



**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333  
CUPERTINO.ORG

**FINE ARTS COMMISSION STAFF REPORT**

Meeting: June 18, 2018

Subject

MCA-2018-01, proposed amendments to Cupertino Municipal Code Chapters 19.12 and 19.148: Required Artwork in Public and Private Developments

Recommended Action

Consider options for amending the artwork ordinance, direct staff and provide a recommendation to the City Council.

Discussion

Attachment A outlines the program requirements of neighboring cities as examples for context and consideration. Exhibit A of attachment B is the current ordinance with sections underlined for consideration of amendments, summarized as follows:

Topic	Current standard	Staff recommendations/comments
Percent required, artwork value	.25%	1. Raise the artwork value to 1% 2. Clarify the percentage is of building permit valuation.
Dollar cap	\$100,000	1. Remove the dollar cap 2. Consider a cap for smaller projects (see threshold below)
Scaling of percentage	None – applies equally to projects of all sizes above 50,000 sq.ft.	1. Projects 10,000 sf and higher – 1%. 2. Create tiers to levels of building area/construction valuation – see Palo Alto example.
Threshold	New 50,000 sq.ft.	1. Consider lower threshold: façade remodels and/or 10K-49,999K sq.ft

Other considerations:

1. Though in-lieu fees are discouraged, should in-lieu fee percentage be determined, such as 1.25% with City Council approval required? Alternatively, should there be performance measures for when in-lieu fees are considered acceptable, such as a proposal for private party installation on public property?

2. Chapter 19.12 which outlines administration also needs to be updated to cross reference Chapter 19.148 (both chapters reference each other).
3. Are there any other considerations not raised in this report?

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Prepared by: Catarina Kidd, Senior Planner

Reviewed by: Benjamin Fu, Assistant Director of Community Development

Approved by: Aarti Shrivastava, Assistant City Manager

Attachments:

A – Local cities’ art programs

B – Draft resolution

Exhibit A: CMC Chapter 19.12.030 and CMC Chapter 19.148