

### **REPORT TO ARTS COMMISSION**

#### **SUBJECT**

Approve Art in Private Development Project - Harvest Properties/Catalyst/684-870 W. Maude Ave.

#### **BACKGROUND**

Under the City's Art in Private Development Ordinance (Sunnyvale Municipal Code (SMC) Chapter 19.52), the Harvest Properties project at 684, 810 and 870 W. Maude Ave. is required to provide public art. This project was permitted in 2017 prior to the adoption of the Master Plan for Public Art in 2020. Therefore, it is subject to a minimum requirement of 1% of the project's construction valuation or \$618,196.

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 Peery Park Specific Plan (PPSP). The underlying project in this case (construction of three four-story office buildings and a five-story parking structure ) 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 an initial study and determined that the environmental impacts associated with the proposed development were adequately addressed and analyzed in the Peery Park Specific Plan Program EIR and/or could be substantially mitigated with the imposition of uniformly applied development policies and standards. 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 provide a bond for the required art and obtain Arts Commission approval of the proposed art. The Planning Commission made findings approving the CEQA exemption and

approved the project on or around Nov. 12, 2018 (RTC 18-0842).

## **DISCUSSION**

**Project Location:** The project is located at 684, 610 and 870 W. Maude Ave. between Mathilda and Potrero avenues. (Attachment 1-Vicinity Map). The site is along a busy road in a predominately industrial area and is bordered by industrial uses on all sides. Staff anticipate heavy vehicular and pedestrian traffic on or near the site.

**Project Description:** The Harvest Properties/Catalyst project consists of three new, four-story corporate/research and development office buildings and a six-level parking structure (Attachment 2-Site Plan). The overall site is just under 15 acres and will be developed in three phases. Phase 1 is currently under construction and includes an office building on the east side of N. Pastoria Avenue at W. Maude Avenue. Phase 2, on the west side of N. Pastoria Avenue at W. Maude Avenue, includes an office building and the six-level parking structure. The third office building will be located on the east side of Potrero Avenue at W. Maude Avenue.

**Artwork Location:** The proposed locations for the artwork are on the north, west and east facades of the parking structure (Attachment 3-Building Elevations Showing Art Locations). The massive size of each facade will provide visibility of the artwork to passing motorists and pedestrians, as well as tenants and employees housed in the buildings:

East façade: 109-feet long by 44-feet tall

North façade: 251-feet long by 44-feet tall

West façade: 69-feet long by 44-feet tall

The artist and developer are exploring the possibility of an interactive display for visitors (Attachment 4- Interactive Display Rendering). It is anticipated that it would be installed along Pastoria Avenue on the eastern façade and the display could be as large as 5-feet tall by 3-feet wide. The display could also include a description of the artwork and the artist's inspiration, as well as a reduced size sample of the sculptural elements that visitors would be encouraged to interact with.

## **Selected Artist:**

The selected artist for this project is southern California sculptor Rob Ley. Mr. Ley has been working in the public art field since 2000 and has completed several public commissions (Attachment 5-Artist's Resume). Locally, his work can be found at Kaiser Permanente in Dublin and the City of Hayward's Library. His work has also been commissioned by the City of Chicago, Los Angeles Arts Commission, Portland Zoo, Municipal Art Commission Kansas City and the Seattle Office of Arts & Cultural Affairs.

More information on the artist and visuals of his work can be found at [rob-ley.com](http://rob-ley.com).

**Artwork Proposal:** For this project, the artist has created a design based on his desire to create places of congregation and individual reflection. Early in the project, the artist visited the site and was struck by the existing Maple, Oak and Cypress trees that frame Pastoria Avenue.

*Folded Forest* is a 3-part artwork that wraps three sides of the garage building (Attachment 6-Renderings of *Folded Forest*). Each section's overall dimensions are significant in scale and will allow view corridors from all three streets bounding the site; Pastoria, W. Maude and Potrero. The

imagery for each façade is individual, but connected, 3-dimensional foliage sculptures that evoke the subtle flow of leaves in a steady breeze. The art is not kinetic, but it embodies a high level of motion and varying experiences depending on the viewer's location and the existing lighting on the site.

Composed of approximately 7,000 'leaves,' the artwork will be a series of origami-like folded aluminum plates (3/16-inch thick) painted in hues of light green, dark green and white (Attachment 7-Material Information Sheets). The back of each 'leaf' will be painted a vivid blue, which will be visible at varying angles from the side. The resulting imagery, from afar, will resemble an abstract, 2-dimensional painting of plant foliage.

All materials will be architectural grade and treated for UV and weather resistance.

**Lighting Plan:** At night the artwork will be illuminated from adjustable high-output wide-beam floodlights mounted on 16-foot tall poles at a 30 to 50-degree tilt. The artist has conferred with a lighting consultant to ensure uniform illumination. Additional optical accessories and lenses may also be required to achieve the desired lighting effect (Attachment 8-Lighting Plan).

Due to the artwork's size and the project's LEED certification, the lighting for the artwork will need to be turned off from midnight to 6 a.m. Only ambient lighting will be available during those hours. Lighting the artwork during those hours will cause the luminaire ratings and emissions to exceed the allowed limits for LEED certification.

**Maintenance:** The artist and developer have developed a detailed maintenance program for the artwork (Attachment 9-Maintenance Plan). Although the maintenance required is not complicated (power washing with filtered water and hand cleaning with soap and water), the volume of elements in the sculpture will make the maintenance significant. The developer is responsible for the on-going maintenance and associated costs of the artwork. As with all private development artworks, if the artwork falls into disrepair, staff will work with the developer to address this concern. If the artwork is not properly maintained there is the potential for fines to be imposed.

**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 the informational display.
4. Installation of lighting for the artwork.
5. Registration of the artwork, and the property owner's obligation to maintain the artwork, with the County of Santa Clara.
6. 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. Building Elevations
4. Interactive Display Rendering
5. Artist's Resume
6. Renderings of *Folded Forest*
7. Material Information Sheets
8. Lighting Plan
9. Maintenance Plan