

### REPORT TO ARTS COMMISSION

#### **SUBJECT**

Approve Art in Private Development Project - Fortinet/901 Kifer Road

#### **BACKGROUND**

Under the City's Art in Private Development Ordinance (Sunnyvale Municipal Code (SMC) Chapter 19.52), the Fortinet project at 901 Kifer Road is required to provide public art. The public art component must be equal in value to 1% of the building permit valuation. The minimum artwork expenditure for the project has been established as \$214,148.

The procedure established for reviewing the artwork is:

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

The purpose of this report is to request the Arts Commission review and approve the proposed artwork. Under the Art in Private Development Ordinance, the Arts Commission is authorized to make a final determination on the proposed artwork and the City Council is not scheduled to consider this item.

#### **EXISTING POLICY**

Sunnyvale Municipal Code 19.52 - Art in Private Development

#### **ENVIRONMENTAL REVIEW**

A Program-level Environmental Impact Report (EIR) was prepared for the City's Land Use and Transportation Element (LUTE). The underlying project in this case was found to be within the scope of the LUTE Program EIR and therefore exempt from additional California Environmental Quality Act (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 Dec. 12, 2018 (RTC 18-0999).

## **DISCUSSION**

**Project Location:** The project is located at 901 Kifer Road between Commercial Street and San Lazaro Avenue (Attachment 1-Vicinity Map). The site is along a busy road in a predominately industrial area and is bounded by Central Expressway to the north, Kifer Road to the south, Commercial Street to the east and San Lazaro Avenue to the west.

**Project Description:** Fortinet is a network and content security company headquartered in Sunnyvale at 899 Kifer Road. This project is adjacent to the existing headquarters and redevelops 6.88 acres of adjacent parcels with a new four-story, office/R&D building (Attachment 2-Site Plan).

The new building is oriented in a north-south manner, similar to the existing headquarters, with the longest edge of the building facing Commercial Street. Surface parking for the new building can be accessed via two new driveways along Commercial Street. Pedestrians can access the new building from all four sides, including new walkways leading from Commercial Street and Kifer Road.

As part of this project, the existing headquarters will receive public frontage improvements and a new internal walkway connecting the existing and new buildings. The parcel at 905 Kifer Road, which is situated between the two Fortinet buildings on the site, is occupied by the Moose Lodge and is not a part of this project.

**Artwork Location:** The project includes a substantial landscaped area at the corner of Kifer Road and Commercial Street (Attachment 3-Site Plan Showing Art Location). The developer and artist are proposing to install the artwork in this area, as it will provide maximum visibility of the artwork from the street, public sidewalk and internal walkway.

### **Selected Artist:**

The selected artist for this project is Stanford based Xiaoze Xie. Xie is an internationally recognized artist and a Professor of Art at Stanford University (Attachment 4-Artist's Resume). He has been actively exhibiting his work since 1991. His work is included in numerous permanent collections, including: the Museum of Fine Arts Houston, Denver Art Museum, Scottsdale Museum of Contemporary Art, San Jose Museum of Art and the Oakland Museum of California.

Xie studied architecture at Tsinghua University, Beijing, public art at the Central Academy of Arts & Design, Beijing, and visual arts at the University of North Texas, Denton. He has completed public art projects in the United States and China, including: the Federal Building and U.S. Courthouse in Davenport, Iowa; Shangri-La Hotel in Beijing, China; Beijing Institute of Information Technology, Beijing, China; and Silk Carpet Factory in Jiangsu Province. In 2018, Xie was commissioned by Park Hyatt Hotel in Beijing to create a major artwork for a public space.

**Artwork Proposal:** For this project, the artist has designed a large-scale glass sculpture entitled "Intersection" (Attachment 5-Renderings of "Intersection"). Standing 12 to 15-feet high by 20 to 22-feet wide, the sculpture will have three large glass panels that appear to intersect one another. Each panel will be constructed of ¼-inch thick tempered clear glass treated with an art application (hand-painted and printed images in vitreous paint, sandblasting, silvering, laminated dichroic glass and acid-etching) and supported by two layers of ½-inch thick safety glass (tempered and annealed). The two layers of safety glass will be laminated together with DuPont's Sentry Glass Plus, a plastic interlayer composite that provides strength. The safety glass is then laminated to the art glass with

the same interlayer. In the unlikely event the glass panels break, the glass will remain bonded to the interlayer and will stay in place, rather than shatter.

The entire sculpture is supported by matte-finished stainless-steel posts and continuous base channels (Attachment 6-Rendering of Support System). The bottom of the glass sculpture will sit at grade level amongst the landscaping and atop a concealed below-grade concrete beam supported by concrete piers.

The art glass will showcase several related elements: a star atlas, images of the cosmos and the human brain, patterns suggesting data and information technology and embedded computer processing chips (Attachment 7-Renderings of Art Glass Imagery). The artist describes his process and resulting imagery as, "Drawn from NASA's Hubble space telescope images and star maps, the cosmic patterns on the tallest and longest glass panels feature rich colors and vast spaces, overlapping with an image of the human brain that indicates the complex flow of electrochemical signals between the neurons. Floating around the brain are words suggesting various functions of the brain in relation to subjects in science and humanities: philosophy, mathematics, art, architecture, poetry, drama, etc. The overlapping of these interrelated objects, images and texts, the sculpture conceptually represents the connection between nature, humans, culture and technology, and also suggests Artificial Intelligence. The artwork resonates with the site of the Silicon Valley, home to so many tech companies."

**Lighting Plan:** At night the artwork will be illuminated from below using six adjustable LED uplights at grade level (Attachment 8-Lighting Plan). This source of lighting will create a dramatic wash of light.

**Maintenance:** Maintenance for the sculpture will be minimal. The glass will receive a self-cleaning coating, which will require re-application annually. In between, the glass will only require rinsing and polishing with a lint-free cloth. The stainless-steel elements can be cleaned with a polish as needed.

**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 a plaque identifying the artwork and artist.
3. Installation of lighting for the artwork.
4. Registration of the artwork, 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 the design, fabrication and installation, as well as ongoing maintenance costs of the artwork. 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.

### **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 approval of the artwork as it is proposed.
2. Do not recommend approval of the artwork as it is proposed.

### **RECOMMENDATION**

1. Recommend approval of the artwork as it is proposed.

Prepared by: Kristin Dance, Recreation Services Coordinator II

Reviewed by: Trenton Hill, Recreation Services Manager

Reviewed by: Damon Sparacino, Superintendent of Recreation Services

Approved by: Cherise Brandell, Director, Department of Library and Recreation Services

### **ATTACHMENTS**

1. Vicinity Map
2. Site Plan
3. Site Plan Showing Art Location
4. Artist's Resume
5. Renderings of "Intersection"
6. Rendering of Support System
7. Renderings of Art Glass Imagery
8. Lighting Plan