

REPORT TO ARTS COMMISSION

SUBJECT

Approve Art in Private Development Project - Irvine Company/275 N. Mathilda Ave.

BACKGROUND

Under the City's Art in Private Development Ordinance (SMC 19.52), the Central Station development at 275 N. Mathilda Ave. is required to provide public art. The public art component value must be equal to, or greater than, one percent of the building permit valuation. The minimum artwork expenditure for this project has been established as \$152,520.

The procedure established for the Arts Commission review of the artwork is:

- 1) Review the artist's background to ensure he/she has the experience and knowledge to design, fabricate and install large-scale artworks;
- 2) Review the artwork itself to determine whether the nature and style of the artwork is appropriate to the site;
- 3) Determine whether the proposed artwork is appropriate in scale for the overall development; and
- 4) Review the location of the artwork for visibility and accessibility to the public.

The purpose of this report is to request the Arts Commission review and consider approval of the proposed artwork. Under the Art in Private Development Ordinance, the Arts Commission is authorized to make a final determination of the proposed artwork and the City Council is not scheduled to consider this item. The Commission's decision, however, may be appealed to the City Council by the developer.

EXISTING POLICY

Sunnyvale Municipal Code 19.52 - Art in Private Development

ENVIRONMENTAL REVIEW

A Program-level Environmental Impact Report (EIR) was prepared for the Peery Park Specific Plan (PPSP). The underlying project in this case (275 N. Mathilda Ave. four-story office with aboveground and rooftop parking) was found to be within the scope of the PPSP Program EIR and therefore exempt from additional CEQA review pursuant to CEQA Guidelines sections 15168(c)(2) and (4). The City completed a checklist and determined that no new anticipated environmental impacts would occur and no new mitigation measures were required. Consistent with SMC Chapter 19.52 (Art in Private Development), art was a required component of the project, and project conditions of approval required the applicant to obtain Arts Commission approval of the proposed art. The Planning Commission made findings approving the CEQA exemption and approved the project on or

around Jan. 28, 2019 (RTC 19-0047).

DISCUSSION

Project Location: This 3.54-acre site is located at 275 N. Mathilda Avenue near Central Expressway (Attachment 1 - Vicinity Map). It has frontages along Mathilda Avenue and Sobrante Way and is bordered by office and commercial uses to the north across Central Expressway, office uses to south and east and multi-family residential to the west across N. Mathilda Avenue.

Project Description: The existing three single-story buildings have been demolished and a planned four-story office building and 4.5-level parking structure will be built on the site (Attachment 2 - Site Plan). The new building will face N. Mathilda Avenue while the detached parking structure will be sited at the northwestern end of the property with a direct entrance from Sobrante Way. Pedestrian entrances to the building will be provided on two sides and a landscaped area will be situated between the building and the parking structure. Surface parking will be available near the southern entrance to the building where a landscaped promenade and pavilion will flank the main entry.

Selected Artwork Location: The developer has chosen to place the artwork in a landscaped area at the east end of the promenade along N. Mathilda Avenue. This location will provide accessibility to pedestrian traffic and visibility to vehicular traffic on Mathilda.

Selected Artist: The artist selected for this project is Los Angeles-based artist John Krawczyk (Attachment 3 - Artist's Resume). Mr. Krawczyk has been a professional sculptor for more than 25 years. His work has been included in private collections at the MGM Grand, The Four Seasons, Trump Hotel, New Jersey Devils Stadium and Texas A&M University, among others. He has completed commissions for public entities including the City of Agoura Hills, California; the Arts Council of Brazos Valley, Texas; and the Rosenblum Percent for Arts, Palm Desert, California. He has also completed a large-scale memorial at Ground Zero in New York City.

Locally, his work can be viewed in San Francisco at Oracle Park (formerly AT&T Park), at Levi Stadium in Santa Clara and at the LinkedIn/Apple campus at Mathilda and Maude avenues in Sunnyvale. His work was also approved for a neighboring Sunnyvale development (SteelWave/265 Sobrante Way) by the Arts Commission on September 18, 2019.

Images of Mr. Krawczyk's art can be found at <http://www.krawczyksculpture.com> <[krawczyksculpture.com](http://www.krawczyksculpture.com)>.

Artwork Proposal: The proposal for this project consists of a single, polished stainless steel sculpture. Standing 15-foot tall, this sculpture, entitled *Castleton*, is named after a natural rock formation in Moab, Utah (Attachments 4, 5, and 6 - Rendering(s) of the Artwork). The artist describes his design as a sculpture "with carve outs [that] create natural angles highlighted by light and dark surfaces. As one moves around the sculpture varying surfaces come alive in reflections as the sun moves throughout the day. *Castleton* has the feel of a majestic form that juxtaposes soft fluid curves with lyrical but strong carvings."

Lighting Plan: The sculpture will be lit with three soft, ground-mounted lights, equally spaced to give the piece a soft glow at night.

Maintenance: The sculpture will require minimal maintenance. It will be coated with a clear permalac, requiring only rinsing with water to remove dirt and debris and buffing with a cloth to eliminate water spots when necessary.

Art Bond: The City has collected a security in the form of a bond to guarantee installation of the art. 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:

1. Installation of the art
2. Installation of the plaque for the artwork
3. Installation of lighting for the artwork
4. Registration of the artwork(s), and the property owner's obligation to maintain the artwork, with the county of Santa Clara
5. Verification of the 1% expenditure

FISCAL IMPACT

If approved, the developer will be responsible for design, fabrication and installation costs of the artwork, 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 (AIPD) program.

The developer anticipates the artwork budget will be equal to or greater than the AIPD requirement, however, if it is not, the developer will be required to contribute the difference to the City's Public Art Fund. The developer is required to provide backup documents 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. Approve the artwork as it is proposed.
2. Not approve the artwork as it is proposed.

RECOMMENDATION

Alternative 1: Approve the artwork as it is proposed.

Staff concludes that the proposal meets the criteria outlined in Sunnyvale Municipal Code, Chapter 19.52.010, standards for Art in Private Development.

Prepared by: Kristin Dance, Community Services Coordinator II

Reviewed by: Trenton Hill, Community Services Manager

Reviewed by: Damon Sparacino, Superintendent of Community Services

Reviewed by: Cherise Brandell, Interim Director, Department of Library and Community Services

ATTACHMENTS

1. Vicinity Map
2. Site Plan
3. Artist's Bio and Resume
4. Rendering of Artwork
5. Rendering of Artwork
6. Rendering of Artwork