



# City of Sunnyvale

## Notice and Agenda Arts Commission

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Wednesday, January 18, 2023

7:00 PM

Telepresence Meeting: City Web Stream

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<https://sunnyvale-ca-gov.zoom.us/j/96704441776>

### Special Teleconference Notice

*Because of the COVID-19 emergency and the health orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale Arts Commission will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed December 13, 2022).*

### Public Participation

• *Teleconference participation: You may provide audio public comment by connecting to the teleconference meeting online or by telephone. Use the Raise Hand feature to request to speak (\*9 on a telephone):*

*Meeting online link: <https://sunnyvale-ca-gov.zoom.us/j/96704441776>*

*Meeting call-in telephone number: 833-548-0276 | Meeting ID: 967 0444 1776  
(\*9 to request to speak | \*6 to unmute/mute)*

- *Watch the Arts Commission meeting at: <http://youtube.com/SunnyvaleMeetings>*
- *Submit written comments to the Arts Commission no later than 4 hours prior to the meeting start to [artscommission@sunnyvale.ca.gov](mailto:artscommission@sunnyvale.ca.gov) or by mail to: City Clerk, 603 All America Way, Sunnyvale, CA 94086*
- *Review recordings of this meeting and past meetings at <https://sunnyvaleca.legistar.com/calendar.aspx> or <http://youtube.com/SunnyvaleMeetings>*

### Accessibility/Americans with Disabilities Act (ADA) Notice

*Pursuant to the Americans with Disabilities Act (ADA), if you need special assistance to provide public comment, or for other special assistance; please contact the City at least 48 hours prior to the meeting to enable the City to make reasonable arrangements to ensure accessibility to this meeting. ADA contact:*

Angela Chan may be reached at 408-730-7599 or [ncs@sunnyvale.ca.gov](mailto:ncs@sunnyvale.ca.gov) (28 CFR 35.160 (b) (1)).

### **CALL TO ORDER**

Call to Order via teleconference.

### **ROLL CALL**

### **PRESENTATION**

A     [23-0203](#)           Hands on the Arts Festival (Scope)

### **ORAL COMMUNICATIONS**

*This category provides an opportunity for members of the public to address the Arts Commission on items not listed on the agenda and is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Chair) with a maximum of up to three minutes per speaker. Please note the Brown Act (Open Meeting Law) does not allow the Arts Commission to take action on an item not listed on the agenda. If you wish to address the Arts Commission, please refer to the notice at the beginning of this agenda. Individuals are limited to one appearance during this section.*

### **CONSENT CALENDAR**

*All matters listed on the consent calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion of these items. If a member of the public would like a consent calendar item pulled and discussed separately, please refer to the notice at the beginning of this agenda.*

1     [23-0192](#)           Approve the Arts Commission Meeting Minutes of November 16, 2022

**Recommendation:** Approve the Arts Commission Minutes of November 16, 2022 as submitted.

### **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearing/general business item, please refer to notice at the beginning of this agenda. Each speaker is limited to a maximum of three minutes.*

2     [23-0191](#)           Rank 2023 Study Issues

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES****NON-AGENDA ITEMS & COMMENTS**

-Commissioner Comments

-Staff Comments

**INFORMATION ONLY REPORTS/ITEMS**

3      [23-0193](#)      Arts Commission Proposed Study Issues, Calendar Year: 2024

**ADJOURNMENT**

*Notice to the Public:*

*Any agenda related writings or documents distributed to members of this meeting body regarding any item on this agenda will be made available for public inspection in the originating department or can be accessed through the Office of the City Clerk located at 603 All America Way, during normal business hours and in the Council Chamber on the evening of the Arts Commission Meeting, pursuant to Government Code §54957.5. A*

*Agenda information is available by contacting Ricky Le at 408-730-7336 or [rle@sunnyvale.ca.gov](mailto:rle@sunnyvale.ca.gov). Agendas and associated reports are also available on the City's website at [sunnyvale.ca.gov](http://sunnyvale.ca.gov) or at the One-Stop Desk, City Hall, 456 W. Olive Ave., Sunnyvale, CA, 72 hours before the Meeting.*



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# City of Sunnyvale

## Agenda Item

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**23-0203**

**Agenda Date: 1/18/2023**

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Hands on the Arts Festival (Scope)



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# City of Sunnyvale

## Agenda Item

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**23-0192**

**Agenda Date: 1/18/2023**

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**SUBJECT**

Approve the Arts Commission Meeting Minutes of November 16, 2022

**RECOMMENDATION**

Approve the Arts Commission Minutes of November 16, 2022 as submitted.



# City of Sunnyvale

## Meeting Minutes - Draft Arts Commission

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Wednesday, November 16, 2022

7:00 PM

Telepresence Meeting: City Web Stream

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### **CALL TO ORDER**

Because of the COVID-19 emergency and the health orders issued by Santa Clara County and the State of California, this meeting of the Sunnyvale Arts Commission will take place by teleconference, as allowed by Government Code Subdivision 54953(e) and Resolution No. 1089-21 (reaffirmed November 1, 2022).

Chair Eskridge called the meeting to order at 7:00 p.m. via teleconference.

### **ROLL CALL**

**Present:** 5 - Chair Dawna Eskridge  
Vice Chair Winnie Lam  
Commissioner Kathryn Filley  
Commissioner Molly Kauffman  
Commissioner Agnes Veith

### **PRESENTATION**

None.

### **ORAL COMMUNICATIONS**

None.

### **CONSENT CALENDAR**

Commissioner Veith moved and Vice Chair Lam seconded the motion to approve the consent calendar as presented. The motion carried by the following vote:

**Yes:** 5 - Chair Eskridge  
Vice Chair Lam  
Commissioner Filley  
Commissioner Kauffman  
Commissioner Veith

**No:** 0

1 [22-1084](#) Approve the Arts Commission Meeting Minutes of October 19,

2022

Approve the Arts Commission Minutes of October 19, 2022 as submitted.

**PUBLIC HEARINGS/GENERAL BUSINESS**

2        [22-1085](#)        Annual Review and Acceptance - Code of Ethics

Commissioner Filley moved and Vice Chair Lam seconded the motion to review and accept the Code of Ethics. The motion carried by the following vote:

**Yes: 5 -**    Chair Eskridge  
                 Vice Chair Lam  
                 Commissioner Filley  
                 Commissioner Kauffman  
                 Commissioner Veith

**No: 0**

3        [22-1087](#)        Review and Approve 2023 Master Work Plan

Vice Chair Lam moved and Commissioner Veith seconded the motion to approve the 2023 Master Work Plan. The motion carried by the following vote:

**Yes: 5 -**    Chair Eskridge  
                 Vice Chair Lam  
                 Commissioner Filley  
                 Commissioner Kauffman  
                 Commissioner Veith

**No: 0**

**STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES**

None.

**NON-AGENDA ITEMS & COMMENTS**

**-Commissioner Comments**

Commissioner Veith provided an update on the Yarn Art in the Park project.

Commissioner Lam informed the Commission that the Gingerbread Village will launch at the Holiday Tree Lighting event in Downtown Sunnyvale then move to the Sunnyvale Library.

**-Staff Comments**

Trenton Hill, Recreation Services Manager, informed the Commission of the upcoming holiday events at the Community Center.

Ricky Le, Administrative Aide, informed the Commission that the December Arts Commission meeting will be cancelled due to lack of agenda items.

**INFORMATION ONLY REPORTS/ITEMS**

4      [22-1083](#)      Arts Commission Proposed Study Issues, Calendar Year: 2024

Standing item. No study issues approved in previous meeting were proposed.

**ADJOURNMENT**

Chair Eskridge adjourned the meeting at 7.22 p.m.





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# City of Sunnyvale

## Agenda Item

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**23-0191**

**Agenda Date: 1/18/2023**

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Rank 2023 Study Issues



# City of Sunnyvale

## Agenda Item

23-0119

Agenda Date: 2/16/2023

### 2023 COUNCIL STUDY ISSUE

**NUMBER**

CDD 23-04

**TITLE** Explore Expanding Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to Include a Public Art Requirement for High Density Residential Developments (Including Affordable Housing)

**BACKGROUND**

<b>Lead Department:</b>	Community Development
<b>Support Departments:</b>	Office of the City Manager
	Office of the City Attorney
	Library & Recreation Services
<b>Sponsor(s):</b>	Arts Commission
<b>History:</b>	1 year ago: N/A
	2 years ago: N/A

**SCOPE OF THE STUDY**

**What precipitated this Study?**

The Arts Commission proposed exploring a new program that would bring high quality art to affordable housing. Sunnyvale Municipal Code Chapter (SMC) 19.52 (Art in Private Development) does not currently include a provision for residential projects, including affordable housing.

SMC Chapter 19.52 requires nonresidential developments to provide art when located on any lot of two acres or more. Under the Art in Private Development (AIPD) program, developers must provide publicly visible art on-site that is equal in value to 2% of the project construction valuation.

Developers can choose to incorporate art into their projects or contribute an in-lieu fee, 1.1% of the project construction valuation, to the Public Art Fund to support City-managed public art projects.

In addition to the AIPD program, the City adopted the Master Plan for Public Art in November of 2020. As part of the Master Plan for Public Art process, the community recognized that “the works installed under the Art in Private Development program are largely unknown to residents and visitors of Sunnyvale because of their locations in predominantly industrial areas” and therefore the artworks are not successfully integrated into the “everyday lives of the community.” Outreach also identified several key outcomes residents and business communities were interested in:

- Creating vibrancy in the downtown area and neighborhoods
- Establishing identity and community pride through art elements such as iconic gateways and public art identifiers for neighborhoods
- Developing temporary and interactive art projects to activate existing public spaces

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- Connecting places and creating gathering places with art
  - Artistic excellence maintained for community to enjoy

### **What are the key elements of the Study?**

As Sunnyvale continues planning for, and permitting, more high-density housing projects, a residential requirement for public art could help meet the key outcomes relative to public art listed above. In addition to creating public art, identity and placemaking, it can also provide a social, environmental, equity and inclusion platform for local artists that represent the Sunnyvale community.

The Arts Commission identified the following key elements for consideration as part of the proposed study issue:

- High-density residential developers, including affordable housing, could select artists that represent Sunnyvale's population to create visible public art for residential developments.
  - City can facilitate "Call for Artists" within the community to apply for, and/or participate in, the artist selection process.
- Require community participation in artist selection for high-density residential development projects.
- Require that an area (i.e., wall or other space) be identified and approved as part of the architectural design of high-density residential development projects

The study would:

- Include a benchmark study to identify what, if any, government agencies (local, regional, national) require art relative to private high-density residential developments. The study will include, but not be limited to, city population and area, percentage requirement, acreage or total unit requirement, affordable housing, program elements/parameters, etc.
- Identify what constitutes "high density" housing for the purposes of provision of artwork. Note that the General Plan/zoning districts define high density as development above 24 dwelling units per acre.
- Explore a minimum project size (acreage or number of units), similar to the art requirement for non-residential development.
- Determine what is an appropriate percentage for art in residential development.

As part of the preparation of the Housing Element of the General Plan, the City is required to remove governmental constraints that hinder it from meeting its share of the regional housing need. While the Housing Element may be completed before this Study, it would be prudent to also:

- Examine whether imposing an art requirement on high density residential development functions as a constraint on housing production, particularly for 100% affordable projects, through a fiscal analysis study.

The Study would also:

- Explore exempting artwork for affordable units (similar to the exemption for park dedication requirement for rental affordable units).

Most new higher density residential development in Sunnyvale will be constructed in mixed-use areas with primarily high-density housing such as Downtown, Lawrence Station, El Camino Real and potentially Moffett Park. These locations allow housing near existing non-residential developments with artwork already installed, and new non-residential developments, which require artwork or

paying an in-lieu fee. The Study would also look at whether prioritizing use of in-lieu fees for artwork installation in residential areas is feasible and desirable. Note that the El Camino Real Specific Plan includes a small incentive for higher density for residential developments that include artwork or an in-lieu fee (both based on 1% of construction valuation).

**Estimated years to complete study:** 1 year

**FISCAL IMPACT**

**Cost to Conduct Study**

Level of staff effort required (opportunity cost):	Moderate
Funding Required for Non-Budgeted Costs:	\$50,000
Funding Source:	Will seek budget supplement

Funding would be used to hire a consultant to conduct a fiscal analysis of the impact of an art in private housing development requirement.

**Cost to Implement Study Results**

Currently, developers pay a permit fee, which is used to offset staff time required to coordinate the Art in Private Development process. High-density residential development projects could require the same permit fee.

**EXPECTED CITY COUNCIL, BOARD OR COMMISSION PARTICIPATION**

Council-Approved Work Plan: No  
Council Study Session: Yes  
Reviewed by Boards/Commissions: Arts Commission and Planning Commission

**STAFF RECOMMENDATION**

Support. This policy issue merits discussion at the 2023 Study Issues Workshop.

SMC Chapter 19.52 (Art in Private Development) does not include a provision for required artwork in high-density residential projects. Since residential construction projects may be smaller in scope and valuation, an art requirement could provide an opportunity to showcase more local artists with smaller works of art leading to better representation of Sunnyvale's community. Finally, expanding the Art in Private Development program to high-density residential projects could contribute to a more even distribution of art throughout the City, create placemaking and belonging, and facilitate a more equitable representation of, and access to, art in the community.

Prepared by: Damon Sparacino, Superintendent of Recreation Services  
Reviewed by: Michelle Perera, Director, Library and Recreation Services  
Reviewed by Trudi Ryan, Director, Community Development  
Reviewed by: Teri Silva, Assistant City Manager  
Approved by: Kent Steffens, City Manager



# City of Sunnyvale

## Agenda Item

23-0193

Agenda Date: 1/18/2023

Arts Commission Proposed Study Issues, Calendar Year: 2024

Proposed Study Issues\*

Date	Working Title	Summary of Scope	Staff Comments

\*The study issues have been proposed for future sponsorship

Toward the end of the calendar year, no later than October, boards and commissions will review the list of proposed study issues and officially vote on sponsorship for each individually listed study issue. Official sponsorship means that the study issue is approved for ranking with a majority vote of the board or commission. Staff will then prepare the sponsored study issue papers, including fiscal impact **but not** the staff recommendation.