



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

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FINE ARTS COMMISSION STAFF REPORT

Meeting Date: May 23, 2022

Subject

Architectural and Site Approval to consider a public art installation for Apple Campus 2 (Apple Park) at 10600 N. Tantau Avenue (APN: 316-06-062). The applicant is David Kang, Apple, Inc.

Recommended Action

Receive a presentation on a public art installation for Apple Campus 2 (Apple Park) at 10600 N. Tantau Avenue and approve public art application, subject to conditions of the draft resolution.

Discussion

Background

On October 5, 2013, City Council approved Apple Campus 2 (Apple Park) via DP-2011-04, ASA-2011-14, TR-2011-39, U-2011-11, and EA-2011-12. The artwork is required as a condition of approval under DP-2011-04, Condition #28, Public Art:

"The applicant shall provide public art in accordance with General Plan Policy 2-66. Public art shall be valued, at a minimum, one-quarter percent (1/4%) of the total project budget, not to exceed \$100,000. The applicant shall submit a public art plan to be reviewed by the Fine Arts Commission prior to installation of the public art."



Figure 1: Apple Campus 2

The applicant is proposing to locate the artwork on one of the properties located within the project site. The property is located at 10600 N. Tantau Avenue and contains the Apple Visitor Center, parking lot, and underground parking structure and is part of Apple Park (Figure 2). The property is bounded by office buildings to the north, west, and south, and single-family residential uses in the City of Santa Clara to the east.

Since the proposed project is limited to exterior modifications to the site and landscaping, Municipal Code Chapters 19.12 and 19.168 requires that an Architectural and Site Approval Permit is obtained for such modifications.



Figure 2: Apple Park Visitor Center (project site shaded in red)

Artwork

Location

The proposed artwork location is situated in the northern half of the lot on which the Apple Park Visitor Center is located, in an existing olive tree grove. Of the 37 *Olea europaea* 'Swan Hill' olive trees onsite, 14 will be removed to allow this installation. The trees will be boxed and stored through the duration of construction and will be replanted upon project completion. The tree removals, along with site modifications (stormwater control and new like-for-like landscaping) to facilitate the artwork construction, was approved under separate permits, TR-2022-008 and DIR-2021-028, respectively, on May 9, 2022.

The project area comprises a footprint of approximately 1,642 square feet and comprises the sculpture and a decomposed granite pathway that provides three access points to and through the art site. All existing fescue groundcover affected by construction will be restored like for like with the same grass plants, perennials, and bulbs post-construction as indicated in the landscape specifications in the plan set.

Design

The proposed outdoor sculpture for Apple Park, created by Katie Paterson and Zeller & Moye, consists of over 400 cast-glass cylinders made from sand originating from 58 deserts around the world.

The cylinders measuring approximately 6'-7" tall from grade are installed side-by-side and weave through the existing olive tree grove in a meandering arrangement (Figure 3). Three accessible pathways, with the primary pathway connecting to the pedestrian right-of-way along N. Tantau Avenue, direct visitors through the meandering pathways alongside the columns and create an interactive experience as visitors walk through the sculpture.

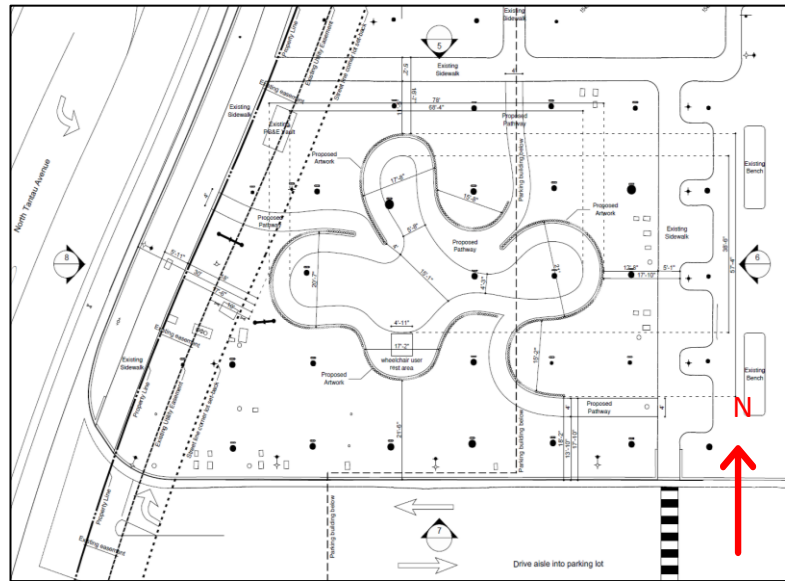


Figure 3: Artwork Site Plan

Lighting and Bird Safe Design

The distinctive sand characteristics from each of the 58 deserts are expressed through the color and texture of the cast-glass cylinders. The artwork is designed to be experienced in the daytime under ambient daylight conditions and at nighttime under integrated artificial illumination similar in hue to ambient daylight. To achieve these nighttime conditions, low intensity lamps are proposed below grade and under the cylinders. The cast-glass provides a filter for the lighting that creates a soft glow with no light spill at the sides or top of cylinders (Figure 4). The photometric plan provided by the applicant demonstrates that the installation meets the City's criteria of achieving zero-foot candles outside the glass installation.



Figure 4: Artwork Rendering at Night

As each cylinder expresses a subtle yet distinct color and texture, the illumination of each cast glass will vary slightly. The source of the low-voltage LED (145 lumens per fixture per cylinder) has a maximum color temperature of 4,000K (Kelvin), which is closer to that of natural sunlight. Since the sand used from different deserts generate a different color in the glass, the artist and applicants assert that 4000K is the best temperature which would provide the best expression for optimum illumination for the nighttime experience of the art installation to elicit the appropriate coloring in each of the glass cylinders.

The City adopted Outdoor Lighting requirements in April 2021 to reduce light pollution and protect migrating avian population and Cupertino Municipal Code (CMC) Section 19.102.040 states that “all light sources shall have a maintained correlated color temperature of 3,000 Kelvin or less”. However, the adopted regulations also allow applicants to propose alternative lighting standards in public artwork, subject to review and approval by the Fine Arts Commission under Cupertino Municipal Code (CMC) Section 19.102.040(B)(1)(c). Therefore, the project proposes an alternative lighting standard of a maximum of 4,000K for the proposed artwork.

As part of Bird-Safe Design Requirements in CMC Section 19.102.030(D), projects shall avoid the use of highly reflective or transparent glass and not include freestanding walls made of untreated glass or other transparent materials. In a biological review prepared by Erika Walther, Senior Associate Wildlife Biologist with Environmental Science Associates (ESA), the glass cylinders are manufactured in manner which allows the incorporation of bubbles, color variations, and other unique attributes that distinguish the glass from untreated glass. As a result, they are minimally reflective and transparent, with distorted shapes and colors seen through the glass. Additionally, “the arrangement of the cylinders in rows creates a scalloped surface, rather than a flat, smooth surface conducive to high reflectance and or



Figure 5: Sample glass cylinder demonstrating translucence and variation due to materials and the manufacturing processes

transparency.” The vertical junctions between each cylinder also mimics a treatment similar to fritting.

The proposed artwork will be unique to the City of Cupertino and will be visible to visitors of the Apple Park Visitor Center, as well as motorists and pedestrians on N. Tantau Avenue. The artwork meets the intent of providing a lasting aesthetic value to the community by creating a public amenity, attraction, and gathering space. The sculpture will be made using innovative methods of glasswork to achieve the scale and a level of durability for a lasting product and incorporates a style that is compatible with the site by integrating its surrounding environment. The proposal meets the required findings in the draft resolution, included as Attachment A.

Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303 – New Construction or Conversion of Small Structures and/or Section 15304 (Minor Alterations to Land).

Other Department/Agency Review

The City’s Building Division, Environmental Programs Division, Public Works Department, and the Santa Clara County Fire Department have no objections to the project.

Public Noticing & Community Outreach

The following table is a brief summary of the noticing for this project:

Notice of Public Hearing	Agenda
<ul style="list-style-type: none">▪ Site Signage (<i>at least 14 days prior to hearing</i>)▪ 11 notices mailed to property owners adjacent to the project site (<i>at least 10 days prior to the hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>)▪ Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)

No comments have been received at the time of production of this staff report.

Conclusion

Staff recommends approval of the Architectural and Site Approval Permit for the art installation as the proposed project will not create adverse impacts to the surrounding area. Additionally, all the findings for approval of the proposed project, consistent with Chapter 19.148 and 19.168 of the Cupertino Municipal Code, may be made as reflected in the draft resolutions.

With respect to Cupertino Municipal Code Section 19.148.060 Architectural and Site Approval and Section 19.148 Design Criteria and Artist Qualifications, the following findings may be made:

1. The proposal, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience:

The proposal proposes public artwork at an existing visitor center. The proposal will activate the space by featuring accessible pedestrian pathways to and through the artwork and improve the useability of the site. No modifications are proposed for the existing buildings or remainder of the site. Further, the project will replant trees and reinstall native landscaping affected by construction in their original locations around the artwork. Therefore, the proposed artwork will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.

2. The proposal is consistent with the purposes of Chapter 19.168, the General Plan, any specific plan, zoning ordinances, applicable planned development permit, conditional use permits, variances, subdivision maps or other entitlements to use which regulate the subject property including, but not limited to, adherence to the following specific criteria:

- a) Abrupt changes in building scale should be avoided. A gradual transition related to height and bulk should be achieved between new and existing buildings.

The project scope does not include an increase in floor area or modifications to any of the buildings onsite. The artwork is proposed in an area onsite where there are currently no structures; however, the public artwork is by its nature intended to attract visitors and pedestrians to the site and encourage activation of space. Additionally, the design maintains a human scale and is relative to the surrounding olive trees within the grove.

- b) In order to preserve design harmony between new and existing buildings and in order to preserve and enhance property values, the materials, textures and colors of new building should harmonize with adjacent development by being consistent or compatible with design and color schemes with the future character of the neighborhoods and purposes of the zone in which they are situated. The location, height and materials of walls, fencing, hedges and screen planting should harmonize with adjacent development. Unsightly storage areas, utility installations and unsightly elements of parking lots should be concealed. The planting of ground cover or various types of pavements should be used to prevent dust and erosion, and the unnecessary destruction of existing healthy trees should be avoided. Lighting for development should be adequate to meet safety

requirements as specified by the engineering and building departments and provide shielding to prevent spill-over light to adjoining property owners.

The proposed artwork is designed to be harmonious with the surrounding landscape and is compatible with the welcome center as well as other buildings within Apple Park due to its emphasis on glass design and construction. The proposed glass-cast cylinders and pedestrian pathways harmonize with the surrounding landscape and provide new ways to experience the site. Existing olive trees outside the construction area will be preserved, and those that are located within the path of construction will be removed, preserved, and replanted upon completion in their original locations. Existing landscaping disturbed by construction will also be replanted like for like. Lighting for the artwork are low-voltage LEDs and will be diffused through the cast-glass cylinders. Lighting standards have been conditioned to prevent intrusive effects on adjacent properties.

- c) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures have been designed to minimize traffic hazard, positively affect the general appearance of the neighborhood and harmonize with adjacent development.

The artwork is identified by a total of three plaques at pathway entrances as required by CMC Section 19.148.060. They are made of durable, permanent materials and are integrated into the artwork design and overall site.

- d) With respect to new projects within existing residential neighborhoods, new development should be designed to protect residents from noise, traffic, light and visually intrusive effects by use of buffering, setbacks, landscaping, walls and other appropriate design measures.

This application is not a new development project and the artwork itself maintains sufficient setback along the front setback, approximately 30 feet from the closest point of the sculpture and approximately 147'-7" from the closest residential property.

- 3. The artwork is of a nature specified in Section 19.148.030.

Section 19.148.030 (A) identifies sculpture as a permitted artwork.

- 4. The artwork requirement is to be satisfied with one significant piece of artwork, except that the requirement may be met with several works of art when specifically found by the Fine Arts Commission to fulfill the intent of this chapter. The artwork shall be an integral part of the landscaping and/or architecture of the buildings.

The artwork consists of one primary sculpture located along the front property line along N. Tantau Avenue. The location of the artwork at the front property line in an open area makes the artwork an integral component of the landscaping and site.

5. The artwork shall be easily visible from the public street and be located in an area specifically designated on the project site plan. Appropriate locations include, but are not limited to, entryways to the property, greenbelts, and building exteriors. The artwork must be in permanent view to motorists and pedestrians. Artwork located at the entrance to a development should make a major statement and be visible from the main parking lot, if any. When located in proximity to major traffic thoroughfares, the artwork should be at a motorist's scale and oriented toward the view corridor of the motorist.

The artwork would be visible to both motorists and pedestrians who travel by the site because the artwork shall be located in an area along the street frontage of N. Tantau Avenue, a public street.

6. The composition of the artwork shall be of permanent materials requiring a low level of maintenance. Materials used shall be durable and resistant to graffiti and the effects of weather.

The materials are permanent materials requiring a low level of maintenance due to robust solid-cast glass. The textured glass surface allows for a degree of water staining and dust to be imperceptible. Glass posts withstand weather and minor physical impact. The concealed LED lighting is integrated below grade, with the control units located indoors in a nearby service building with cabling below ground. The lights have an approximate 20-year durability. A preliminary care and maintenance plan was approved under DIR-2021-022 and will be provided as part of the building permit submittal.

7. The nature and style of the artwork shall be considered in the context of other artwork in the surrounding area in order to encourage a wide range of art styles and materials, and to create a balanced and interesting aesthetic appearance. The developer is encouraged to give preference to artists living or working in the San Francisco Bay area, and to avoid using artists whose work is already displayed as public art within the City of Cupertino boundaries.

The artwork meets the minimum requirements because the proposal adds to the wide range of styles and materials currently represented in Cupertino's catalog of public art. Although the artist is not local to the San Francisco Bay Area, she draws from her experience as an international artist based out of the United Kingdom and has not been previously commissioned for other works in Cupertino or the Bay Area and therefore adds to the diversity of artists.

8. Artwork shall be identified by an appropriate plaque or monument measuring not less than eight inches by eight inches. The plaque shall be made of a durable, permanent material and shall be placed near the artwork, and shall list the date of installation, title and artist, and medium.

The artwork is identified by three plaques on elevated stainless steel clad cylinder podiums, one at each entry pathway. The plaques measure approximately 12" in diameter and are made from steel with a powder coating matte finish.

9. The proposed artwork shall meet the criteria for review as set forth in the City of Cupertino Public Art Program Guidelines for Selection of Public Art, as originally adopted by the City Council Resolution No. 05-040, or as later amended.

The art program meets the criteria stated within City of Cupertino Public Art Program Guidelines for Selection of Public Art, which are incorporated into the findings stated above in Sections II 1-5 and/or incorporated into the conditions of approval in Section III of this resolution.

Next Steps

The permit will become effective 14 calendar days from the date of the hearing. The decision of the Fine Arts Commission is final, unless appealed within 14 calendar days from the date of the hearing. The applicant team may apply for building and/or other permits with the City at the end of the appeal period (June 6, 2022 at 5:00pm).

This approval is valid until May 23, 2024. The applicant team may apply for a one-time two-year extension before the approval expires.

Prepared by:

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Reviewed and Approved for submission by:

Piu Ghosh, Planning Manager

ATTACHMENTS

1. Draft Resolution ASA-2022-001
2. Fine Arts Application
3. Eligible Costs Worksheet
4. Artist Biography and Projects
5. Statement of Design Intent
6. Art and Site Design Drawings
7. Art Title Plaque Drawing
8. HGA Memorandum on Light Temperature
9. Biological Review on Glass and Lighting Standards
10. ESA Memorandum Addendum to Biological Review on Lighting Standards