

CC 10-21-2025

#3

Cupertino De Anza Lions Club

Supplemental Report



OFFICE OF THE CITY CLERK

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**CITY COUNCIL STAFF REPORT
SUPPLEMENTAL 1**

Meeting: October 21, 2025

Agenda Item No. 3

Subject

Recognition of the years of service for Cupertino Lions Club

Recommended Action

Recognize the years of service for Cupertino Lions Club

Correction noted: An error was identified in the name of the organization listed on the agenda. The correct name is Cupertino De Anza Lions Club. The Cupertino Lions Club is a separate organization.

Attachments Provided with Original Staff Report:

A – Proclamation

Attachments Provided with Supplemental 1:

None

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#13

Art-in-lieu Fees

Desk Item



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT DESK ITEM

Meeting: October 21, 2025

Agenda Item #13

Subject

Study session to review the Arts & Culture Commission's recommendation to the Municipal Code standards for art in public and private development, including the standards in the Municipal Code and developing an Art-in-lieu fee policy.

Recommended Action

Conduct the study session and provide feedback to Staff.

Background:

Staff's responses to questions received from councilmember are shown in italics.

Q1: Do some CA cities have a public art policy which includes Public Works projects? For instance, are there cities which require a percentage of the cost of a public works project conducted by the city to be set aside for public art?

Staff response: Yes. One example is Palo Alto that requires that 1% of the capital improvement program (CIP) budget be set aside for public art for all eligible city projects, such as new buildings, parks, and plazas. This requirement is established in the city's "Visual Art in Public Places Policy" and applies to the initial construction cost estimate, which can be adjusted if the budget changes.

Q2: Would it be possible for there to be an in lieu of fee for work in the public rights of way such as the 5G small cell towers to mitigate their visual impact through a public art fund?

Staff response: The existing License Agreements do not currently cover this potential. Additionally, an FCC ruling was made about removal of barriers and discussed fees about that. It is staff's understanding that the city can't charge any more fees for a wireless facility than we would for other users of the public right of way. Meaning if the city doesn't charge PG&E or another utility provider a certain fee, then a fee can't be charged to wireless providers.

Q3: Is there a current city Art Archive Report which provides a photo and information about each art piece which has been installed since the inception of the municipal code requirement? There are also other works of art which may have predated the requirement such as the murals in the City Hall foyer. Do any of the prior booklets showing city art still exist? If yes, are they in a shareable PDF format which can be provided to the commission and Council?

Staff response: Yes, but the existing list is currently being updated. The information is not readily available at this time. However, the list does include such pieces as the foyer murals, as well as the "Quail Family & Hawk" adjacent to the Don Burnett Bridge. The [ARTour App](#) will be updated concurrently with this list, anticipated to be completed by Summer 2026. There is also a book of public art projects that was created by the Arts and Culture Commission (formerly the Fine Arts Commission), and staff is currently working to locate it so it can be digitized and made readily available.

Q4: Has the Fine Arts and Culture Commission ever rejected a developer art application? Is there an example of this?

Staff response: Staff is not aware at this time whether the Arts & Culture Commission has rejected/disapproved of an onsite art piece proposed by a developer.

Q5: What was the art fee amount for the Westport project and approximately how many square feet of space does the sculpture "Emergence" take up including seating, is 400 sf an acceptable estimate?

Staff response: So far, the Westport project has provided two art piece locations: "Emergence" along Mary Avenue (\$372,278) which was part of the Townhome development, and "The Oaks", part of the Senior BMR building (\$120,040). The Arts & Culture Commission approved both pieces at their regularly scheduled meeting on [January 22, 2024](#). "Emergence", with the seating area, is approximately 700 square feet.

Q5: When funds were moved from the Art in Lieu of Fee to the Jollyman All-Inclusive playground, how many art objects were ultimately placed, what were they, and what was the cost?

Staff response: One art object was designed and installed by artists for the Jollyman All-Inclusive playground project, using the Art In-Lieu funding. The project team interviewed multiple artists, ultimately finding that UAP was willing and able to work within the \$250K budget target. UAP worked with a team of artists and technicians including Hypersonic who published the [Kaleidoscope story](#) on their website. The final shop drawings and installation were included in the general contractor's bid proposal for \$367K.

Q6: How does public art support Economic Development?

Staff response: Art in community spaces can support economic development by activating places that draw people into the community, creating opportunities for civic connection, local commerce, and social engagement. Currently, the General Plan: Community Vision 2015-2040, has the following policy as it relates to art and economic development:

POLICY LU-7.1: PUBLIC ART Stimulate opportunities for the arts through development and cooperation with agencies and the business community.

Attachments Provided with Original Staff Report:

- A. Resolution No. 05-040 (City of Cupertino Public Art Program: Guidelines for Selection of Public Art).*
- B. Municipal Code Table 19.12.030 Approval Authority and Chapter 19.148: Required Artwork in Public and Private Developments (redline)*
- C. Jurisdiction Analysis of Art Programming*
- D. Draft Policy (City Council Resolution No. 05-040)*
- E. Email from Arts and Culture Commission Chair*