

City of Culver City, California  
**City Council Agenda Item Report**

**Meeting Date: 6/10/96**

**Agenda Item Title:**

Appeal of Planning Commission Decision Disapproving Installation of Artwork Entitled "After Market Wheel" at 4520 Sepulveda Boulevard (Pep Boys) in Fulfillment of Art in Public Places Art Program Requirements

<b>Department/Division</b> Community Dev/Admin	<b>Report Researched By / Date</b> Elinor Aurthur 6/3/96	<b>Public Hearing</b> ..... <input type="checkbox"/> <b>Discussion/Action Item</b> <input checked="" type="checkbox"/>
<b>Fiscal Impact No.</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>General Fund</b> <input type="checkbox"/> <b>Enterprise</b> <input type="checkbox"/>	<b>Reviewed By / Date</b> Mark Winogron 6/4/96	<b>Consent Item</b> ..... <input type="checkbox"/> <b>Other</b> ..... <input type="checkbox"/>
<b>Grant/RDA</b> <input type="checkbox"/> <b>Budgeted Item</b> <input type="checkbox"/> <b>Transfer of Funds Required</b> ..... <input type="checkbox"/>	<b>CAO Approval / Date</b>	<b>Packet Enclosure(s)</b> <input checked="" type="checkbox"/>

**Public Notification:**

Culver City Arts Committee, Applicant, Planning Commission

**ISSUE**

Pep Boys has filed an appeal of the Planning Commission's disapproval of the installation of an art work entitled "After Market Wheel" at 4520 Sepulveda Boulevard in fulfillment of the City's Art in Public Places ordinance.

**BACKGROUND**

In December, 1988, the City Council adopted an Art in Public Places program. The program is applicable to all new residential development projects of more than four units, and all new commercial, industrial, and public building development projects with a building valuation exceeding \$500,000. The Art in Public Places program requires an allocation equal to one percent of the building valuation, as determined by the Building Official, to be allocated for art work. The developer may fulfill the requirement in one of four ways:

1. Payment into the City Art Fund;
2. Donating art work to the City;
3. Placing art work on their property subject to the approval of Arts Committee and the Planning Commission, if the development is otherwise subject to Planning Commission review; or
4. Posting a bond in the amount of the fee for an approved art work.

The Arts Committee reviews proposed art work, considering the aesthetic quality and harmony of the art work with the proposed on-site improvements, and considering the proposed location of and public accessibility to the art work. When development (for which art work is proposed) requires Planning Commission review, the Arts Committee role is advisory to the Planning Commission. In such cases, the Planning Commission

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must consider the recommendation of the Arts Committee in the context of the proposed art work's harmony with the architecture or physical layout characteristics of the site.

Pep Boys proposes to fulfill the public art requirement through the placement of art work on their site. Because the Pep Boys project underwent Planning Commission review for a conditional use permit, the Planning Commission was required to review the art work.

In approving the conditional use permit for the Pep Boys development, the Planning Commission provided specific direction to the applicant with regard to the art work. Condition 34 of Resolution No. 96-P001 states that

Pep Boys shall fulfill the Art in public places requirement by incorporating artwork in the left-most building panel of the front building elevation per the December 13, 1995, conceptual plan. The artwork shall provide a sense of opening to replicate the feeling of a window while still permitting use of the interior space for retail display and storage.

To carry out this direction Pep Boys commissioned a well-known artist, Paul Tzanetopoulos, whose work is included in the permanent collection of the Los Angeles County Museum of Art, and whose previous work includes public art commissions for the Los Angeles County Transportation Commission, the City of West Hollywood, the Screen Actors Guild, and the City of Montebello.

The artwork created by Paul Tzanetopoulos for the Pep Boys project, entitled "After Market Wheel," is a 7-foot by 15-foot wall installation made of porcelain enamel on metal, showing computer-generated images of L.A. "car culture" icons. It is designed to be installed on the left side of the front of the building and has a pattern that emulates the window module on the right side of the facade.

The artwork provides a sense of opening to replicate the feeling of a window. It shows three automobile wheels, which appear to be spinning in the foreground, and, in an illusion of depth, the artist's interpretation of Manny, Moe and Jack in the background.

The artist presented this work to the Arts Committee on March 20, 1996. The Committee questioned the artist about his previous work in "car culture" images and about the durability of the piece. The artist discussed the role of the automobile in the history of Los Angeles and of Culver City. The Committee discussed the direction given to the applicant by the Planning Commission regarding the art, as well as the question of whether or not the work is advertising.

In conclusion, the majority opinion of the Arts Committee was that the art work satisfactorily met the guidelines for privately commissioned art work identified in the Art in Public Places Developer Handbook (listed below):

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1. The art work shall be accessible to the public a minimum of 10 hours per day.
2. The art work shall be located in an area specifically designated for such purpose. Installation of the art work shall be planned and implemented to enhance the work and allow for unobstructed public viewing from as many angles as possible.
3. The composition of the artwork shall be of permanent materials and require a low level of maintenance.
4. The art work shall be constructed in a size that is proportional to the size of the adjacent buildings.
5. Expressions of bad taste or profanity, which would likely be offensive to the general public, are not permissible.
6. Developers shall be encouraged to provide a wide range of styles, materials, and types when selecting an art work for the program.

By a vote of six to one, the Arts Committee approved the following motion:

The art proposed for the Pep Boys site should be recommended for approval by the Planning Commission, leaving to the discretion of the artist whether the grid pattern of a window appears in the piece.

On May 8, 1996, the Planning Commission reviewed the proposed art work. The artist presented a model of the proposed art but did not have the opportunity to make the full presentation that the Arts Committee had seen, which included slides of his previous work.

The one member of the Arts Committee who had opposed approval of the art work, addressed the Planning Commission, expressing the opinion that the piece is advertising for Pep Boys and not art.

Members of the Planning Commission discussed whether the proposed artwork is advertising, if the piece would be appropriate only as long as Pep Boys occupies the site, and whether the art work would enhance the quality of life in the community.

In conclusion, the Planning Commission voted three to two to deny approval of the proposed artwork.

## ANALYSIS

Pep Boys has appealed the Planning Commission decision on the grounds that the Guidelines for Art, which are the criteria used to approve artwork under the Art in Public Places program, do not state that the art must relate, or must not relate, to the use of the building; and do not state that the art must enhance the quality of life in the community.

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The City's Art in Public Places Program allows the developer three options to fulfill the public art requirement. If the developer elects to fulfill this requirement through placement of art work on their site, they select and pay the artist, own the art work, and have the on-going responsibility to pay for art work maintenance and insurance. The City's review process is intended to ensure that the artist is qualified, that the art work is appropriate for the site in terms of accessibility, and harmony with the development both in quality and scale.

The opinion that this artwork is advertising, not art, was given as a reason for the Planning Commission to deny approval of this work. The applicant disagrees, stating that the artist, who is well-respected and has done several public art commissions in Southern California, has a history of including in his work references to automotive parts and to the history of the car in this part of the country. The artist has stated that he has never done an advertising commission. The reference to automobile parts and to "Manny, Moe and Jack" were not a problem for the majority of the members of the Arts Committee. The Guidelines for Art do not state that the art must not relate to the use of the site.

The Planning Commission has also given as a reason for denying approval of the art that the art would not be appropriate if another use occupied the site. The applicant has stated that this reasoning, that the art must be site-specific, contradicts the previous argument, that the artwork is considered advertising if it related to the use of the site. In fact there is nothing in the Guidelines for Art that requires art to relate to the specific use of the site.

The opinion that this work would do nothing to "enhance the quality of life in the community" was also given as a reason for the Planning Commission to deny approval of this work. This language appears in the Art in Public Places ordinance as a reason for the City Council to adopt the ordinance not as a criterion for specific art projects. The specific wording is that "The City Council finds and declares: (a) Cultural and artistic resources enhance the quality of life for individuals living in, working in and visiting the City." This language is not included as a requirement in the Guidelines for Art.

Notwithstanding the opinions expressed by the Planning Commission: that this work is advertising, that it would not be appropriate if a different use occupied the building, and that it would do nothing to enhance the quality of life in the community, staff recommends supporting the applicant for these reasons:

1. The art work is a legitimate piece designed by a well-respected artist;
2. The aesthetic quality and scale of the art work are in harmony with the development; and,
3. The art work complies with the conditions imposed by the Planning Commission in the conditional use permit for this project.

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## RECOMMENDATION

The Planning Commission recommends that the art work not be installed.

Staff recommends that the Council concur with the recommendation of the Arts Committee by granting the appeal and approving the installation of "After Market Wheel" in fulfillment of the City's Art in Public Places requirement at the Pep Boys site at 4520 Sepulveda Boulevard.

## ENCLOSURES

1. Appeal letter
2. Illustrations of Pep Boys project
3. Illustration of art work and related information
4. Artist's resume and background information
5. March 20, 1996, Arts Committee minutes
6. May 8, 1996, Planning Commission staff report and minutes excerpt

## PROCEDURE

1. Receive and file the packet enclosures.
2. Call for a staff report and/or pose questions as desired.
3. Allow the appellants to address you followed by others you may desire.
4. Invite Art Committee members and Planning Commissioners in attendance to comment.
5. Thoroughly discuss the matter and arrive at your decision.

## MOTIONS

That the City Council:

1. a Uphold the Planning Commission and deny the appeal  
or
- 1b. Concur with the recommendation of the Arts Committee by granting the appeal and approving the installation of "After Market Wheel" in fulfillment of the City's Art in Public Places requirement at 4520 Sepulveda Boulevard; and
2. Instruct the City Attorney to prepare the appropriate document.

