



# City of Sunnyvale

## Agenda Item

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**22-0372**

**Agenda Date: 10/19/2022**

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### REPORT TO ARTS COMMISSION

#### SUBJECT

Recommend Council Approve Art in Private Development Project - Hunter Properties/CityLine, titled *Heads* (Phase 2, Artwork 1 of 4) in a Temporary Location for Up to 3 Years and Require Submittal of the Permanent Artwork Location, Landscaping and Lighting Plans for Council Approval Prior to Permanently Relocating it to Redwood Square

#### BACKGROUND

Under the City's Art in Private Development Ordinance (Sunnyvale Municipal Code (SMC) Chapter 19.52), the CityLine development in downtown Sunnyvale is required to provide public art. The public art component must be equal in value to 1% of the building permit valuation for the project.

The artwork for CityLine will be commissioned and installed in two phases. Phase 1 artworks, *1000 Suns* (Attachment 3) by Future Forms and *Fountain* (Attachment 4) by Woody de Othello, were approved by Council on Feb. 25, 2020 (RTC No. 20-0064) and July 14, 2020 (RTC No. 20-0053) respectively. The combined minimum artwork expenditure for Phase 1 of the project is \$451,381. These two pieces were installed in September, 2022.

Phase 2 includes four planned artworks at a minimum combined expenditure of \$926,709.

This report provides information for the Arts Commission's review and recommendation to City Council for *Heads*, the first proposed artwork of Phase 2. It also includes details of a temporary location while the permanent location in Redwood Square is under construction. The artwork will be in this temporary location for 1 to 3 years, until construction and landscaping at the permanent site are completed. *Heads* is valued at \$200,000.

The procedure established for reviewing artwork is:

- 1) Review the artist's background, including their experience and ability to design, fabricate and install large-scale artwork; and
- 2) Review the proposed artwork to determine whether the nature and style of the artwork is appropriate to the site; and
- 3) Determine whether the proposed artwork is appropriate in scale for the overall development; and
- 4) Review the location of the proposed artwork for accessibility to the public.

The permanent location for *Heads*, as well as three additional artworks for Phase 2, will be reviewed by the Arts Commission and approved by City Council at future meetings.

The Arts Commission usually has final approval for Art in Private Development projects; however due

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to the high visibility of the CityLine project, the conditions of approval state: “Upon approval (recommendation) by the Arts Commission the plan shall be forwarded for review and approval by the City Council.” The Arts Commission’s recommendation will be considered by the City Council for final approval at the Nov. 29, 2022, Council meeting.

### **EXISTING POLICY**

Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development)

### **ENVIRONMENTAL REVIEW**

In 2016 (RTC No. 16-0458), the Planning Commission approved a special development permit to amend the Final Conditions of Approval for the CityLine project. Required public art was included in those amended conditions of approval. The approved amendments to the Special Development Permit Final Conditions of Approval, including the public art requirement, were determined to be within the scope of the previous environmental analysis for the Downtown Program Improvement Update in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15168(c)(2). Subsequent environmental review is not required as none of the exceptions to the exemptions specified in CEQA Guidelines Section 15300.2 have occurred, the amended conditions were deemed categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15304 and 15305, and the specific art proposal consists of moderately sized metal sculptures that do not present any new environmental impacts.

### **DISCUSSION**

**Project Location:** In 2007, City Council approved a master land use and site development plan for the CityLine project (previously referred to as “Sunnyvale Town Center”). The site covers six blocks located between South Mathilda, South Sunnyvale, West Washington and West Iowa avenues (Attachment 2 - Artwork Location).

**Project Description:** Phase 1 of the 36-acre development is complete and includes affordable housing, apartments, and retail spaces. Phase 1 also incorporated re-opening the area surrounding the large redwood trees along Murphy and McKinley avenues (future home of Redwood Square), the extension of Murphy Avenue, demolition of the former Macy’s building, new construction of the AMC theaters, Whole Foods Market and a parking garage. Additionally, new downtown tenants include AT&T, Comcast, Kids Care Dental, Salon Republic, Ulta Beauty, Urban Plates, Road Runner Shoes, Pacific Catch, and, opening soon, Flatstick Pub.

Phase 2 construction, currently underway, includes apartments, offices, retail spaces and a landscaped open space (Redwood Square).

**Artwork Location:** Hunter Properties is curating a “dynamic installation of public art that invigorates communal spaces and provides a link between the past, present and future of Downtown Sunnyvale... by engaging avant-garde contemporary artists whose work addresses methodologies and ideas of our time.”

The artwork is being developed, approved, and installed in two phases. Two artworks previously approved for Phase 1 were recently installed along the McKinley Avenue corridor.

The first artwork to be reviewed for Phase 2 is titled *Heads*. It will be temporarily installed with benches and identification plaque in the front lawn area adjacent to the construction fencing at the

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southwest corner of McKinley Avenue and Aries Way (Attachment 5 - Rendering of Sculptures in Temporary Location). This location is directly across the street from the newly opened Urban Plates (located to the east of the site) and the developer anticipates that patrons to the restaurant will visit the sculptures while they are waiting on their table.

The sculptures will be highly visible and accessible to pedestrians and passing vehicles throughout the day and evening. The developer also consulted with staff to ensure glare or reflection from the surface of the sculptures will be minimized and therefore, not a distraction to motorists.

The artwork will remain in the temporary location until construction and landscaping for Redwood Square (Block 3A and Block 3B) is complete, which is estimated to be 1 to 3 years. The temporary location has been approved for a mixed retail and office building with a phased approach for construction to protect the artwork.

**Selected Artist:** The artist who created *Heads* is Olaf Breuning. Mr. Breuning was born in Switzerland and currently lives in New York. He works with a variety of art media including photography, video, installation, drawing and painting. He has exhibited internationally and nationally since 1994, and has completed temporary sculpture projects for LaGuardia Airport, NY; Fondation Carmignac, France; Central Park, NY; City Hall Park, NY; Art Basel Miami, FL; and Liberty Village, Toronto (Attachment 6 - Artist Resume). More information and images for the artist can be found at [olafbreuning.com](http://olafbreuning.com).

**Artwork Proposal:** *Heads* is an existing series of five, life-size sculptures (Attachment 7 - *Heads*). The sculptures were temporarily exhibited in 2018 as part of The Smithsonian Plaza public art exhibition (London) where the developer viewed them and became interested in purchasing them for CityLine.

Made of stainless steel and chromed bronze, each sculpture stands approximately 6-feet tall on scaffolded supports that secure at ground level. Residing at the top of the scaffolding is an over-sized, cut-out, cartoonish face in profile, with thought/speech bubbles that include text ('Much Too Much Just Too Much' and 'I Can Not Take it Anymore') or recognizable symbols (heart, thumbs up and thumbs down).

The artist repurposes and playfully adopts the iconography and experiences of popular culture, a commentary on a generation that is intertwined with the internet. His work intelligently explores pertinent aspects of contemporary society, often incorporating language and absurdist humor.

*Heads* is the answer to the artist's question "How do we react to the avalanche of stimuli and information that the technological world floods us with?" His use of simplified emoji language asks us to step outside the flow of information and look at our surroundings anew, similar to how our surroundings refract in the shiny faces of the sculptures. His hope is that *Heads* will encourage passersby to reflect, pause and ponder during their busy day.

**Maintenance:** Stainless steel and chromed bronze are naturally rust resistant, requiring limited maintenance. The sculptures can be periodically power washed to remove dust and wiped down to remove water spots. Non-abrasive cleaning solutions/solvents can be used to remove graffiti if necessary.

**Lighting Plan:** Art in Private Development projects are required to submit lighting plans (SMC

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Section 19.52.050) to ensure lighting is incorporated into the overall art proposal. Final review and approval of the lighting plan and light fixtures is overseen by the Community Development Department as part of the permitting process. This process allows for adequate review to verify the art lighting is following the various specific and precise plans within the City and the Citywide Design Guidelines, including Chapter 5 (Bird Safe Guidelines).

Hunter Properties has been granted a lighting plan exemption for the temporary location of the *Heads* artwork. The exemption was based on limited lighting locations, utility access and the ambient lighting available to highlight the temporary installation. The lighting plan for the permanent location in Redwood Square will require Arts Commission review and Council approval.

**Art Bond:** The City has collected a security in the form of a bond to guarantee installation of the art in the permanent location at a future date. The bond will be held until completion of the public art requirement, consistent with SMC Chapter 19.52 (Art in Private Development). The requirement will be deemed complete when the following conditions are met for the permanent location(s):

1. Review and approval of the artwork and the permanent location, including landscaping and lighting plans, prior to reinstalling the sculptures in Redwood Square
2. Installation of the art
3. Installation of plaques for each art location
4. Installation of lighting for each artwork
5. Recording a covenant requiring the property owner to keep and maintain the artwork(s)
6. Verification of the 1% expenditure

### **FISCAL IMPACT**

If the artwork is approved, the developer will be responsible for design, fabrication, and installation costs of the artwork, for both its temporary and permanent locations, as well as ongoing maintenance. There is no fiscal impact on the City's operating budget other than incidental staff time to monitor the project, which is budgeted in the Art in Private Development Program.

The Developer anticipates the total budget for the artwork for Phase 2 of the project will be equal to or greater than the 1% of the building valuation requirement; if it is not, the Developer will be required to contribute the difference to the City's Public Art Fund. This project was approved prior to the adoption of the Master Plan for Public Art and the 2% requirement. Therefore, the art must meet the pre-existing 1% requirement. The Developer is required to provide supporting documentation to substantiate all art expenditures.

### **PUBLIC CONTACT**

Public contact was made through posting of the Arts Commission agenda on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk.

### **ALTERNATIVES**

1. Recommend Council Approve Art in Private Development Project - Hunter Properties/CityLine, titled *Heads* (Phase 2, Artwork 1 of 4) in a Temporary Location for Up to 3 Years and Require Submittal of the Permanent Artwork Location, Landscaping and Lighting Plans for Council Approval Prior to Permanently Relocating it to Redwood Square
2. Recommend Council Approve Art in Private Development Project - Hunter Properties/CityLine,

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titled *Heads* (Phase 2, Artwork 1 of 4) in a Temporary Location for Up to 3 Years and Require Submittal of the Permanent Artwork Location, Landscaping and Lighting Plans for Council Approval Prior to Permanently Relocating it to Redwood Square with modifications

3. Do not recommend Council approve the artwork and the temporary location as proposed

### **RECOMMENDATION**

Alternative 1: Recommend Council Approve Art in Private Development Project - Hunter Properties/CityLine. titled *Heads* (Phase 2, Artwork 1 of 4) in a Temporary Location for Up to 3 Years and Require Submittal of the Permanent Artwork Location, Landscaping and Lighting Plans for Council Approval Prior to Permanently Relocating it to Redwood Square.

Staff concludes that the artwork is consistent with the criteria for Art in Private Development requirements, with the exception that the landscape and lighting design plan for its permanent location within Redwood Square has not been finalized and cannot be considered at this time. Therefore, staff recommends approval of the artwork, approval to install the artwork in the proposed temporary location for a limited period of time, and a requirement to return for the review of the permanent location, landscaping and lighting plans for the approved artwork at a later date. The second review will include a recommendation by the Arts Commission and final approval by Council.

Prepared by: Kristin Dance, Recreation Services Coordinator II

Reviewed by: Trenton Hill, Recreation Services Manager

Reviewed by: Damon Sparacino, Superintendent of Recreation Services

Reviewed by: Michelle Perera, Director, Department of Library and Recreation Services

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Reserve for Report to Council
2. Artwork Locations
3. *1000 Suns*
4. *Fountain*
5. Rendering of Sculptures in Temporary Location
6. Artist Resume
7. *Heads*