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CITY CLERK
CITY OF CULVER CITY

May 23, 1996

Mr. Tom Crunk
City Clerk
The City of Culver City
9770 Culver City Blvd.
Culver City, CA 90232-0507

**RE: APPEAL OF PLANNING COMMISSION DENIAL OF MAY 8 1996
PLANNING COMMISSION AGENDA ITEM NUMBER 7-**

**“ART IN PUBLIC PLACES- REQUEST FOR APPROVAL OF
INSTALLATION OF ARTWORK” FOR PEP BOYS.**

Dear Mr. Crunk,

As provided for in Article XXA, Section 37-120A, Pep Boys is appealing the decision of the Planning Commission disapproving the artwork meant for installation onto the Pep Boys building at 4520 S. Sepulvida Blvd.

Pep Boys believes that the Planning Commission used erroneous facts and reasoning and overlooked or excluded facts and reasoning that were introduced.

BACKGROUND OF THE PROJECT

Pep Boys has been working in good faith with the Planning Commission and the planning staff to develop the architecture of the proposed building. During the course of those negotiations, Pep Boys was strongly urged by the planning staff and the Planning Commission to install artwork on a specific portion of the building in a manner that would simulate windows. Pep Boys agreed to install the artwork as recommended and the Planning Commission so conditioned Pep Boys. Pep Boys identified a well respected artist, Paul Tzanetopoulos, and commissioned him to develop for approval by the Arts Committee, artwork that would meet the Conditions of Approval, the City of Culver City’s Arts in Public Places Ordinance No. 88-019 and the Arts Committee Guidelines for Artwork.

Mr. Tzanetopoulos presented his artwork to the Arts Committee on March 20th. A lengthy discussion ensued with the Committee members to discuss issues such as; is the



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art advertising (the wheels), the figures in the background (Manny, Moe and Jack), proportion, scale and color. The Guidelines were called for to assist the Arts Committee members in their decision prior to the vote. All of the issues were determined be in keeping with the Guidelines, the artist's genre and historic perspective of the artist's career in public art which included many references to automotive parts and the history of the car in this region of the country. **The artwork was approved by an overwhelming margin of 6 to 1 by the Arts Committee.** Additionally, one member of the arts committee (Mim Shiparo) who was unavailable for the presentation on March 20th was approached for her opinion and she, after seeing an entire presentation by the artist and hearing all dissenting points of view from the one dissenting Arts Committee member, had "no objections". With overwhelming support and approval from the Arts Committee chosen for their knowledge of art and familiarity with the artistic concerns of the Culver City community, we felt confident that the Planning Commission would support the Arts Committee approval.

We were surprised that the Planning Commission overturned the approval of the Arts Committee and disapproved the artwork for the Pep Boys building. The concerns of the Planning Commission (listed below) were discussed in detail by the Arts Committee and were determined not to be an issue. The difference between the review and discussion by the Arts Committee and that of the Planning Commission is in the presentation by the artist. Mr. Tzanetopoulos was not sure what concerns the Planning Commission had and since he had already made a compelling presentation and won approval of the artwork from the Arts Committee, his presentation was informal and fragmented in front of the Planning Commission. Pep Boys stated that since the Commission was objecting to the artwork after Mr. Tzanetopoulos' limited presentation, we would require time for a formal presentation. We were denied that opportunity. We request the opportunity to make a formal presentation of the artwork before the City Council to avoid any misunderstandings of what the artwork represents.

APPEAL SPECIFICS

One or more of the Planning Commissioners determined that the art was advertisement for Pep Boys since the artwork dealt with automotive themes and Pep Boys services and sells parts for automobiles. Artwork must not relate to the use of a building or it will be considered advertisement.

These issues are not listed in the Ordinance or the Guidelines.

The artist has spent 20 years producing public art and has an affinity for automotive elements in his artwork. The artist has used the history of the automobile and its

relationship to Southern California as inspiration for many of his commissions. This is in fact the reason that Mr. Tzanetopoulos was selected by Pep Boys- he seemed to be a perfect match. At least one Planning Commission member went on record stating that the artwork was "a wonderful piece of art for Pep Boys". This statement seems to show that the Commission recognized during the hearing that the artwork was indeed art rather than advertising. However, the artwork was also considered "advertisement" by the Planning Commission because the use of the building and the icons within the artwork were related. Neither the Ordinance nor the Guidelines require that artwork not relate to the type of business conducted on the site where the artwork is to be placed.

The entire artwork deals with automotive elements and icons that strongly relate to the history of Culver City and the greater Los Angeles area. By using these elements, the artist is describing the Culver City and Los Angeles basin's historic affinity for cars, wheels and other more esoteric and personal issues of the artist. Most importantly, the artwork presented is in keeping with other artwork produced by the artist through previous commissions and demonstrates a theme throughout the artist's work rather than being a form of advertisement for Pep Boys. The artist has a written presentation explaining his artistic perspective which is attached.

We feel Pep Boys has been unfairly restricted in the use of artists who specialize in art as it relates to the automobile. The Arts Committee also reviewed the artwork considering this very issue. In their conclusions, and after their review of the Guidelines, the Committee found the artwork to be art rather than advertisement since it was consistent with art historically, the artists career, form of expression and the artwork's connection with the history of Culver City.

A conclusion that this artwork is advertisement is erroneous since artwork is subjective by its very nature and subject to interpretation. Any piece of art can be studied, interpreted and a conclusion drawn that it somehow relates to the interior use of a building it is adjacent to and therefore could be considered advertisement. It is our contention that this criterion placed upon the artwork for Pep Boys is impossible to overcome since the question of whether artwork can be considered advertisement or not is completely subjective. Therefore, we feel this conclusion by the Planning Commission should be dismissed since it is impossible to objectively determine whether or not artwork can be also considered advertising.

One or more of the Planning Commissioners stated that if Pep Boys ever moved out, this artwork would be incompatible if a change in use occurred.

This issue is not in the Ordinance or the Guidelines.

This conclusion by the Planning Commission is diametrically opposed to the conclusion listed above. The perspective of the Planning Commission seems to be as follows: If a new retailer who sold dresses for example moved into the Pep Boys building and this artwork remained, the artwork would not relate to the use and therefore the artwork is inappropriate. The contradiction of this conclusion made by the Commission is as follows: artwork must relate to the use of a building to be valid; even though if it does relate to the use, the artwork will be considered advertisement. This argument falls back upon itself and is impossible to comply with.

Therefore, it is reasonable to suggest that it is not relevant whether artwork proposed by an artist relates to the use of a building. This is in fact not required by the Arts Committee Guidelines for Artwork. The artwork should be considered upon its own merits and since at least one member stated the artwork was “wonderful”, we believe the merit of the artwork was also discussed by the Commission. We suggest that this conclusion made by the Planning Commission be dismissed.

One or more of the Planning Commissioners stated that the artwork did not comply with the purpose of Ordinance 88-019, Section 33H-20. The artwork must enhance the quality of life in the community and for visitors to Culver City.

By participating in the Arts in Public Places program, we are in effect meeting the purpose of the Ordinance.

The Planning Commission concluded that this artwork did not, in their opinion, enhance the quality of life of Culver City and therefore it should be denied. One or more of the Commission members read portions of this section of the ordinance to define their position. We do not believe this conclusion can be used as a criterion to disapprove artwork submitted to the Planning Commission or the Arts Committee since the entire purpose of the Ordinance was to enhance the quality of life for Culver City by encouraging the installation of artwork by developers.

The ordinance is well written regarding this issue since it is a subjective determination regarding whether a specific piece of artwork enhances the quality of life for the viewer. Art, by its very nature, is interpreted by each viewer and the individual viewer’s life may

be enhanced or not- this is a completely individual experience that cannot be regulated by public action. The only possible public action the City can make to enhance the quality of life of Culver City residents is to create an ordinance that will allow developers to participate in a program that has been determined by the City to be in itself an enhancement of the quality of life for Culver City residents- the installation of public art. If an applicant participates in the Arts in Public Places program, the purpose of the Ordinance will have been met. This appears to be self evident and an axiom of the Ordinance which defines the purpose as follows: “cultural and artistic resources enhance the quality of life for individuals living in, working in and visiting the city”. By installing artwork, we are enhancing the quality of life for Culver City as defined by the Ordinance. Therefore, the conclusion made by the Planning Commission that our artwork did not enhance the quality of life of Culver City is invalid and should be dismissed.

SUMMATION

- ◆ Pep Boys has acted in good faith to bring a quality and professional piece of art for review and approval through the required approval process. We are seeking approval of our appeal of the artwork presented to the Planning Commission.
- ◆ As described above, the artwork is in compliance with the Conditions of Approval for the Pep Boys building, the Arts in Public Places Ordinance and the Guidelines for Artwork developed by the Arts Committee. The artwork has won a virtually unanimous approval from the Arts Committee with only one dissenting vote.
- ◆ Most of the members of the Planning Commission agreed that the artwork was well done and “wonderful” but they felt that since the artwork had automotive icons used in it and it was located on the Pep Boys site, it was inappropriate and could be interpreted as advertising. Artwork can always be interpreted as advertising or some other unrelated purpose by any viewer. It is impossible to objectively make the determination that artwork is also advertising.
- ◆ The artist is a professional who has been a public artist for over 20 years. More importantly, the artist has used automotive historic content and automotive elements in his art throughout his career. The artwork submitted was never meant to be advertisement, only a continuation of the artist’s automotive theme and connection to historic content. The artist has never been commissioned to produce advertisement in the past or for this project.

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The Ordinance or other Guidelines written by the Arts Committee does not restrict the “theme” of art to be submitted to the City. To do so would prohibit the free expression of artists. There is overwhelming artistic and historical precedent for the use of icons in the public domain which was discussed thoroughly with the Arts Committee. However, Pep Boys was unfairly restricted by the Planning Commission through their decision to avoid using automotive themes in the artwork. Since this restriction is not listed within the Ordinance or Guidelines, we feel that we were treated unfairly and their decision should be overturned.

We are asking for your support of our request for approval of this appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen H. Harris", is written over a large, horizontal, oval-shaped scribble.

Stephen H. Harris, AIA
Development Manager, Western Region

cc: Jim Brendle
Mike Yorio
Michelle Isenberg
Paul Tzanetopoulos
Elinor Aurthur