



CITY OF BEVERLY HILLS STAFF REPORT

Meeting Date: March 6, 2012

To: Honorable Mayor & City Council

From: Nancy Hunt-Coffey, Assistant Director of Community Services

Subject: Request by Mayor Brucker and Councilmember Bosse to review the decision by the Fine Arts Commission regarding the proposal to fulfill the public art ordinance obligation for 350 N. Canon Dr.

Attachments: 1. Rendering of pieces recommended by representatives of 350 N. Canon Dr.

INTRODUCTION

At its February 23, 2012 meeting, the Fine Arts Commission reviewed a revised proposal by the owners of 350 N. Canon Dr. to meet the public art obligation for improvements done at this property. This proposal was denied by the Fine Arts Commission on a 5-0 vote. Subsequently Mayor Brucker and Councilmember Bosse have requested that the City Council decide whether to review this decision made by the Fine Art Commission.

In accordance with Section 1-4-201 (Right to Review) of the Municipal Code, the City Council may call up a decision by a commission, board or official of the city within 30 calendar days after the decision has been rendered. The City Council at this meeting can only discuss whether the item should be called up, and if a majority agrees, then the item will be brought up at the April 3rd meeting for review.

DISCUSSION

The Beverly Hills Public Art ordinance states that any person constructing, reconstructing or constructing an addition to a commercial, industrial or mixed use building within the city where the total construction cost exceeds one million dollars, shall either install fine art that has a value that equals or exceeds one and one-half percent (1.5%) of the total construction cost or payment may be made to the city in an amount of ninety percent (90%) of the 1.5% of the total construction cost.

In November 2009 the owners of 350 N. Canon approached the Fine Arts Commission with a proposal for art to be installed at the site to meet their obligation as a result of construction upgrades that had been performed. The total value of the art to be installed at that site needed to meet or exceed \$30,375 to meet the obligations of the ordinance. The proposed piece was reviewed by the Fine Arts Commission and it was turned down on a 7-0 vote with the following motion:

Commissioner Potter moved that we decline this piece because it does not meet the definition of Fine Art as mandated by The Fine Arts Ordinance; it is a decorative piece by a long-time member of the Community, for which she is recognized and deeply appreciated.

On February 23, 2012 the owners returned to the Fine Arts Commission with a modified proposal by the same artist. After reviewing the piece, the Fine Arts Commission again voted 5-0 to deny the piece with the following motion:

Commissioner Potter moved to reject the proposed work put forth by the owners of 350 N. Canon Drive because it does not satisfy the Beverly Hills Fine Art Obligation as mandated in the Municipal Code.

It should be noted that the Fine Arts Commission is required to review developer provided art based on the provisions of the Municipal Code, as follows:

1. The fine art has the minimum value required by section 3-1-802 of this article. Such value shall be established by an appraisal performed by an independent, qualified fine art appraiser or other evidence satisfactory to the commission, including, but not limited to, bona fide invoices, purchase orders or agreements, and auction records. Utility and maintenance costs incurred to operate and maintain the fine art over time shall not be considered in determining the value of the proposed fine art.
2. The fine art has been created by an established artist. "Established artist" shall mean a professional artist who derives his or her income primarily from his or her work as an artist and is accepted and recognized in the field of art locally, regionally, nationally or internationally as evidenced by art journals, art books or art gallery reputation. The members of the architectural, engineering, design or landscaping firms retained for the design and construction of the subject commercial or mixed use building shall not be considered qualified established artists for the purposes of this article.
3. The fine art has intrinsic quality and enduring value beyond any decorative characteristics.
4. The fine art is compatible with and enhances the aesthetic quality of the building site. The relationship of the fine art to the site in terms of physical size, shape and colors shall be considered as well as the social and cultural interaction of the fine art with the space it ornaments.

Should the City Council decide to review the decision made by the Fine Arts Commission, the Council would be required to adhere to the same criteria referenced above.

Mayor Brucker and Councilmember Bosse have expressed an interest in reviewing this decision by the Fine Arts Commission.

FISCAL IMPACT

None at this time.

RECOMMENDATION

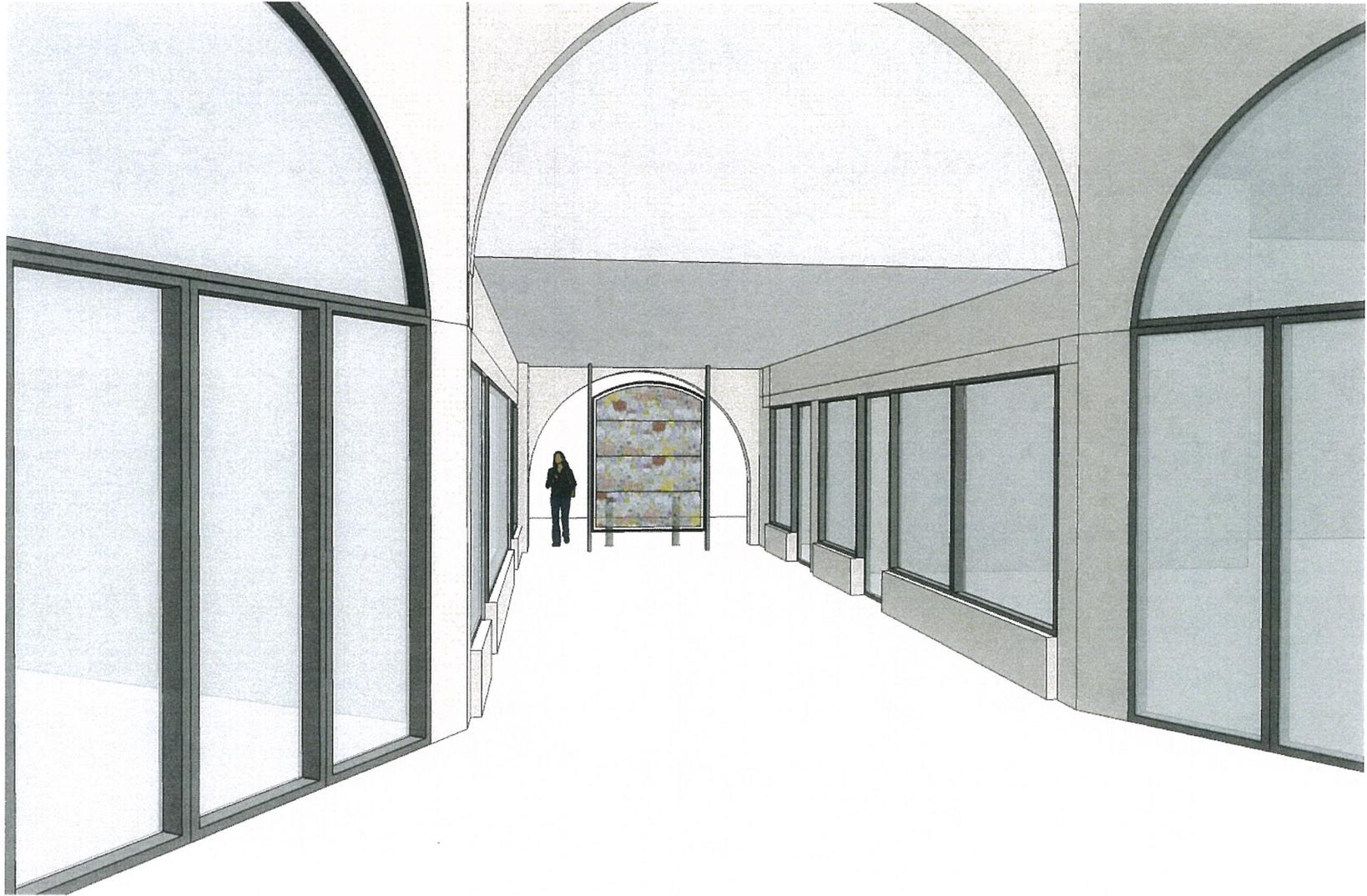
That the City Council decides whether to review at the April 3rd meeting the decision made by the Fine Arts Commission regarding the proposed piece to meet the Public Art ordinance at 350 N. Canon.



Nancy Hunt-Coffey
Approved By

Attachment 1









11/09 Proposal

LE GRAND PASSAGE (350 N. Canon)
Beverly Hills, California

AECOM