson Award & Exhibition*, San Francisco, CA (2014)
- California State University, Chico, *University Art Gallery's 56th Annual Juried Student Exhibition*, Chico, CA (2011)
- Oakland Art Gallery & Pro Arts Gallery, *Bay Area Currents 2009: Selections by Kevin B. Chen*; Oakland, CA (2009)
- ArtSpan & Artsource Consulting, *Selections 2003 Exhibition*, San Francisco, CA (2003)
- San Francisco Camerawork, *Vivid: Annual Members' Exhibition*, San Francisco, CA (2001)

WRITINGS (SELECTED)

- “Time Between, Line Between,” essay for exhibition catalog *2021 MA in Studio Art Exhibition*, CSU Sacramento (2021)
- “Kevin’s Corner,” running commentary for *Living Room Light Exchange Issue 01*, Living Room Light Exchange (2016)
- “Kind of Blue,” essay for artist monograph *Ian Johnson: I Know You’re Somewhere*, Paper Museum Press/Park Life (2015)
- Untitled essay for exhibition catalog *MFA Now 2012: Archive Project & Juried Exhibition*, Root Division (2012)
- Untitled essay for exhibition catalog *2 X 2 Solos 2010: Imin Yeh*, Pro Arts at Oakland Art Gallery (2010)
- “Ala Ebtakar: 1388,” essay for exhibition catalog *Ala Ebtakar: 1388*, The Third Line Gallery - Dubai & Doha (2009)
- “China On My Mind,” essay for exhibition catalog *Present Tense Biennial: Chinese Character*, Chinese Culture Center of SF (2009)
- “Mind The Gap,” essay for exhibition catalog *Activist Imagination*, Kearny Street Workshop Press (2008)
- “Binh Danh,” essay for *Contact Sheet 142: The Light Work Annual 2007*, Light Work (2007)
- “The Battle Has Just Begun,” essay for artist monograph *Ulysses: Departures, Journeys & Returns – The Artwork of Andrew Schoultz*, Paper Museum Press (2006)

EDUCATION

- Columbia University, B.A., double major in Psychology and East Asian Languages & Cultures, *Phi Beta Kappa* and *Magna Cum Laude*, New York, NY (1990 – 1994)
- Beijing Teachers University, Princeton University Summer Language Immersion Program, Beijing, China (1993)

Cube Space Curatorial Services Project Management		Amount
Develop and Present Artist Proposal per Exhibition		
Research potential artists (2.5 hrs @ \$60/hr)		\$150.00
Coordinate studio visits with artist, including transportation (3 hrs @ \$60/hr)		\$180.00
Develop installation proposal with artist (4 hrs @ \$60/hr)		\$240.00
Prepare and present installation proposal to City of Berkeley Civic Arts Commission for approval (2.5 hrs @ \$60/hr)		\$150.00
	SUBTOTAL	\$720.00
Cube Space Coordination per Exhibition		
Generate exhibition list including artwork value (1.5 hrs @ \$60/hr)		\$90.00
Coordinate Cube Space access with artist, including transportation (3 hrs @ \$60/hr)		\$180.00
Oversee artwork installation, deinstallation, and return to original condition, including transportation (12 hrs @ \$60/hr)		\$720.00
Develop and provide 125-word curatorial statement about artist for vinyl wall text (2 hrs @ \$60/hr)		\$120.00
Coordinate Cube Space access for vinyl wall text installation and deinstallation, including transportation (2.5 hrs @ \$60/hr)		\$150.00
Coordinate Cube Space access for exhibition photographer, including transportation (2.5 hrs @ \$60/hr)		\$150.00
Schedule and manage any opening receptions, including transportation (3.5 hrs @ \$60/hr)		\$210.00
Contingency		\$160.00
	SUBTOTAL	\$1,780.00
Marketing Services per Exhibition		
Promote exhibition via personal networks (4 hrs @ \$40/hr)		\$160.00
Develop and provide a 50-word statement for the Civic Arts Instagram page (1 hr @ \$40/hr)		\$40.00
Develop and provide a 300-word announcement for press and media (2.5 hrs @ \$40/hr)		\$100.00
	SUBTOTAL	\$300.00
	Project Management Total for Single Exhibition	\$2,800.00
	Project Management Total for Four Exhibitions	\$11,200.00



- 1 COMMUNITY GARDEN PARK**
 -RAISED AND IN-GROUND GARDEN BEDS
 -PICNIC TABLES AND WORK BENCH
 -COMPOST, MULCH, AND TOOL STORAGE
 -POLLINATOR, BIO-FILTRATION, AND
 PRIVACY SCREEN PLANTING

- 2 DOG PLAY AND COMMUNITY PARK**
 -SEPARATE ACTIVE AND PASSIVE DOG
 PLAY AREAS
 -PERIMETER LOGS & SEATING
 -DRINKING AND HOSE-OFF AREA
 -PRIVACY SCREEN PLANTING

- 3 KID'S PLAY AND COMMUNITY PARK**
 -PLAYGROUND WITH WOOD EQUIPMENT
 -KID'S SCOOTER/CYCLE TRACK
 -PICNIC AREA
 -POLLINATOR, BIO-FILTRATION, AND
 PRIVACY SCREEN PLANTING

- 4 URBAN FARM AND EDUCATION PARK**
 -COMMUNITY PERMACULTURE GARDEN
 -OUTDOOR CLASSROOM WITH SPACE FOR
 LISTENING AND HANDS ON LEARNING
 -PICNIC AREA
 -POLLINATOR, BIO-FILTRATION, AND
 PRIVACY SCREEN PLANTING



SANTA FE RAILROAD TRACKBED TO PARK CONVERSION PROJECT

LANDSCAPE PLAN - OVERALL



- 1 COMMUNITY GARDEN PARK**
- RAISED AND IN-GROUND GARDEN BEDS
 - PICNIC TABLES AND WORK BENCH
 - COMPOST, MULCH, AND TOOL STORAGE
 - POLLINATOR, BIO-FILTRATION, AND PRIVACY SCREEN PLANTING





- 2 DOG PLAY AND COMMUNITY PARK**
- SEPARATE ACTIVE AND PASSIVE DOG PLAY AREAS
 - PERIMETER LOGS & SEATING
 - DRINKING AND HOSE-OFF AREA
 - PRIVACY SCREEN PLANTING





- 3 KID'S PLAY AND COMMUNITY PARK**
- PLAYGROUND WITH WOOD EQUIPMENT
 - KID'S SCOOTER/CYCLE TRACK
 - PICNIC AREA
 - POLLINATOR, BIO-FILTRATION, AND PRIVACY SCREEN PLANTING





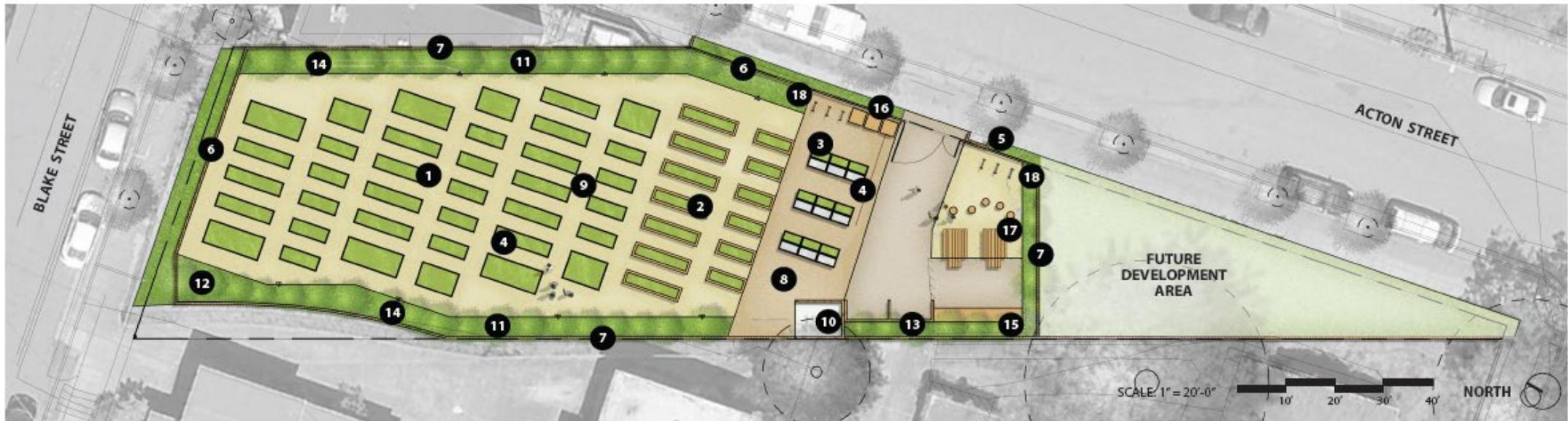












1 IN GROUND BEDS



2 RAISED BEDS



3 WHEELCHAIR ACESIBLE BEDS



4 COLD FRAMES



5 COMMUNITY FOOD PANTRY



6 WIRE FENCING



7 WOOD FENCING



8 GARDEN PAVING



9 MULCH PAVING



10 GARDEN SHED



11 SCREENING HABITAT SHRUBS



12 POLLINATOR PLANTING AND HABITAT BOXES



13 BULK MATERIAL STORAGE



14 HOSE BIB



15 WORKBENCH

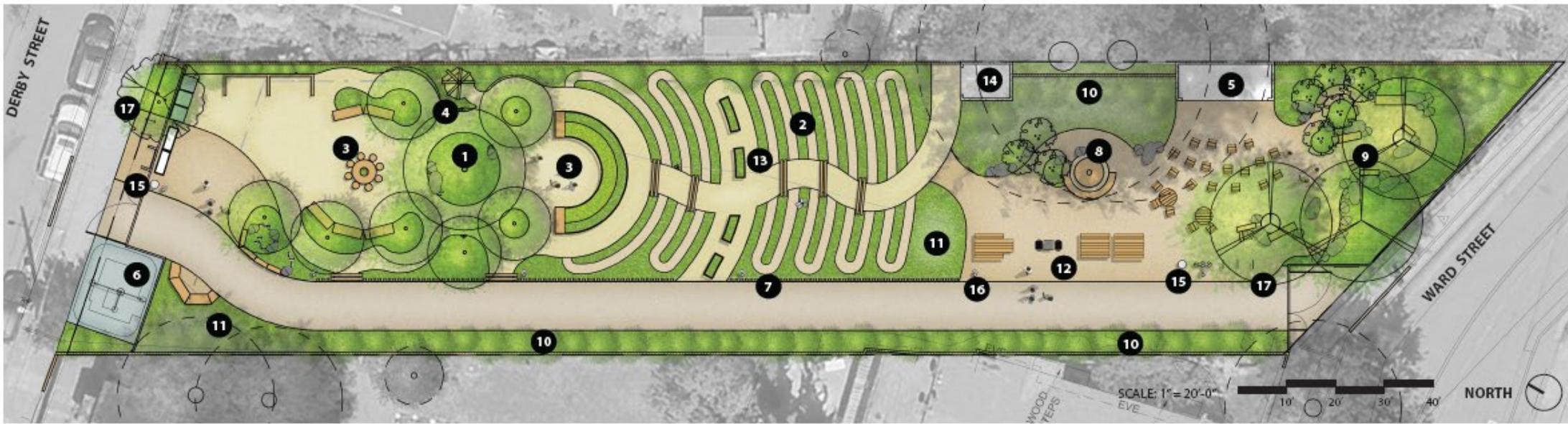
16 REFUSE BINS

17 PICNIC TABLES

18 BICYCLE PARKING

SANTA FE RAILROAD TRACKBED TO PARK CONVERSION PROJECT

COMMUNITY GARDEN PARK



1 PERMACULTURE GARDEN



2 ROW CROPS



3 GATHERING SPACE



4 VINE PYRAMID



5 OUTDOOR CLASSROOM



6 FITNESS STATION



7 LOW GARDEN FENCE



8 KIDS HEIGHT ACTIVITY TABLE



9 EXPLORATION PATHWAY WITH BOULDER EDGE



10 SCREENING HABITAT SHRUBS



11 POLLINATOR PLANTING AND HABITAT BOXES

12 PICNIC AREA

13 HOSE BIB

14 GARDEN SHED

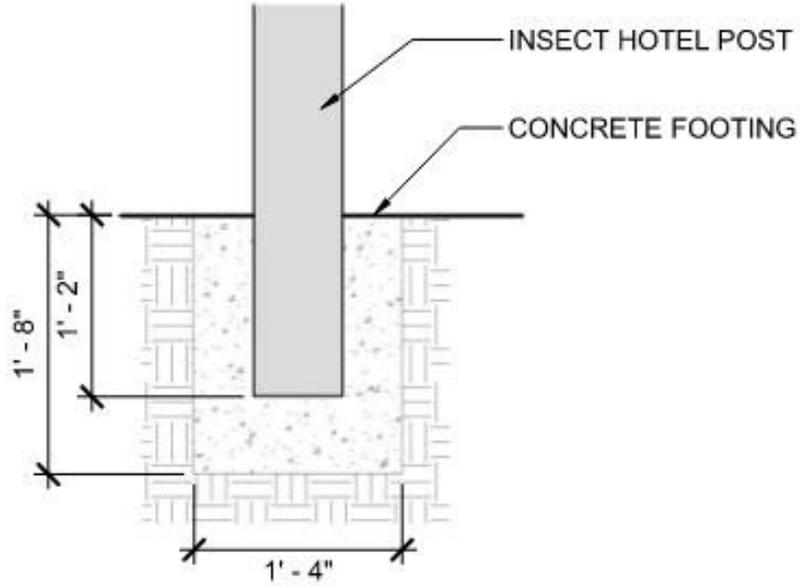
15 TRASH/RECYCLING

16 LIGHTING

17 BICYCLE PARKING

SANTA FE RAILROAD TRACKBED TO PARK CONVERSION PROJECT

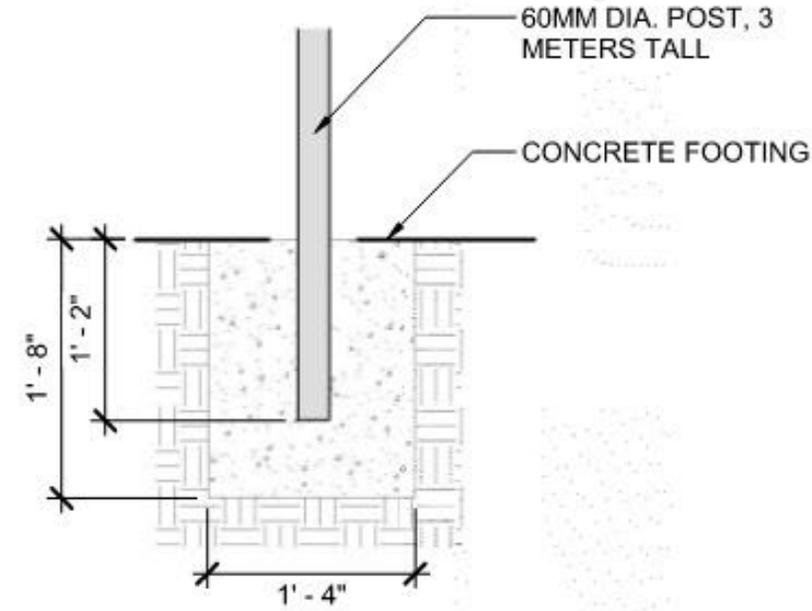
URBAN FARM AND EDUCATION PARK



INSECT HOTEL

NOTES:

1. PRODUCT IS HABITATS LEAF AS MANUFACTURED BY VESTRE
2. FINISH: POWDERCOAT
3. COLOR: TBD



BIRD HOUSE/OWL BOX

NOTES:

1. PRODUCT IS HABITATS WING AS MANUFACTURED BY VESTRE
2. FINISH: POWDERCOAT
3. COLOR: TBD

vestre

HABITATS-series

HABITATS Wings

is part of the Vestre Habitats series, where the products are designed to protect and increase biodiversity in cities. The lack of safe nesting spaces means that new flocks of birds are unable to establish themselves. This problem could be overcome by putting up more nest boxes. The Wings bird house is one such solution and comes in several variations.

Show all models + 3D/BIM ↓

Contact us



HABITATS-series

HABITATS Leaf

is part of the Vestre Habitats series, where the products are designed to protect and increase biodiversity in cities. Leaf is an insect hotel that gives insects a home in urban neighborhoods. The shape of the product is based on a stylized leaf. The design is minimalistic and also has a sculpture-like character which can easily be placed either alone or in groups. Leaf can be placed in planters, flower beds, on roof terraces or in parks—you can let your imagination run wild. The most important thing to remember is to ensure that the biological, species-typical parameters are considered and thus enrich the opportunities for insects to survive in urban environments.

Show all models + 3D/BIM ↓

Contact us



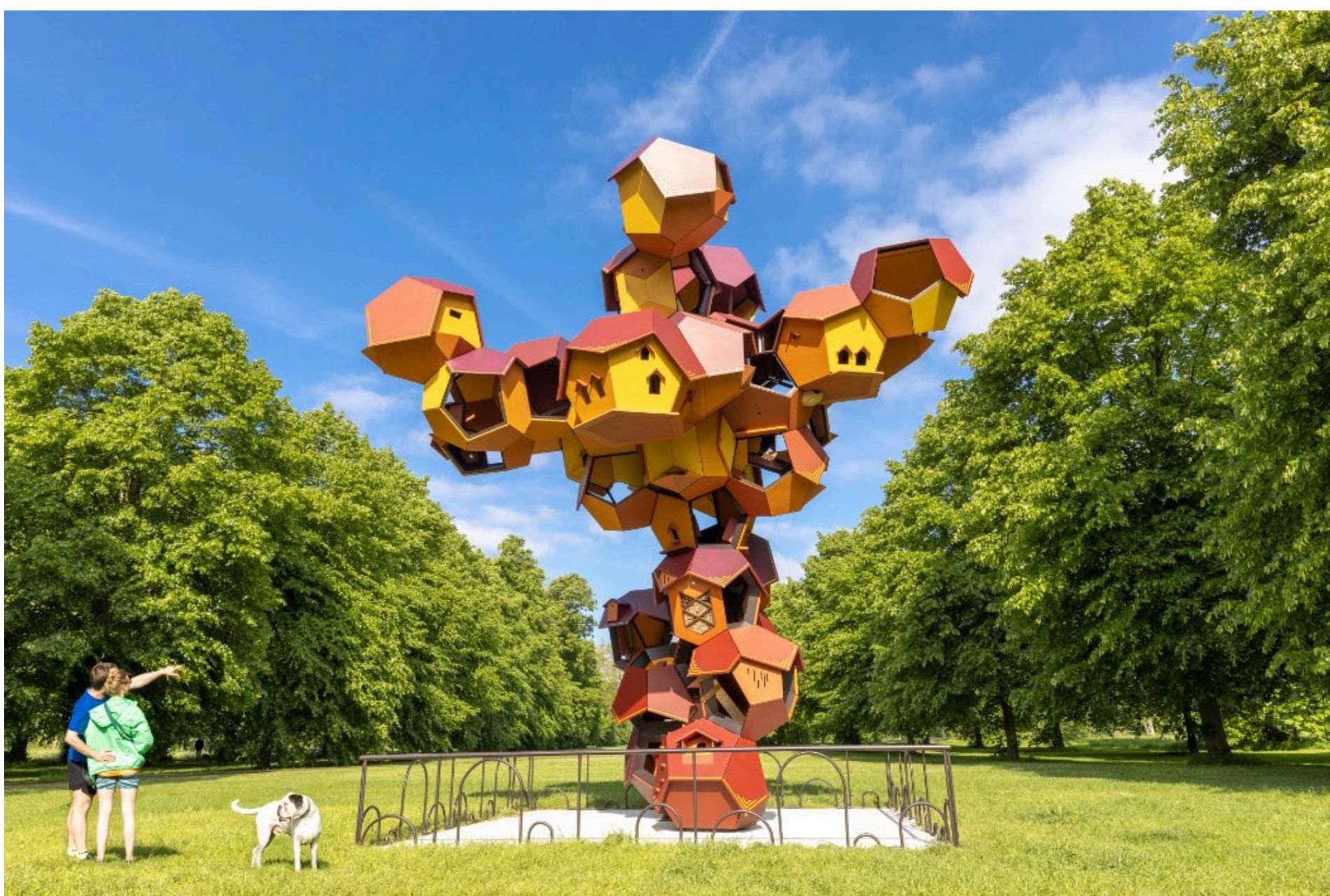












Tomas Saraceno ³⁵



Jason Middlebrook ^{sk}



Civic Arts Program

PUBLIC ART PROJECT PLAN FOR THE SANTA FE TRACKBED TO PARK CONVERSION



- 1 COMMUNITY GARDEN PARK**
 -RAISED AND IN-GROUND GARDEN BEDS
 -PICNIC TABLES AND WORK BENCH
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 -KID'S SCOOTER/CYCLE TRACK
 -PICNIC AREA
 -POLLINATOR, BIO-FILTRATION, AND PRIVACY SCREEN PLANTING

- 4 URBAN FARM AND EDUCATION PARK**
 -COMMUNITY PERMACULTURE GARDEN
 -OUTDOOR CLASSROOM WITH SPACE FOR LISTENING AND HANDS ON LEARNING
 -PICNIC AREA
 -POLLINATOR, BIO-FILTRATION, AND PRIVACY SCREEN PLANTING



HISTORY OF THE SANTA FE TRACKBED TO PARK CONVERSION

The history of the Santa Fe Trackbed starts back in 1904, when the Atchison, Topeka and Santa Fe Railway launched the Oakland Local service. The railroad line ran north through Berkeley, from Oakland to Richmond. From the 1930s through the 1960s, South Berkeley was redlined by mortgage lending authorities, which resulted in an influx of lower-income families of color unable to afford other neighborhoods, as well as lack of public investments in the area, such as new open space.

In the 1950s, Santa Fe terminated its passenger service, and then terminated its freight services by the early 1970s. In 1974, the citizens of Berkeley approved "Measure Y," which provided funding for the acquisition and development of the full 3.1-mile stretch of the Santa Fe Railroad Right-of-way (Santa Fe ROW) through Berkeley. Berkeley's City Council approved the acquisition in 1978, and a year later they approved the development of the Santa Fe ROW for a combination of "park land, housing, and to sell to neighboring residents." The City then completed two significant improvements to this land in the early 1980s: one was Cedar-Rose Park, built at the northern end of Berkeley's Santa Fe ROW; the second was Strawberry Creek Park, built just south of University Avenue.

After the City constructed those two parks, the rest of the corridor remained undeveloped except for several affordable housing projects which were built on parcels adjacent to Channing and Dwight Way. In addition, immediately south of Ward Street, the City built a housing development, Sojourner Truth Way. Opposition to the continued loss of the Santa Fe ROW as a public asset led to the passage of the voter-approved Measure L which mandated retention of the remainder of the

corridor as open space. In addition, the City’s 2000 General Plan forbade additional parcel sales of the right-of-way. The corridor was thus designated exclusively for parks, pathways, tot lots, community gardens and other resident-supported open space projects.

Since 2000, the leftover parcels have remained mostly untouched. A couple community efforts of noteworthy mention are the Berkeley Community Orchard and the Southern Berkeley Bioremediation Garden and Public Education Project. In 2007 the Berkeley Community Orchard secured funding to move forward with their plans for an orchard, but the orchard was never fully realized as test results of the site revealed high levels of arsenic. In 2011 the partnership of the Ecology Center, UC Berkeley, Berkeley Partners for Parks, Spiral Gardens, and the Berkeley Community Gardening Collaborative resulted in the Southern Berkeley Bioremediation Garden and Public Education Project at the portion of the Santa Fe ROW between Derby Street and Ward Street.

In 2021, the City received a \$5 million grant from the California Proposition 68 Statewide Parks Program to convert some of the last undeveloped Santa Fe Trackbed parcels in South Berkeley into a new urban park. The grant application involved an extensive community process that led to a final conceptual plan for the new park that reflected community priorities such as recreational features that foster community-building through community gardening, gathering spaces, dog play areas, children’s playground, and exercise features for all ages, from youth to seniors.

Slated for completion in Summer 2026, the Santa Fe Trackbed to Park Conversion will yield four parcels that create a park corridor running north to south:

- Community Garden Park (between Blake and Parker Streets)
- Dog Play and Community Park (between Parker and Carleton Streets)
- Kid’s Play and Community Park (between Carleton and Derby Streets)
- Urban Farm and Education Park (between Derby and Ward Streets)

Click [here](#) for more information on the Santa Fe Trackbed to Park Conversion.

PUBLIC ART OPPORTUNITY

The City of Berkeley has identified a public art opportunity to design, fabricate, and install **a vertical cluster of bird and insect habitat boxes** in one designated footprint at each of the following locations:

- Community Garden Park (between Blake and Parker Streets)
- Urban Farm and Education Park (between Derby and Ward Streets)

The selected artist, or creative team, must design a total of two unique artworks that function as bird and insect habitat boxes. The artwork design selected for commissioning through this process will be evaluated for durability and maintenance requirements, which will inform the anticipated life span of the artwork.

PUBLIC ART GOALS

- Provide shelter and nesting sites to native and migratory birds and insects
- Reflect a strong sense of design aesthetics combined with environmental awareness
- Develop a bold concept that links both ends of the park corridor

PUBLIC ART BUDGET

The total project amount is \$150,000 and includes all associated costs including, but not limited to, artist design fee, research, fabrication, transportation, and installation. Artist will observe and comply with all applicable laws, ordinances, codes, and regulations of governmental agencies, including federal, state, municipal and local governing bodies having jurisdiction over any or all of the scope of artwork services.

ARTIST ELIGIBILITY

Civic Arts staff will issue a Request for Qualifications (RFQ) seeking artists and creative teams residing in the 21 Northern California Megaregion Counties: Alameda; Contra Costa; El Dorado; Marin; Merced; Monterey; Napa; Placer; Sacramento; San Benito; San Francisco; San Joaquin; San Mateo; Santa Clara; Santa Cruz; Solano; Sonoma; Stanislaus; Sutter; Yolo; Yuba.

ARTIST SELECTION PROCESS

Qualification Panel

Three (3) Bay Area arts professionals serve on the Qualification Panel. This panel screens all applications with the intent to advance approximately twenty percent (20%) of total applications received to the Review Panel.

Review Panel

The Review Panel is comprised of the Qualification Panel plus one (1) Civic Arts Commissioner, one (1) Parks, Recreation and Waterfront Commissioner, one (1) member of the landscape design team, and one (1) Entomologist or Ornithologist. The Review Panel identifies three (3) finalists who will each receive an honorarium of one thousand five dollars (\$1500) to cover a mandatory site visit and proposal presentation.

To assist in developing a site-specific proposal, finalists attend a mandatory in-person site visit with City staff, one (1) Entomologist, one (1) Ornithologist, and two (2) neighborhood stakeholders.

At a later date, the Review Panel reconvenes for finalists to present their proposals. One proposal will be selected for recommendation to the Civic Arts Commission.

Civic Art Commission

The Review Panel decision is presented to the Public Art Subcommittee and then the Civic Arts Commission for possible, final approval.

COMMUNITY INVOLVEMENT

- The City of Berkeley and Civic Arts Program post the RFQ which is shared in community newsletters, department newsletters, and social media accounts.
- The City of Berkeley and Civic Arts Program create a public survey to collect feedback on finalist proposals. The survey is posted in community newsletters, department newsletters, and social media accounts.
- The convenings of the Public Art Subcommittee, Civic Arts Commission, and Parks, Recreation, and Waterfront Commission are open to the public.

TIMELINE (Subject to change)

March 2025	RFQ Opens
May 2025	RFQ Closes
June/July 2025	Qualification Panel Meeting
August 2025	Review Panel Meeting
September 2025	Finalist Site Visit + Q/A
October 2025	Finalist Proposals Posted for Community Survey
November 2025	Artist Selected
February 2026	Artist under Contract
Summer 2026	Construction of park complete
No later than Spring 2027	Installation of artwork

FURTHER INFORMATION

Contact Mark Salinas, Public Art Program Lead / MSalinas@berkeleyca.gov / 510.981.7538

To: Members of the Civic Arts Commission
From: Jennifer Lovvorn, Chief Cultural Affairs Officer
Subject: City of Berkeley Poet Laureate Program Update

INTRODUCTION

The City of Berkeley's Poet Laureate Program was formalized as an open competitive process in 2023 as a joint program of Civic Arts and Berkeley Public Library. The Library provided funding for the Poet Laureate Program (\$3,000 panelist fees and \$10,000 stipend total over two years), and Civic Arts administered the selection process. The purpose of the Poet Laureate program was established to: champion Berkeley's rich poetry, spoken word, and literary arts communities; honor a Berkeley poet to serve as a creative ambassador of the city; have the poet serve as an aesthetic voice and collaborator with the broader arts community; provide mentorship to burgeoning literary artists; and continue Berkeley's historic tradition of Free Speech. Over the course of a two-year service term, the Poet Laureate is required to complete an original poem inspired by or related to Berkeley, coordinate at least two public readings, recite poems at City or Berkeley Public Library events, and act as mentor for Berkeley's Youth Poet Laureate.

The 2024-2025 Poet Laureate of Berkeley is Aya de León, a poet and the author of ten novels. A graduate of Berkeley High School, she directs the Poetry for the People program at UC Berkeley. Aya's work has appeared in various venues, including Harper's Bazaar, Ebony, Def Poetry, and she was recently interviewed in the New York Times. In spring 2022, she organized an online conference entitled Black Literature vs. the Climate Emergency. Aya is serving a two-year term from January 1, 2024 to December 31, 2025 and has been actively engaged in the required Poet Laureate duties.

CURRENT SITUATION AND ITS EFFECTS

Unfortunately, due to a lack of the resources necessary to undertake the next Poet Laureate cycle (a two-year term from January 1, 2026 to December 31, 2027) the program will be discontinued at the end of the current Poet Laureate's term (December 31, 2025). The Library is unable to continue providing the program funding in 2026-2027 and Civic Arts lacks the capacity to administer the selection process. To continue the Poet Laureate Program for 2026-2027, the following resources would be required:

- \$10,000 Poet Laureate Stipend (\$5,000 in each of the two fiscal years)
- Approximately \$3,000 for selection panelist fees
- Estimated \$12,300 to hire a consultant to conduct the Poet Laureate selection process (with training and oversight by Civic Arts staff)

BACKGROUND

In 2017, the City of Berkeley's first Poet Laureate was appointed by Mayor Jesse Arreguín, prior to the City of Berkeley having a formal Poet Laureate selection process. Rafael Jesús González served in this honorific role, which did not have service

requirements nor any compensation, for a total of five years (González's resignation was tendered in 2022). In September 2019, the Civic Arts Commission included in their FY20 Work Plan the creation of guidelines for the selection of subsequent City of Berkeley Poets Laureate. In 2022, with the City no longer having an official Poet Laureate, Civic Arts staff approached the Berkeley Public Library (BPL) as a program partner, as the BPL was simultaneously running a complementary [Berkeley Youth Poet Laureate Program](#). As a result of the partnership, BPL committed funding for the new City of Berkeley Poet Laureate Program over a two-year period.

In 2023, Civic Arts staff researched and applied best practices from several other cities' Poet Laureate programs, including ideas from Oakland, San Francisco, El Cerrito, Chicago, Knoxville, and Orlando. Subsequently, staff developed program guidelines and a selection process. To further refine the guidelines and incorporate the perspectives of the local poetry community into the new Poet Laureate program, Civic Arts staff convened an eleven-member Poet Laureate Program Advisory Committee to provide input on the selection of the next Poet Laureate for Berkeley. The Poet Laureate Program Advisory Committee met twice to discuss the program's eligibility requirements, review criteria, and selection process. The advisory committee's feedback was incorporated into the program's guidelines, the final guidelines were approved by the Civic Arts Commission in May 2023. Once the application portal was open, Staff conducted outreach. Several strategies were used to advertise the Poet Laureate opportunity to Berkeley residents; the application was shared in the Civic Arts monthly newsletter, and a citywide Community Message was released. Civic Arts staff worked with the advisory committee to conduct the selection process which took place in fall 2023 with multiple meetings. The selection of Poet Laureate Aya de León was approved by the Civic Arts Commission at their December 6, 2023 meeting.

Aya de León has been actively engaged in completing the Poet Laureate Service Requirements:

- Produce one original poem inspired by or related to Berkeley
- Coordinate at least one public reading event per year (*at least two—total—over two years*). One of these public readings must be coordinated in partnership with the Berkeley Public Library (BPL).
- Recite a poem at up to five City and/or Library events per year (*up to 10—total—over two years*), this includes an inaugural announcement/celebration of the Poet Laureate appointment (date to be determined).
- Meet with Berkeley's Youth Poet Laureate, with the goal of a continued mentorship throughout the term of appointment.
- Participate in a staff-coordinated video recording of original poetry, which must include the original poem related to Berkeley.
- Serve as a Selection Panelist for the next Poet Laureate selection process
- If applicable, provide mentorship to a Berkeley high schooler participating in the statewide Poetry Out Loud competition (yearly effort).

Additionally, Mayor Adena Ishii invited Poet Laureate Aya de León to perform at her swearing in ceremony.

More information on the City of Berkeley's Poet Laureate Program may be found on the [Civic Arts website](#).



Civic Arts Commission

CONSENT CALENDAR
September 24, 2024

To: Honorable Mayor and Members of the City Council

From: Civic Arts Commission

Submitted by: Dana Blecher, Chairperson, Civic Arts Commission

Subject: Civic Arts Commission Fund Request - Mitigation Fee Nexus Study, Public Art on Private Development Requirement

RECOMMENDATION

The Civic Arts Commission recommends that the City Council allocate \$125,000 in the FY24/25 Budget to fund a nexus study on the existing Public Art on Private Development Requirement (Berkeley Municipal Code 23.316), which was established in 2017. The Civic Arts Commission would like to make changes to the requirement to ensure ongoing support for the arts and culture sector in Berkeley. In order to make any changes to the Public Art on Private Development Requirement, first a nexus study is required by the State of California's Mitigation Fee Act.

SUMMARY

Established by ordinance in 2017, the City's [Public Art on Private Development Requirement](#), codified in the Berkeley Municipal Code (BMC) section 23.316, requires that construction developers of private property in Berkeley do one of the following:

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

This requirement applies to:

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

The following project types are exempt from the requirement:

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

A complete list of projects participating in this program current through July 2024, entitled "Private Percent Project Payment Tracking" is included in this report as Attachment 1.

In the eight years since the Public Art on Private Development Requirement was established, City Zoning regulations and State laws have changed which have impacted the public art requirement and are preventing it from fully fulfilling its original intent. The Civic Arts Commission wishes to address these issues by making amendments to Berkeley Municipal Code 23.316.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact of this recommendation is the allocation of \$125,000 in General Funds in Fiscal Year 2024/2025 to fund a mitigation fee Nexus Study for the Public Art on Private Development Requirement. The cost of the Nexus Study cannot be funded from the fees collected through the Public Art on Private Development Requirement, because those funds are limited by policy to expenditures related to public art and the staffing to administer the projects.

CURRENT SITUATION AND ITS EFFECTS

Since the establishment of the Public Art on Private Development Requirement in 2017, the Civic Arts Commission has noted the following issues that it would like to address by making amendments to Berkeley Municipal Code 23.316.

1. Currently projects that were not expressly exempt from this requirement are seeking an exemption by claiming that their project's type of structure is not expressly included in the "applicability" section (for example "Group Living Accommodations"). To address this, changes could be made to 23.316.020 Applicability, specifically by editing section "B. Uses." in this chapter to "Structures" so that it would apply to all types of structures, not just "residential, commercial, and industrial."
2. In 2023, the City made administrative changes to Zoning BMC Section 23.328 (Inclusionary Housing) which changed thresholds used for the affordable housing in-lieu fee from a "per unit" threshold to square feet. This created a discrepancy with the thresholds used in the Public Art Requirement section where the threshold of "five or more dwelling units" is used. To address this, the Public Art Requirement thresholds could be changed to bring consistency between the methodology used in the two requirements.
3. The Commission is interested in exploring the inclusion of another option beyond "on-site art" or "paying an in-lieu fee" such as allowing developers to designate a percentage of construction costs to build out publicly accessible non-profit arts venue space at the ground floor that would be designated as such in perpetuity.
4. Currently, pursuant to the State Density Bonus law, developers are able to request concessions to waive the public art requirement for projects that have a certain increased percent of inclusionary affordable housing.

The Commission is interested in exploring zoning amendments that would result in fewer developers leveraging concessions to waive the Public Art Requirement, and instead:

- a. Alternatively, explore whether inclusionary affordable units can be set aside for artists/arts workers when developers seek concessions on the public art requirement.
- b. Change the Public Art Requirement to be solely a Mitigation Impact Fee so that it is not on the list of costs that may be waived as a “concession” as is currently allowed under the State Density Bonus laws.

BACKGROUND

The City of Berkeley is well known for its diversity in art, music and culture. Arts and culture are also an important economic engine, bringing visitors from throughout the region and world to Berkeley to take part in our community’s numerous cultural activities and admire our public art program. The City of Berkeley established the Public Art in Private Development policy by Ordinance in 2017, which requires qualifying private development projects to either incorporate a public art element or pay an in-lieu fee to the Cultural Trust Fund to support the ongoing activities outlined above. The Public Art on Private Development Program plays an essential role in maintaining and advancing Berkeley’s cultural arts landscape.

Public Art Program Impact

Since the establishment of Public Art in Private Development policy and the adoption of the Ordinance in 2017, 49 development projects have completed their Public Art on Private Development requirement as follows:

- 8 have created on-site public art (Total value = \$1,347,013)
- 35 have paid the in-lieu fee (Total collected = \$4,729,284)
- 6 had “State Density Bonus” concessions granted to waive the public art requirement (Art requirement amount waived = \$89,793,613 for three of the six projects - three did not provide values.)

There are currently 53 eligible projects in the development pipeline:

- 10 stated intentions to create on-site public art (Estimated total value = \$2,429,949)
- 41 stated intentions to pay the in-lieu fee (Estimated total = \$5,995,920)
- 1 stated intention to seek a “State Density Bonus” concession to waive the public art requirement (Value unknown.)

Details for all the development projects being tracked as subject to this requirement may be found in Attachment 1, the total received as of July 2024, since program inception is approximately \$4.73M.

Use of In-Lieu Funds

By policy, 70% of the monies received from art in-lieu fees contributed primarily from commercial developers on large-scale projects goes towards acquiring and installing public art in the City of Berkeley. The recent sculpture by Mildred Howard installed near

BART's Ashby Station is an example of such an acquisition. The City of Berkeley has many unfunded Public Art needs that are dependent upon this fund source. For example, there are some projects which have been identified on the Civic Arts Commission Work Plan, which have not yet been fully funded through this fund source, such as Turtle Island Monument.

20% of the art in-lieu fees goes to administration which in turn support a portion of staff salaries for two FTEs in the Civic Arts team. These staff manage public art selection processes, contracts with artists, fabrication of artwork, installation of art and maintenance of the City's art collection. These functions are essential to maintaining the high quality of cultural arts in the City of Berkeley.

The remaining 10% of the art in-lieu fee contributes to the care and maintenance of existing public art in the City's public art collection, an essential factor in responsible art ownership. The recent cleaning and restoration of the *Mak Roote* murals at the University Avenue underpass at the Berkeley Amtrak station is an excellent case in point where several City departments teamed up to restore commissioned murals from the natural occurring weather damage but also to clean and beautify the surrounding area to greatly improve the setting for the artworks. This budget allows for the proper care and maintenance of dozens of public artworks in the City of Berkeley public art collection.

In 2019, the Civic Arts Program completed a comprehensive assessment of the City's Public Art Collection, which included a complete inventory and condition evaluation of all the artworks in the City's collection. The assessment found that 65% of the City's outdoor artworks require conservation attention. The estimated cost to conserve all the artworks in need of treatment is between \$782,135 to \$995,530. To preserve the collection, the artwork should also be regularly maintained at a cost of approximately \$50,000 annually. Additionally, artwork is sometimes vandalized, and those repair costs can vary depending upon the damage.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The Public Art on Private Development Program is critical in the acquisition, installation, care and maintenance of many of the cultural artifacts and artworks that are integral to the City of Berkeley's unique identity. These attributes are world-renown, enjoyed by the public and can attract residents/tenants to reside in Berkeley. As the state law related to housing and private development evolves, so must the public art program and its fee structure.

ALTERNATIVE ACTIONS CONSIDERED

None.

CIVIC ARTS COMMISSION APPROVAL

The Civic Arts Commission took the following action at their regular meeting on July 24, 2024:

M/S/C (Covarrubias/Blecher) to request Council Referral for amendments to the Public Art on Private Development Ordinance and Budget Referral Request for Fee Nexus Study.

Vote: Ayes — Anno, Bachrach, Blecher, Covarrubias, Crandall, Ibarra, Pineda, Woo;
Nays — None; Abstain — None; Absent — Bullwinkel.

CITY MANAGER

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

CONTACT PERSON

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

Attachment:

1: Public Art on Private Development, Private Percent Project Payment Tracking, 2024.

Housing Advisory Commission

January 29, 2025

To: Housing Advisory Commission

Submitted by: Joint Subcommittee of the Civic Arts Commission and Housing Advisory Commission on Affordable Housing for Lower Income Artists

Subject: Ordinance Amending the Municipal Code to Implement 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

RECOMMENDATION

At its January 22, 2025 meeting, the Civic Arts Commission unanimously approved the following recommendation:

Refer to the Planning Commission for its consideration and action a draft ordinance amending the Municipal Code to implement AB 812 (Chapter 747) authorizing a certain percentage of affordable units be reserved for lower income artists of those required affordable housing units consistent with the City of Berkeley's Affordable Housing Preference Policy.

It is recommended that the Housing Advisory Commission (HAC) approve the same recommendation to refer to the Planning Commission for its consideration and action a draft ordinance amending the Municipal Code to implement AB 812 (Chapter 747) authorizing a certain percentage of affordable units be reserved for lower income artists of those required affordable housing units consistent with the City of Berkeley's Affordable Housing Preference Policy.

The draft ordinance is provided as Attachment 1.

FISCAL IMPACTS OF RECOMMENDATION

The ordinance implements a state law that allows local jurisdictions with inclusionary zoning to reserve for artists up to 10% of those required affordable housing units. The units reserved must be located within or within one-half mile of a state-designated cultural district or within a locally designated cultural district. The city's inclusionary zoning policy requires market-rate developers to build 20% of their units as affordable to lower-income households (Below Market Rate (BMR) units) or pay an in-lieu fee.

The fiscal impact of the recommended ordinance consists of staff time dedicated to the following activities:

- Promulgation of rules related to the requirement
- Ongoing administration of the promulgated rules

Outside of this staff time, there are no additional fiscal impacts to the City of Berkeley from adopting this ordinance.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley, along with the entire Bay Area, has a severe affordable housing crisis. The impacts of this crisis are many-fold, and a key impact is the loss of a dynamic and diverse workforce, especially for those who work in the culture and arts arena. Cultural workers and artists are an important part of any community, providing entertainment, thought-provoking commentary, avenues of expression, and hubs for people to gather around to listen to music, see live theater, attend an art exhibit, or participate in a poetry slam. In cities like Berkeley, artists are important contributors to the city's economic base, generating visitors who shop, eat at local restaurants and bars, and stay at hotels. 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 City's Housing Element recognizes the importance of maintaining and expanding the city's artist community with 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. In addition, the state recognized the issue as one of statewide importance with adoption of AB 812 (Chapter 747) which provides that cities with inclusionary zoning programs can set aside up to 10% of BMR units created for lower-income artists within locally designated cultural arts districts.

On December 3, 2024, the City Council considered a recommendation, reviewed by the Land Use, Housing & Economic Development Committee, from Councilmember Taplin, co-sponsored by Councilmembers Hahn and Tregub, regarding implementation of AB 812. The Council voted to defer preparing an ordinance to implement AB 812 until later in the process of developing common standards for locally designated culture districts. While the Civic Arts Commission will be working on these common standards, it is important to note that this effort can be undertaken simultaneously to consideration of an ordinance implementing AB 812. In addition, the state is not accepting applications for statewide arts district designation at this time, so the city is unable to apply until the process is opened at an undetermined time in the future.

The city has two existing locally designated cultural arts districts: The Black Arts and Culture District and the Arts District Overlay in downtown Berkeley. Community members and stakeholders are exploring a possible third local arts district in West Berkeley. Adopting an implementing ordinance sooner, rather than later, would allow lower-income artists to be eligible for BMR units built within the existing arts districts in a timely manner. Therefore, the joint subcommittee is recommending that the Civic Arts Commission and the HAC recommend that the draft ordinance be referred to the Planning Commission for its consideration.

BACKGROUND

Members of the Civic Arts Commission made a presentation to the HAC at its July 2023 meeting regarding its desire to work with the HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. HAC and the Civic Arts Commission then formed a joint subcommittee to explore strategies and policy initiatives. The joint subcommittee anticipates completing its work by June 2025, with a series of recommendations for the Civic Arts Commission's and HAC's consideration. Preparing and recommending approval of an ordinance to implement AB 812 is the first of several recommendations to be put forth by the joint subcommittee to its respective commissions.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

When Civic Arts Commissioners presented to the HAC, their 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. According to a 2022 survey produced for the 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.

Given the unique role that artists can play in a community's character and prosperity, Berkeley, along with the State of California, recognizes that policy initiatives should be undertaken to retain and grow the artist community. Making up to 10% of BMR units within locally designated cultural districts available to lower-income artists is one way of achieving that goal.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered

Attachment:

1: Draft Ordinance

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.

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:

Noes:

Absent:



**Draft Minutes
Civic Arts Commission
Wednesday, January 22, 2025
6:00 PM**

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

Agenda

1. **CALL TO ORDER:** 6:06 PM
2. **ROLL CALL**
Commissioners Present: Bachrach, Blecher, Bullwinkel, Ibarra, Pineda, Woo
Commissioners Absent: Covarrubias
Staff Present: Hilary Amnah, Grants Program Lead; Jennifer Lovvorn, Commission Secretary/Chief Cultural Affairs Officer
Members of the public present: 2
3. **LAND ACKNOWLEDGEMENT**
4. **PUBLIC COMMENT** (for items not on the agenda): 2
5. **CHAIR'S REPORT**
 - a) Reminder: Election of new chair and vice chair at February meeting
 - b) Reminder: Subcommittee members needed
6. **PRESENTATIONS, DISCUSSION & ACTION ITEMS**
 - a) **Action Item:** Artist Joanna Keane Lopez for Cube Space Exhibition **M/S/C** (Pineda/Ibarra) to approve artist Joanna Keane Lopez for Cube Space Exhibition, April – June, 2025 with lighting recommendations.
Vote: Ayes — Bachrach, Blecher, Bullwinkel, Ibarra, Pineda, Woo; Nays — None; Abstain — None; Absent — Covarrubias.
Public Comment: None

- b) **Action Item:** Telegraph Business Improvement District artwork by Forest Wolf Kell
M/S/C (Ibarra/Bullwinkel) to approve artwork by Forest Wolf Kell for new 24/7 public restroom outside the Public Parking Garage on Channing Way with the following addition under the MOU Section C. Maintenance: “Should TBID not have adequate funding to maintain, repair and replace significantly damaged (over 20% of surface area), the City may require and give notice to TBID to remove the artwork wraps at no cost to the City until TBID has sufficient funds for replacement.”
Vote: Ayes — Bachrach, Blecher, Bullwinkel, Ibarra, Pineda, Woo; Nays — None; Abstain — None; Absent — Covarrubias.
Public Comment: None
- c) **Action Item:** Ordinance Amending the Municipal Code to Implement AB 812
M/S/C (Ibarra/Bullwinkel) to refer to the Planning Commission for its consideration and action a draft ordinance amending the Municipal Code to implement AB 812 (Chapter 747) authorizing a certain percentage of affordable units be reserved for lower income artists of those required affordable housing units consistent with the City of Berkeley’s Affordable Housing Preference Policy.
Vote: Ayes — Bachrach, Blecher, Bullwinkel, Ibarra, Pineda, Woo; Nays — None; Abstain — None; Absent — Covarrubias.
Public Comment: None
- d) **Report:** Civic Arts Grants-funded Community Festivals Quarterly Report
Public Comment: None
- e) **Report:** Public Art on Private Development Quarterly Report
Public Comment: None

7. STAFF REPORT

- a) Civic Arts Program Updates, Jen Lovvorn
- b) Grants Program Updates, Hilary Amnah

8. COMMITTEE REPORTS

- a) Grants – No Report
- b) Public Art – No Report
- c) Policy Subcommittee – No Report
- d) Joint Subcommittee with Housing Advisory Commission – No Report
- e) Representative on Design Review Committee – Met on January 16, 2025

9. **COMMUNICATION:** None

10. **APPROVAL OF MINUTES**

Action Item: Draft Minutes of December 4, 2024 Meeting

M/S/C (Pineda/Ibarra) to approve the Draft Minutes of December 4, 2024 Meeting.

Vote: Ayes — Bachrach, Blecher, Bullwinkel, Ibarra, Pineda, Woo; Nays — None; Abstain — None; Absent — Covarrubias.

Public Comment: None

11. **ADJOURNMENT:** 8:02 PM

M/S/C (Ibarra/Pineda) to adjourn.

Vote: Ayes — Bachrach, Blecher, Bullwinkel, Ibarra, Pineda, Woo; Nays — None; Abstain — None; Absent — Covarrubias.

Staff Contact:



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