

DRAFT 9/4/2020 MCT

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE TO AMEND CHAPTER 19.52 (ART IN  
PRIVATE DEVELOPMENT) OF TITLE 19 (ZONING) OF  
THE SUNNYVALE MUNICIPAL CODE RELATING TO  
PUBLIC ART REQUIREMENTS FOR DEVELOPMENT**

WHEREAS, the City of Sunnyvale completed a master plan for public art (the “Public Art Master Plan”). The Public Art Master Plan found that many private development projects spend more than one percent of the value of the project on public art, and consequently recommended, among other provisions, amending Chapter 19.52 of the Sunnyvale Municipal Code Chapter related to the City’s public art requirements for private development to increase the percentage for art from 1% of the project value to 1.5% of the project value; and

WHEREAS, the Public Arts Commission held a hearing on September \_\_\_\_, 2020, and recommended that the City Council approve the proposed amendments to the City’s Art in Private Development requirements; and

WHEREAS, the Planning Commission held a hearing on \_\_\_\_, 2020, and recommended that the City Council approve the proposed amendments to the City’s Art in Private Development requirements; and

WHEREAS, the City of Sunnyvale therefore desires to amend certain sections of Chapter 19.52 of the Sunnyvale Municipal Code to implement the Public Art Master Plan recommendation and make minor clarifying changes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 19.52 AMENDED. Chapter 19.52 (Art in Private Development) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.52.010. Findings and purpose.** [Text Unchanged]

**19.52.020. Applicability.** [Text Unchanged]

**19.52.030. Art requirement.**

(a) Provision of Art. Projects shall provide publicly visible art on-site that is equal in value to ~~one percent~~ one- and one-half percent (1.5%) of the project construction valuation.

(b) [Text Unchanged]

(c) [Text Unchanged]

(d) Art Valuation Remainders. In some instances the cost of artwork may not

equate precisely to ~~one percent-one- and one-half percent (1.5%)~~ of the construction valuation. If the developer does not spend the entire ~~one percent-one- and one-half percent (1.5%)~~ on public art, then the remaining amount shall be contributed to the public arts fund.

(e) [Text Unchanged]

**19.52.040. Standards for art.** [Text Unchanged]

**19.52.050. Art permit.** [Text Unchanged]

**19.52.060. Master art permit.** [Text Unchanged]

**19.52.070. Installation and maintenance requirements.**

(a) [Text Unchanged]

(b) [Text Unchanged]

(c) [Text Unchanged]

(d) Plaque Required. Each piece of art shall provide an appropriate identification plaque or monument measuring at least eight inches by eight inches. The plaque shall be made of cast metal and be placed near the art piece. Information ~~is limited to~~ must include the date, title and artist. The requirement of this section may be waived if determined in a particular circumstance to be inconsistent with the intent of this chapter.

(e) [Text Unchanged]

(f) [Text Unchanged]

**19.52.080. Establishment of the arts funds.** [Text Unchanged]

SECTION 2. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption. Projects with approved planning entitlements, discretionary planning applications for which there is a complete application and building permit applications submitted prior to the effective date may comply with the prior requirements.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of

places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney