



City of Sunnyvale

Agenda Item

20-0844

Agenda Date: 9/28/2020

REPORT TO ARTS COMMISSION and PLANNING COMMISSION

SUBJECT

Arts Commission Recommendation that the City Council (1) Approve the Master Plan for Public Art; and (2) Introduce an Ordinance Amending Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan.

Planning Commission Recommendation that the City Council Introduce an Ordinance Amending Municipal Code Chapter 19.52 (Art in Private Development) to Increase the Percent for Art Requirement from 1% to 1.5%, Implementing Option 2A of the Public Art Master Plan.

REPORT IN BRIEF

In April 2017, the Cultural Planning Group was hired to lead a community engagement process and develop a set of recommendations based on public input to update the City's Master Plan for Public Art that was originally developed in 1982. This report presents the community engagement findings and provides the recommendations built upon those findings that form the core of Sunnyvale's new Master Plan for Public Art (Attachment 3 - Final Draft Master Plan for Public Art). These findings and four funding options were presented to Council in a Study Session on August 25, 2020. Based on general feedback, Council supported implementation of Option 2A, which increases the value of required artwork in the Art in Private Development program from 1.0 percent to 1.5 percent of project construction valuation and maintains the in-lieu option at 1.1 percent to incentivize Public Art Fund contributions.

The Arts Commission is being asked to review and recommend approval of the Master Plan for Public Art, and the proposed amendments to Chapter 19.52 of the Sunnyvale Municipal Code, which will implement Option 2A of the Plan.

Because implementing Option 2A requires an amendment to the Zoning Code, the Planning Commission must review and provide a recommendation to the Council on the proposed changes to Sunnyvale Municipal Code Chapter 19.52.

Along with approval of the Master Plan, staff will also be bringing to Council an initial activation plan for the Public Art Fund during the FY 2020/21 Project Budget Cycle. The first project, for which \$50,000 will be requested when this report goes to Council, is Utility Box Art, which was one of the most requested programs by the community and Arts Commission. Projects will follow the same review and approval process as public art capital projects; Arts Commission's review and recommendation to Council for final approval.

BACKGROUND

Following a 1982 Charter review process, the City of Sunnyvale established an Arts Committee and

20-0844

Agenda Date: 9/28/2020

the original Public Art Master Plan. In 2002, two accounts were established to capture and account for art in-lieu fees from private development projects to be used for the purchase and maintenance of artwork and to support art projects for public facilities and open spaces. For the purposes of discussion, this report refers to these accounts together as the “Public Art Fund.”

Currently, the Public Art Fund has approximately \$500,000 from donations, in-lieu fees, and earned interest. A 2012 study issue of the Art in Private Development in-lieu fee program recommended that a Master Plan for Public Art be developed (Attachment 2 - RTC No. 12-187: Art in Private Development In-lieu Fee Program Study). The goal of the plan was to broaden the scope of public art programs, address community vision for public art and provide guidance for allocating existing and future Public Art funds. The Department of Library and Recreation Services (LRS) was tasked with completing the planning process and developing a Master Plan for Public Art. Due to staff turnover in key positions the project was deferred until 2017.

In April 2017, the Cultural Planning Group was hired to lead a community engagement process and develop a set of recommendations based on public input during the community engagement process. These recommendations were intended to help staff create a final City of Sunnyvale Master Plan for Public Art.

This report presents the community engagement findings and provides the recommendations built upon those findings that form the core of Sunnyvale’s Master Plan for Public Art (Attachment 3 - Final Draft Master Plan for Public Art). These findings and recommendations were originally presented to Council in a Study Session on June 18, 2019. Based on general feedback at that session, staff refined the Plan and included final recommendations for public art objectives and strategies as well as options for funding implementation, including: (1) maintaining the current public art requirements for developers, (2) modifying the percentages required for art by developers, and (3) utilizing the City Council’s service level set-aside to provide additional resources to implement Plan strategies.

At a second Council Study Session on August 25, 2020, a majority of Council supported implementation of Option 2A, which increases the value of required artwork in the Art in Private Development program from 1.0 percent to 1.5 percent of project construction valuation and maintains the in-lieu option at 1.1 percent to incentivize Public Art Fund contributions.

The Arts Commission is being asked to review and recommend approval of the Master Plan for Public Art, and the proposed amendments to Chapter 19.52 of the Sunnyvale Municipal Code, which will implement Option 2A of the Plan by increasing the percent for art requirements in private development from 1% to 1.5%

Because implementing Option 2A requires an amendment to the Zoning Code, the Planning Commission must review and provide a recommendation to the Council on the proposed changes to Sunnyvale Municipal Code Chapter 19.52.

City Council is scheduled to consider this item on October 27, 2020.

EXISTING POLICY

Council Policy 6.04.01 Arts - Goals and Policies (Policy A.1, A.2, B.3, E.1.)

Council Policy 6.04.02 Art Loans and Gifts

20-0844

Agenda Date: 9/28/2020

Council Policy 6.04.04 Art in Public Places
Municipal Code Chapter 19.52 - Art in Private Development
General Plan, Chapter 4, Community Character - Design (Policy CC 1.1, 1.1c, 1.1d, 1.4, 1.8a/b/c/d/e/f, 6.1, 9.1, 9.1c)

ENVIRONMENTAL REVIEW

The proposed approval of the Public Art Master Plan is not, by itself, a “project” pursuant to CEQA Guidelines 15378 since it does not result in a physical change in the environment. Rather, the Master Plan identifies a series of policy recommendations and implementation strategies, which include, in part, recommendations/strategies for public artwork and related physical improvements. However, future physical improvements identified in the Master Plan will require further discretionary decisions by the City prior to implementation which would be subject to project-level environmental review, as necessary and subject to funding, timelines, and details which are not yet known. Further, many of the recommendations for physical improvements included in the Plan can be categorized as minor alterations of existing facilities, new small structures, minor alterations to land, and/or accessory structures. Such improvements will be analyzed on a case-by-case basis, but will likely be categorically exempt from CEQA pursuant to State CEQA Guidelines Sections 15301 (Class 1 - Existing Facilities), 15303 (Class 3- New Construction or Conversion of Small Structures), 15304 (Class 4- Minor Alterations to Land), and/or 15311 (Class 11 - Accessory Structures).

Adoption of the Ordinance amending Sunnyvale Municipal Code Chapter 19.52 to increase the percent-for-art requirement is exempt from the requirements of the California Environmental Quality Act (CEQA), California Code of Regulations, Section 15061(b)(3), in that it is not a Project which has the potential for causing a significant effect on the environment.

DISCUSSION

For decades, Sunnyvale has supported the arts and the benefits art provides to the community. In the early 1970’s, when the community expressed interest in arts programming as part of the Sunnyvale Community Center development, two buildings were dedicated to the arts: the Sunnyvale Theatre and the Creative Arts Center. In addition to these facilities, the City dedicates 4.5 full-time staff to delivering arts programs and services at an annual total cost of \$1.3 million, which includes: dance, theater, visual and digital art, pottery, music and special events. These programs are funded by the General Fund.

Sunnyvale’s Public Art program plays a vital role in the design and visual landscape of the community. Sunnyvale’s current public art program includes two components: Art in Public Places and Art in Private Development. The Art in Public Places program includes 62 sculptures, murals, tapestries, stained glass and paintings funded through capital project allocations, donations and general funds.

The Art in Private Development program currently requires dedication of one percent of the construction valuation of non-residential development projects to public art in order to enhance the city’s visual and aesthetic quality and to mitigate any undesired and potentially deleterious sense of uniformity and loss of human scale and orientation. Commercial developers can choose to incorporate art into their projects or contribute an in-lieu fee of 1.1 percent to the Public Art Fund. The Art in Private Development program has led to the creation of 83 artworks owned and maintained by private parties with the in-lieu fee option generating approximately \$500,000 to the Public Art Fund.

20-0844

Agenda Date: 9/28/2020

1. Overview of Master Plan for Public Art (Arts Commission Recommendation and Planning Commission Information)

The Master Plan for Public Art is a cohesive strategy reflecting the values and vision of the community, designed to improve the effectiveness of these public art programs. As Sunnyvale's demographics and arts landscape continue to evolve, a public art master plan will guide use of public dollars and create a unique City identity supporting economic, educational and quality of life initiatives. The Master Plan for Public Art is a comprehensive planning document providing a framework with specific goals and resource allocation procedures to guide short and long-term decision-making for public art.

Community Engagement

To understand the interests and priorities of the community, the Master Plan for Public Art process began with extensive community outreach and engagement. The process was designed to: bring together multiple viewpoints; create legitimacy and a sense of shared responsibility for the Master Plan; cultivate new partners and collaborations; and stimulate broad awareness of, and momentum for, implementation of the Plan.

Community members, business representatives and key City staff were asked to share their sense of Sunnyvale's culture, what makes Sunnyvale unique, and what they considered to be Sunnyvale's favorite gathering places and public art pieces. Through focus groups, stakeholder meetings and surveys, participants were asked to provide feedback regarding the Master Plan for Public Art, including public art programs, art projects and preferred locations.

- Stakeholder Meetings - 20 individual interviews with key stakeholders were conducted, including: City of Sunnyvale City Manager, Department Directors and Economic Development Manager; Sunnyvale Neighborhood Association President; Sunnyvale Downtown Association Executive Director; Chamber of Commerce President; Heritage Park Museum Director; Sunnyvale School District Superintendent; Moffett Park Business Group President; and local private development representatives.
- Community discussion groups - included a focus group for local artists, three general community meetings and ten focus groups.
- Pop-up meetings - included one "pop-up" style meeting at the 2017 State of the City event, two at the library plaza and three at the Sunnyvale Senior Center.
- Community survey - Online and hardcopy surveys were posted on the City website and Facebook and emailed to 54,366 eNewsletter subscribers. Almost 800 responses were received.
- Arts Commission and City Council Presentations - Presentations were made at the August 15, 2017 joint study session with the City Council and Arts Commission.
- Taskforce - A nine-member committee was convened to advocate for community participation in the engagement and planning process, promote public art and its value in the community, think critically about the City's cultural life and convey opinions and feedback from their networks to staff.

Key Findings

Overall, development of a Master Plan for Public Art was well received by residents, stakeholders

20-0844

Agenda Date: 9/28/2020

and business owners. Stakeholders felt the Plan should address:

- Lack of education about existing and future artworks: survey respondents were not aware of public art programs, including the Art in Private Development Program where art locations are predominately in industrial areas unknown to residents.
- Type of Art: The community engagement results indicated the community prefers functional art (75 percent), whimsical small-scale art (60 percent); art integrated into the natural environment (56 percent); art integrated into public buildings/facilities (55 percent); and art that welcomes people to Sunnyvale (50 percent).
- Locations for Public Art: Participants want to see art in their own neighborhood and would like to see rotating and temporary installations. The most important locations were public spaces and pedestrian areas (87 percent) and parks and open spaces (71 percent). Specific locations include downtown, Plaza del Sol, libraries and parks, train stations and bus stops, neighborhood and city gateways, and the new civic center.

Vision Statement

A key element developed to respond to the community engagement findings was a vision statement describing what the Master Plan for Public Art would achieve for Sunnyvale:

“We imagine a city where art enriches the daily experience of public spaces, providing accessible opportunities for reflection, serendipity and joyful interaction in an urban environment.

We imagine a public arts program celebrating the diversity of our neighborhoods and paying homage to Sunnyvale’s rich cultural history.

We imagine a public art collection of the highest quality, encompassing a broad range of artistic styles and media-one that creates a sense of place that is uniquely Sunnyvale.”

Implementation Options

Overall program implementation is based on approved funding levels, organizational capacity, project scope and community interest. Four implementation options were developed to prioritize the Master Plan for Public Art objectives and program deliverables while considering estimated initial and annual costs. Consideration of Implementation Options 3 and 4 have been placed on hold as they are not currently financially viable in light of the COVID-19 pandemic and its impact on revenues to the City’s General Fund. They remain in the Master Plan for Public Art and may be considered if they become realistic opportunities to expand the scope of public art activities in Sunnyvale.

Master Plan for Public Art Objectives:

1. Broaden the scope of public art programs.
2. Enhance management of public art programs.
3. Encourage involvement of the Arts Commission and community in the public art process.
4. Develop web-based and self-guided tour programs for the public and private art in Sunnyvale.
5. Incorporate a systematic approach to conservation and maintenance of the City’s public art collection.
6. Update Sunnyvale codes, policies and procedures to align with the Master Plan for Public Art.

20-0844

Agenda Date: 9/28/2020

Implementation strategies for the six objectives include community gateways, a sculpture park, reactivation of gallery spaces, ongoing art workshops and lectures, a website and self-guided tour dedicated to Sunnyvale's public art, and more.

Master Plan for Public Art Implementation Options

Option 1. Maintain current Art in Private Development in-lieu fees and General Fund contribution:

- ♦ Continues current activity level
- ♦ Creates a process to allocate the Public Art Fund balance

Option 2. Expand Public Art through increased Art in Private Development in-lieu fee incentives:

- ♦ Provides for additional activities by increasing the incentive for developers to select the in-lieu fee option for Art in Private Development by either:
 - A. Increasing the art requirement percentage to 1.5 percent while maintaining the current in-lieu fee of 1.1 percent, OR
 - B. Maintaining the current art requirement percentage of 1 percent while lowering the in-lieu fee option to 0.75 percent

Both Options 2A and 2B would increase the dollars available for public art, but the funding would remain unpredictable, resulting in projects being completed as funding becomes available. Additionally, due to legal restrictions on the use of the Public Art Fund, only projects resulting in physical art are eligible.

The following options were included in the Public Art Master Plan but would require additional funding from the City's General Fund. The adopted 2019/20 budget included a General Fund Service Level Set-aside which would allow service enhancements as program needs arose and were approved by City Council. Future funding for the Lakewood Branch Library and Learning Center is an example of funding that has already been allocated from the Service Level Set-aside. Additional funding for arts programming could have also been considered. However, after the COVID-19 Pandemic hit, revenue reductions resulted in elimination of the uncommitted Service Level Set-aside from the 2020/21 budget and beyond. As a result, funding for consideration of Options 3 and 4 is not available at this time.

Option 3. Expand Public Art through increased General Fund contribution

- ♦ All of Option 1
- ♦ Broaden scope, enhance and implement systematic approach of public art programs,

Option 4. Expand Public Art through increased Art in Private Development in-lieu fees AND increased General Fund contribution

- ♦ Options 1 through 3

2. Amendment to Sunnyvale Municipal Code Chapter 19.52 to Increase the Percent-for-Art Requirement (Arts and Planning Commission Recommendations)

If the Master Plan and Implementation Option 2A are approved, Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development), must be amended to implement the increase from 1% to 1.5% for

20-0844

Agenda Date: 9/28/2020

art in private development projects (Attachment 4 - Redline Ordinance: Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development)).

Staff is not currently recommending modification to Council Policy 6.04.04 Art in Public Places (Attachment 5), which requires dedication of 1% of construction funds for municipal construction projects for art. Council can reconsider this Policy at any time.

Staff also suggests a clarification to the provisions related to the plaque requirement. Sunnyvale Municipal Code Section 19.52.070 (d) currently states that "Information [on a plaque] is limited to the date, title and artist." In practice, this is the minimum amount of information staff and the Arts Commission typically recommend for a plaque; short descriptions of the work or artist statements are often included and desirable to inform the public. Therefore, staff recommends a minor amendment to clarify that plaque information include at least the date, title, and artist, rather than limit plaque information to those items.

3. Next Steps for Public Art Fund Activation (Information-Only for Arts and Planning Commissions)

Along with approval of the Master Plan, staff will also be bringing to Council an initial activation plan for the Public Art Fund during the FY 2020/21 Project Budget Cycle. Staff will identify public art projects that maximize the City's return on investment while minimizing on-going maintenance and unfunded liabilities. Some of the projects can be taken directly from the Master Plan, and some projects will be recommended based on general feedback identified through community dialogue and Arts Commission meetings. The first project for which \$50,000 will be requested when this report goes to Council is Utility Box Art, which was one of the most requested programs by the community and Arts Commission.

Projects will follow the same review and approval process as public art capital projects; Arts Commission's review and recommendation to Council for final approval.

FISCAL IMPACT

Revenues generated related to funding Public Art, including in-lieu developer fees, are unpredictable and have specific restrictions. Development supported Art in Private Development is subject to changes in the economy, not knowing if a developer will choose the in-lieu option, and/or the amount those projects would contribute to the Public Art Fund. Additionally, projects and programs that do not meet the threshold requirement for Public Art (either temporary or permanent) are not required to pay in-lieu fees. In-lieu developer fees are one-time revenues and, in many cases, cannot be allocated for delivering ongoing services such as: staffing and administration of public art programs, gallery and exhibit operations, public art website and publicity development, workshops, curriculum and tour development. Currently the Public Art Fund has a balance of approximately \$500,000.

Costs for implementation of the Master Plan for Public Art are detailed in the Plan document. Option 1 includes estimated initial costs of \$13,000 and estimated annual costs of \$8,500. Option 2A or 2B would affect fees generated from Private Development into the Public Art Fund, but not affect the General Fund.

Staff time allocated to the Art in Private Development program will not be affected, as permit fees associated with these projects have already been established and are adjusted on an annual basis

20-0844

Agenda Date: 9/28/2020

and include support for staff time required to implement that program.

PUBLIC CONTACT

Public contact was made through posting of the Art Commission and Planning Commission agendas 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

Arts Commission Recommendation to City Council:

1. Approve the Master Plan for Public Art and introduce an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to increase the percent for art requirement from 1% to 1.5%, implementing Option 2A of the Master Plan.
2. Allocate \$50,000 from the Public Art Fund to implement a Utility Box Art project.
3. Do not recommend approval of the Public Art Master Plan or introduction of an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to implement Option 2A of the Master Plan.

Planning Commission Recommendation to City Council:

1. Introduce an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to increase the percent for art requirement from 1% to 1.5%, implementing Option 2A of the Master Plan
2. Do not recommend introduction of an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to implement Option 2A of the Public Art Master Plan.

RECOMMENDATION

Arts Commission Recommendation: Alternatives 1 and 2, Approve the Master Plan for Public Art and introduce an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to increase the percent for art requirement from 1% to 1.5%, implementing Option 2A of the Public Art Master Plan; and Allocate \$50,000 from the Public Art Fund to implement a Utility Box Art project.

Planning Commission Recommendation: Alternative 1, introduce an ordinance amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development) to increase the percent for art requirement from 1% to 1.5%, implementing Option 2A of the Public Art Master Plan.

Prepared by: Kristin Dance, Recreation Services Coordinator II

Prepared by: Trenton Hill, Recreation Services Manager

Reviewed by: Damon Sparacino, Superintendent of Recreation Services

Reviewed by: Cherise Brandell, Director of Library and Recreation Services

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Reserved for Report to Council
2. RTC No. 12-187: Art in Private Development (AIPD) In-Lieu Fee Program Study
3. Final Draft Master Plan for Public Art

20-0844

Agenda Date: 9/28/2020

4. Draft Ordinance Amending Sunnyvale Municipal Code Chapter 19.52 (Art in Private Development)
5. Council Policy 6.4.4 Art in Public Places