



CITY OF CUPERTINO

“QUARTER-PERCENT FOR ART” PROGRAM

Updated February 23, 2016

GENERAL PLAN REQUIREMENT

In 2005, the Land Use Element of the Cupertino General Plan was amended to add a goal and policy regarding public arts (Goal H, Policy 2-66). The goal is to “create a civic environment where the arts express an innovative spirit, celebrate a rich cultural diversity, and inspire individual and community participation.” The policy serves to “stimulate opportunities for the arts through cooperative relations between local business and the City.”

OVERVIEW

- The minimum expenditure for the artwork design, fabrication, and installation shall be equal to one-quarter of one percent (.25%) of the construction budget. Proof of the expenditure will be required. There is an expenditure cap of \$100,000, but the developer/owner is encouraged to spend more as necessary to provide aesthetic artwork of an appropriate scale.
- The developer must obtain approval from the Cupertino Fine Arts Commission for the artwork, lighting, landscaping, and identifying plaques. Installation of those items must be completed before a building occupancy permit will be issued.
- The artist will provide a maintenance schedule and instructions. The developer and/or property owner will be responsible for maintaining the artwork in good condition at all times.

The Cupertino Public Art Ordinance is Chapter 19.148 of the Cupertino Municipal Code, which is available on the City’s website at www.cupertino.org.

GENERAL DEVELOPMENT AND PUBLIC ART PROCESSES

General Project Development Process

1. Developer has a preliminary consultation with Planning Department staff
2. Developer files a formal application
3. Plans are distributed internally to Planning, Building, Public Works, Fire, etc.

4. Plans are presented to Fine Arts Commission

Public Art Process

1. A public art requirement is based upon the project's size, as set forth in the General Plan Policy 2-66, or imposed as a condition of approval by the Planning Commission and/or the City Council.
2. Planning staff reviews all conditions of approval with the developer, including the Public Art criteria, and refers Developer to the Fine Arts Commission (FAC) staff liaison.
3. FAC liaison schedules the matter and provides Developer with guidelines and application materials, as well as a list of existing public art within the City limits.
4. Developer is responsible for selecting the artist and artwork(s). The FAC liaison may provide weblinks and email address to assist with this process.
5. Developer submits public art application package 30 days prior to the FAC meeting, including a pro forma or equivalent documentation, illustrating cost of development project, and scope/cost of art project (see Fine Arts Commission process)
6. FAC liaison forwards copies of application package to Building, Fire, and Public Works with a request to review and comment within 2 weeks.
7. Developer and Artist attend the Fine Arts Commission meeting to present the proposal.
8. Fine Arts Commission reviews and approves or denies the artwork. The Commission may provide suggestions for modification to the artwork, location, lighting, signage, etc. and work with the Developer and/or Artist until proposal is satisfactory. LEED or other building certification does not exempt the developer and/or artist from meeting all criteria.
9. Developer works with the Building Division to secure applicable building permits prior to fabrication of the artwork.
10. Developer notifies the FAC liaison when the artwork will be installed.
11. Developer notifies Building Division and FAC Liaison when the artwork installation is complete, and provides high-resolution digital photographs of the installed artwork. The City of Cupertino assumes the right to photograph artwork for the purpose of city publicity, education or other city promotional needs.

12. Unless otherwise specified, Developer is responsible for maintenance of the artwork. Developer shall enter into a maintenance agreement with City if the artwork is located in the public right-of-way.
13. Building Division will issue a building occupancy permit subsequent to FAC Liaison/City Planning signoff on public art completion.
14. The artwork will be a fixed asset of the property, and statements to that fact shall be attached or recorded in the existing CC&Rs or on the property deed to advise subsequent owners of the obligation to maintain the artwork.

FINE ARTS COMMISSION PROCESS

The Cupertino Fine Arts Commission (FAC) meetings are held on the fourth Monday of January, March, May, July, September, and November at 6:30 p.m., Conference Room C, Cupertino City Hall, 10300 Torre Avenue, Cupertino.

Contact the FAC liaison at least 30 days in advance to schedule time on the agenda:

Catarina S. Kidd, AICP, Senior Planner
10300 Torre Avenue
Cupertino, CA 95014
(408) 777-3214
finearts@cupertino.org

Developer/Artist shall submit the following at least 30 days prior to the meeting. Digital media is preferred; material samples if applicable may be brought to the meeting.

1. Public Art Application Form (attached)
2. Eligible Costs Worksheet Form (attached)
3. A copy of the project Pro Forma to substantiate project budget
4. Artist's biography, resume, and list of exhibitions, and photos of other works of art
5. Artist's statement about the prospective artwork explaining the theme or intent
6. Detailed sketch or photo of the prospective artwork
7. A site plan indicating landscaping, lighting, and location of the artwork
8. A sketch and/or description of an identifying plaque, including its location in relation to the artwork. The plaque shall measure at least 8"x 8", be constructed of a permanent material, and list the name of the artist, the title, medium and the date of fabrication

Artist shall provide these items at the meeting:

1. A scale model and/or a three-dimensional virtual model
2. Samples of proposed materials for the artwork and plaque

3. Care and maintenance plan recommended by the artist

The Fine Arts Commission will review the proposal at a scheduled meeting and will either recommend approval of the proposal, recommend approval with minor modifications, or deny the proposal. The Commission may also continue the item and provide suggestions to the Developer/Artist until the art project meets with their approval. The decision of the Fine Arts Commission is final.

REVIEW CRITERIA

The Fine Arts Commission uses the criteria adopted by the Cupertino City Council on March 1, 2005, in the document titled "Selection of Public Art." Those criteria are as follows:

- **Aesthetics**
It is deemed an artwork of lasting aesthetic value that enhances the City's cultural environment by being receptive, respectful and stimulating and contributes to the comprehensive record of visual arts for the community.
- **Artist's Background**
The artist's background will be reviewed to ensure he/she has the overall experience and knowledge to design, fabricate and install the artwork.
- **Style**
The artwork shall be compatible in scale, materials, form and content with its surroundings.
- **Permanence**
Consideration will be given to structural and/or surface soundness, resistance to theft, vandalism, weathering and maintenance and repair costs.
- **Liability**
Proposed artwork will be examined for safety conditions and factors that bear upon public liability.
- **Accessibility Requirements**
The artwork shall meet accessibility requirements as set forth under the Americans with Disabilities Act.
- **Visibility**
It shall be in public view in locations accessible to all members of the community, and should have a visible impact at a distance of not less than 100 feet and from moving vehicles.
- **Duplication**
Preference will be given to original, one-of-a-kind artwork not duplicated in Cupertino or nearby communities
- **Preference**
Preference will be given to artists living or working in the San Francisco Bay Area and artists whose work is not already displayed as public art in the Cupertino area. The developer is encouraged to select artist(s) of diverse culture.



Cupertino Public Art Application Form

Development Project

Project Name: Public Storage Valley Green Dr Application No: DP-2018-03
Address and/or Location: 20565 Valley Green Drive (APN 326-10-044)
Acreage: 2.995 Lot size: 130,462 sqft
Bldg. Sq. Ft. 271,498 sqft (combined) No. of stories: Two (2) Four (4) story w/ Basements
Arch. Style: _____ Bldg. Usage: Self Storage
Date of PC approval: 12/16/2020 Date of CC approval 6/24/2019
Planner Name: Erick Serrano Estimated occupancy date: 9/1/2022

Detailed project description: Demolition of an existing Public Storage facility and the construction of a new Public Storage facility consisting of two (2) four (4) - story buildings with basements

Public Art

Overall project budget (from Pro Forma, et al) \$27,051,749 (direct construction)
.25% for Art: \$338,146.86 Artwork Budget: \$ N/A
Artwork Name: N/A Brief description: N/A
Materials: N/A Dimensions: N/A
Lighted? Y/N N/A Estimated installation date: N/A

Detailed description of art (location, materials, function, landscaping, lighting, pedestal, etc.): N/A

Detailed description of identifying plaque (location, materials): N/A


Project Name: Public Storage Valley Green Drive Application No: DP-2018-03

Contacts

Developer: Ross Kremers
Address: 701 Western Ave, Glendale, CA 91201
Phone (office): 818-668-3507 Phone (cell): 757-536-0579
Fax: 818-543-7341 Email: rkremers@publicstorage.com

Artist: N/A
Address: N/A
Phone (office): N/A Phone (cell): N/A
Fax: N/A Email: N/A

Submitted by:


Signature

5/4/21
Date

Ross Kremers
Printed name

**IMPORTANT: ATTACH SITE PLANS, ELEVATIONS, AND A LIST OF ANY OTHER
PERTINENT INFORMATION**



Cupertino Public Art Eligible Costs Worksheet

ITEM	ESTIMATED COST	ACTUAL COST	DATE VERIFIED
Artwork price	\$	\$	
• materials	\$	\$	
• fabrication	\$	\$	
• engineering fees	\$	\$	
Art Consultant's fees	\$	\$	
Lighting Consultant's fees	\$	\$	
Transportation of artwork	\$	\$	
• shipping	\$	\$	
• crating	\$	\$	
• truck rental	\$	\$	
Installation of artwork	\$	\$	
• site preparation*	\$	\$	
• labor	\$	\$	
• professional fees	\$	\$	
• equipment rental	\$	\$	
• special hardware/tools	\$	\$	
Pedestal or display costs**	\$	\$	
Lighting for artwork	\$	\$	
Identification plaque	\$	\$	

*Directly related to the installation of the artwork (ie: trenching for lighting conduit, piping for water if water was not previously included in the project, concrete footings, etc.)

**If not already included in the artwork price.

**APPLICANT MUST ATTACH THE PRO FORMA (OR EQUIVALENT) TO
ILLUSTRATE TOTAL PROJECT COSTS.**

March 12, 2021

Via E-Mail

Erick Serrano
Senior Planner
Community Development
10300 Torre Ave
Cupertino, CA 95014
ErickS@cupertino.org

Re: Public Storage – Cupertino – Art Fee

Mr. Serrano:

As you are aware, Public Storage is trying to satisfy the public art condition that is part of Public Storage's development permit approval. Given the fact that the site is not visible from a public street, Public Storage is having difficulty determining where to locate art that would benefit city residents. In this instance, it seems entirely appropriate to pay an in lieu fee; however, the code strongly discourages the payment of such a fee.

19.148.090 In Lieu Payment for Artwork is Discouraged

In some instances, the placement of artwork on a particular property may not be feasible. The developer or property owner may apply to the Fine Arts Commission for an in lieu payment alternative on projects that lack an appropriate location for public art, although such alternative is strongly discouraged. In such cases, an in lieu payment of 1.25% of the construction valuation may be made to the City, pursuant to the approval authority provisions of Cupertino Municipal Code Section 19.12.030.

As you can see in the aerial below, Public Storage's site is tucked up against the 280 freeway off-ramp to the north, private residential and office properties to the west and south, and a private access off Valley Green Drive to the east. Public Storage is located at the end of the private access, which serves as the only means of access to the site. See red arrow on the image below showing the shared access drive entrance.



You will also find images on the following page showing views of Public Storage's site from the 280 Freeway and Valley Green Drive. In both instances, Public Storage cannot find an appropriate location to locate public art. As such, Public Storage is asking for formal approval to pay an in lieu fee as contemplated in Chapter 19.148.090 of the Cupertino, CA Municipal Code.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Ross Kremers".

Ross Kremers
Senior Construction Manager



View from the 280 Freeway



View down private access from Valley Green Drive (property located at red arrow)



DE ANZA: View is taken from on top of overpass



DE ANZA: Illustration showing building profile



VIEW 4 (ALONG FREEWAY 280 LOOKING WEST)



KEY PLAN



EXHIBIT “3”
ALTERNATES, UNIT PRICES &
SCHEDULE OF VALUES (SOV) FORMS

If sales tax applies, it is the responsibility of Contractor to include it in the line item. Contractor will not be able to charge additional sales tax on the below line items. Change Orders will follow the same rule. Contractor is responsible to collect and remit all applicable sales, use and other similar taxes in compliance with state, county, and local tax law as it relates to this Agreement.

UPON EXECUTION OF THIS AGREEMENT, CONTRACTOR IS RESPONSIBLE TO PROVIDE TO OWNER A COPY OF ITS SALES AND USE TAX CERTIFICATE FOR THE STATE IN WHICH THE WORK IS BEING PERFORMED. CONTRACTOR WILL NOT RECEIVE PAYMENT UNTIL SUCH SALES AND USE TAX CERTIFICATE HAS BEEN RECEIVED BY OWNER.

Alternates: The Contract Sum is based upon the following alternates if any, and are hereby accepted by Owner:

Unit Prices, if any:

(Identify and state the unit price, and state the quantity limitations, if any, to which the unit price will be applicable.)

Schedule of Values: Attached hereto is a Contractor’s Schedule of Values (“SOV”) for the Project.

Cost Code	Description	Amount
01520D	General Conditions	\$844,433.93
01555D	Temp Office	\$22,170.90
01740D	Clean Up - Subcontractor	\$180,609.63
02220D	Demolition - Site	\$141,275.00
02310D	Grading	\$1,840,000.00
02455D	Piles	\$1,121,178.00
02510D	Water and Fire-sidewalk to Bldg	\$209,590.00
02530D	Sanitary Sewer System	\$118,278.00
02630D	Storm Drainage System	\$447,480.00
02700D	Street Paving and Base - Off site	\$96,000.00
02750D	Concrete Paving - Site Concrete	\$164,272.00
02810D	Landscape & Irrigation System	\$136,405.00
02820D	Fencing and Protection Posts	\$271,896.17
02840D	Parking Lot Stripe - Wheelstops	\$3,500.00

02895D	Construction Staking	\$23,000.00
03310D	Concr - Struct-inc slab on grade	\$3,783,218.63
04200D	Unit Masonry	\$1,712,000.00
05120D	Metal - Structural Steel Framing - 10x10	\$4,439,000.00
05400D	Cold Formed Metal Framing	\$940,162.00
06100D	Rough Carpentry - Framing	\$18,475.75
06411D	Millwork	\$9,926.00
07100D	Waterproofing	\$862,229.00
07421D	Insulated Metal Wall Panels	\$392,370.00
07542D	Roofing Membrane / Single Ply	\$397,080.28
07620D	Flashing and Sheet Metal	\$38,218.00
07720D	Roof hatches	\$2,500.00
07810D	Applied fireproofing	\$504,064.00
08110D	Doors and Frames - hollow	\$587,496.00
08400D	Storefront and Entrances	\$773,577.00
08700D	Hardware	\$25,140.00
09220D	Stucco/EIFS (Cement Plaster)	\$437,480.00
09511D	Accounstic Ceiling	\$3,500.00
09651D	Vinyl Flooring	\$14,070.00
09670D	Corridor Floor Coating	\$217,936.00
09900D	Painting	\$180,243.00
29030D	Miscellaneous - Toilet Accessories / Misc Specialties	\$13,051.69
10431D	Signage - ADA / Code Required	\$19,254.00
10731D	Specialties Other / Awnings	\$98,600.00
13850D	Alarm and Detection System	\$63,700.00
13900D	Fire Suppres (Sprinklers, etc)	\$780,535.00
13910D	Fire Extinguish and Cabinets	\$ 711.75
14200D	Elevators	\$1,168,500.00
22100D	Plumbing	\$456,291.00
23100D	HVAC - Roof top Unit	\$935,540.00

26010D	Electrical	\$877,728.00
29030D	Miscellaneous - DAS / BDA System	\$21,890.00
29010D	Contractors Fee	\$777,953.85
29030D	Miscellaneous	\$537,219.42
26010D	Electrical - Solar Panels	\$342,000.00
	TOTAL	\$27,051,749.00