

# City of Berkeley Guidelines for Community-Initiated Public Art Proposals

## Overview

The City of Berkeley Civic Arts Commission requires approval of all public art proposals whether initiated by an individual, business, organization, or City department if the proposal is either

- Installed on City property
- Financed, wholly or in part, with City funds or grants procured by the City

Public art projects on private property, and not wholly or partially funded by the City of Berkeley, do not require City of Berkeley Civic Arts Commission approval.

The City of Berkeley Municipal Code defines "work of art" is an original work by an artist and includes, but is not limited to, functional art integrated into public improvements, sculpture, monument, mural, painting, drawing, photography, fountain, banner, mosaic, weaving, art glass, multi-media, computer-generated art, electronic and media art, video, earth art, installation art, performance and time based works of visual art, and social practice art.

With the exception of funds awarded on a competitive basis through [Civic Arts Grants](#), the Civic Arts Commission and Civic Arts staff do not provide fiscal or administrative support for Community-Initiated Public Art Proposals.

## Criteria for Civic Arts Commission Approval

- The proposal reflects feasibility, originality, and demonstrated expertise of the artist's qualifications.
- The proposal enhances the site in a way that appeals to a wide range of community members.
- The proposal has meaningful connection to the immediate community and local culture, complement its architectural setting, reflect the site's history, and/or respond to the natural environment.
- The proposal promotes community connections, a sense of belonging, and inclusivity.
- The proposal considers public safety and equitable accessibility.
- The proposal addresses maintenance, weatherization, and/or vandalism.

## Applicant Process

1. Determine if the proposed installation site is City property and if so, which City department has authority over the site. Contact [real\\_property@berkeleyca.gov](mailto:real_property@berkeleyca.gov) / 510-981-6453

If the proposed installation is City property, applicant must contact Civic Arts for assistance in the next steps. Contact [civicsarts@berkeleyca.gov](mailto:civicsarts@berkeleyca.gov) / 510-981-7530

2. Prepare a proposal for the Civic Arts Commission

The following items must be formatted into one PDF and emailed to [civicsarts@berkeleyca.gov](mailto:civicsarts@berkeleyca.gov).

- a) Written proof of support from the City department having authority of over the proposed site; or the private property owner if the project is financed wholly, or in part, with City funds or grants procured by the City.
- b) Brief project narrative addressing the **Criteria for Civic Arts Commission Approval**.
- c) Artist resume or biography; website link to portfolio and social media.
- d) Google Map screenshot of the proposed site showing areal street intersection.

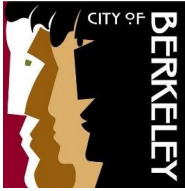
- e) Photos of actual site.
- f) In-situ mockup of proposal including materials, dimension, weight description.
- g) If applicable, structural engineer drawings to ensure safety and stability of proposed installation.
- h) Timeline, including fabrication, installation, and deinstallation
- i) Two letters of support from individuals in proximity to the proposed site.
- j) One letter of support from a business in proximity to the proposed site.
- k) Budget
- l) Signed VARA/CAPA Waiver and Release as provided by the City of Berkeley (below).

3. Review proposal with Civic Arts staff.

Proposals will be reviewed for completion and then scheduled for presentation at a Public Art Subcommittee meeting. Incomplete proposals will be returned with explanation so it can be corrected and re-submitted for review and scheduling.

4. Applicants are required to present their proposal to the [Public Art Subcommittee](#) at a regularly scheduled public meeting held on Zoom. Proposals must be submitted to Civic Arts staff at least two weeks in advance of the meeting in order to be included on the agenda. Civic Arts staff must confirm all meetings and agenda presentations with applicants.

5. If the proposal is approved by the Public Art Subcommittee then the item will be forwarded to the [Civic Arts Commission](#) at a regularly scheduled public meeting for final, possible approval. Applicants need not be present for this meeting. The City of Berkeley reserves the right to reject any and all proposals. The City of Berkeley reserves the right to propose modifications to proposals prior to approval. Approval of the public art project does not constitute its acceptance into the City of Berkeley Public Art Collection nor holds Civic Arts staff responsible for any project management including marketing, signage, approvals, permits, insurance, or maintenance. The applicant is solely responsible for securing and showing proof of any required City approvals and permits before installation on site can occur.



## VARA/CAPA Waiver and Release

In consideration for the City of Berkeley, its officers, officials, employees and agents, or Private Property Owner \_\_\_\_\_ ("Property Owner") approving \_\_\_\_\_ (the "Artist") to create artwork for a public art project as further described below (the "Artwork"), the Artist hereby acknowledges and agrees, on behalf of himself, herself, or themselves, and their organization, employees, agents, and/or volunteers, to the following:

### VARA/CAPA Waiver and Release

Artist hereby waives any and all rights Artist may have with respect to the Artwork (as further described below) under the federal Visual Artists Rights Act of 1990 (17 U.S.C. sections 106A and 113(d)), the California Art Preservation Act (Cal. Civil Code sections 987 et seq.), and any other local, state, federal or international laws that convey rights of the same nature as those conveyed under 17 U.S.C. § 106A, Cal. Civil Code § 987 et seq. The provisions of this paragraph shall apply to modify Artist's rights of attribution and integrity as set out in the Visual Artists Rights Act, 17 U.S.C §§ 106A and 113(d) ("VARA"), the California Art Preservation Act, Cal. Civil Code §§ 987 and 989 ("CAPA"), and any rights arising under United States federal or state law or under the laws of another country that convey rights of the same nature as those conveyed under VARA and CAPA, as against the Property Owner. The Property Owner has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the images of the Artwork.

Title and Date of Artwork:

Dimensions of Artwork:

Location of Artwork:

Description of Artwork:

Artist Name/Organization:

Artist Name/Organization Address:

Artist Name/Organization Email and Phone:

Artist Name/Organization Signature and Date:

Property Owner Signature and Date: