



City of Culver City

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Staff Report

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Item #: A-1.

CAC - Deaccession of a Permanent Artwork Titled, *After Market Wheel* by Paul Tzanetopoulos, Located at 4520 Sepulveda Blvd. (Pep Boys)

Meeting Date: April 18, 2023

Contact Person/Dept: B. Christine Byers / City Manager - Office of Economic & Cultural Development

Phone Number: (310) 253-6003

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing:

Action Item:

Attachments:

Public Notification: Meetings and Agendas - Cultural Affairs Commission (04/14/23); Paul Tzanetopoulos (04/14/23); Pep Boys (04/14/23)

Department Approval: Jesse Mays (04/14/23)

RECOMMENDATION

The CAC Public Art Subcommittee recommends the Cultural Affairs Commission (CAC) approve Pep Boys' request to deaccession from the Art in Public Places Program collection the permanent artwork (*After Market Wheel* by Paul Tzanetopoulos) that was located at 4520 Sepulveda Blvd.

BACKGROUND

In the mid-1990s, Pep Boys was the applicant for a development project at 4520 Sepulveda Blvd. that triggered the City's Art in Public Places Program (APPP) requirement which Pep Boys chose to fulfill through the placement of art at the site. At that time, if a development project required Planning Commission review, the Planning Commission was required to review the art concept with a recommendation from the former Arts Committee (which was replaced by the Cultural Affairs Commission in 2001).

Pep Boys commissioned Los Angeles based artist Paul Tzanetopoulos (<https://www.paultzanetopoulos.com>) to design a concept for an artwork that fulfilled the requirements of a condition included in Resolution No. 96-P001:

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.

The art concept was presented to the Arts Committee on March 20, 1996. The majority opinion of the Arts Committee was that the artwork met the program guidelines and by a vote of 6-1, a motion was passed recommending that the Planning Commission approve the art.

On May 8, 1996, the Planning Commission reviewed the proposed art concept. Per the attached City Council staff report, "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 artwork would enhance the quality of life in the community." The Planning Commission voted 3-2 to deny approval of the proposed art concept.

Pep Boys submitted the attached letter dated May 23, 1996 requesting an appeal of the Planning Commission's denial. The appeal was included on the June 10, 1996 City Council agenda. The Council unanimously passed a motion that they "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."

In 2012, Cultural Affairs staff was in contact with Pep Boys concerning damage to the artwork sustained by vandalism. Pep Boys hired the artist to complete the necessary repairs. Otherwise, the artwork was in good condition and subsequent inspections did not indicate otherwise.

DISCUSSION

In 2021, Pep Boys and Advance Auto Parts (AAP) began a plan check process for remodeling the interior of the building. AAP was to occupy the northern portion of the building which was also the side where the artwork was located. In addition to a permanent notice in the City's permitting system about there being an artwork commissioned under the APPP at the site, Cultural Affairs and Planning staff coordinated throughout 2021 on plan check comments to ensure it remain in place and visible. No plans submitted to the City indicated that the art was to be removed and the AAP sign permit application included an image of the art remaining in its location with the new proposed signage for Advance Auto Parts.

In early 2022, a Cultural Affairs staff a member was driving by the Pep Boys site on Sepulveda Blvd. and noticed that the artwork had been removed from the wall facing the street. Building Safety was notified, a lock placed on all permits at the site which in turn resulted in both AAP and Pep Boys corporate reaching out to Cultural Affairs. It was confirmed by AAP contacts that in January of 2022, a contractor working for them removed the artwork from the building believing it to be advertising for Pep Boys. After contacting Pep Boys about the art, the art was disposed of. Subsequent communication with Pep Boys confirmed that the contacts at corporate in Pennsylvania did not know that the art was a permanent feature of the site and commissioned in the mid-1990s by their company. Staff notified the artist who offered to recreate the artwork for a fee and forwarded information on the history of the project and the responsibility of the property owner to contacts at both AAP and Pep Boys. (Pep Boys owns the building at the site and all improvements but the land

is now owned by the Ryzman Family Partnership. For purposes of this agenda item, Pep Boys is the responsible party and not the land owner.)

Culver City Municipal Code (CCMC) Section 15.06.150 states:

If any approved artwork placed on private property pursuant to this Subchapter is removed without City approval, the artwork must be replaced with artwork of the same value as that of the removed artwork and be approved by the CAC or the property owner must pay the value of the removed artwork into the Cultural Trust Fund.

The permanent file for the artwork contains the attached appraisal that was completed at the time the art was commissioned by Pep Boys. The artwork has been destroyed and cannot be appraised for its current fair market value and unfortunately the CCMC does not include language pertaining to adjusting the original value of the art to allow for inflation. Therefore, \$15,000 is the amount Pep Boys owes the City and paid via check that was sent with the attached letter dated January 23, 2023.

The CCMC (Section 15.06.175) provides guidelines for deaccessioning permanent artworks commissioned in conjunction with the APPP. A basic requirement for deaccessioning is that the artwork must have been installed for at least five years. *After Market Wheel* remained in situ for 22 years. While deaccessioning in this instance may seem like a mere formality given that the art was destroyed, it allows for a thorough review of the material of record and documentation for posterity.

Staff provided an overview of the history and events leading up to the removal and destruction of the art to the CAC Public Art Subcommittee (Vice Chair Williams and Commissioner Mesghali) on March 9, 2023. The subcommittee supported Pep Boys' request to deaccession the artwork *After Market Wheel*.

The artist was also notified in early March of Pep Boys' request to deaccession the art and their desire to close out the issue with payment of the in-lieu fee based on the original appraised value.

FISCAL ANALYSIS

There is no additional fiscal impact associated with this item.

ATTACHMENTS

1. 23-04-18_ATT No. 1_ Images of artwork and description
2. 23-04-18_ATT No. 2_ Facsimile of plaque for artwork
3. 23-04-18_ATT No. 3_ Letter from Pep Boys dated May 23, 1996
4. 23-04-18_ATT No. 4_ City Council Agenda Item Report for June 10, 1996
5. 23-04-18_ATT No. 5_ Appraisal of artwork dated March 20, 1996
6. 23-04-18_ATT No. 6_ Letter from Pep Boys dated January 23, 2023 with copy of check

MOTION

That the Culver City Cultural Affairs Commission:

1. Approve Pep Boys' request to deaccession an artwork by Paul Tzanetopoulos (*After Market Wheel*) originally commissioned under the City's Art in Public Places Program for the property located at 4520 Sepulveda Blvd.