



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** January 21, 2014  
**To:** Honorable Mayor & City Council  
**From:** Nancy Hunt-Coffey, Assistant Director of Community Services  
**Subject:** Recommendation to create an inverted barrier around Kusama's *Hymn of Life* to provide protection for this art piece

**Attachments:**

1. Minutes of FAC-RPC liaison meeting with Councilmember Gold
2. Administrative Regulation regarding Siting City-Owned Public Art in City Parks
3. Renderings of the inverted barrier

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### **INTRODUCTION**

The Fine Art Commission and the Recreation and Parks Commission recommend the creation of an inverted barrier around Kusama's *Hymn of Life* piece to provide protection of this valuable sculpture from interaction with visitors to the park. In addition to the inverted barrier, the Recreation and Parks Commission recommends the addition of a post and cord system around the perimeter of the inverted barrier. The Fine Art Commission recommends against the addition of this system. Council is asked to provide direction on the post and cord system and the concept of the inverted barrier.

### **DISCUSSION**

Selected by the Fine Art Commission and approved by the City Council, the *Hymn of Life* was installed in Beverly Gardens Park in 2007 and was well received by the community. The piece, by world renowned artist Yayoi Kusama, was the first to be commissioned by the City. While it was designed by Ms. Kusama, it was fabricated by Ironwood, a firm located in Glendale, CA. The frame for the piece is structural steel and the flowers and leaves are made of painted fiberglass. The tile base of the piece was designed by Ms. Kusama and is integral to the sculpture. The original cost of the piece was \$332,520. The current estimated value of it is \$750,000-\$1,000,000.

From the beginning, the *Hymn of Life* posed a challenge which had not been encountered previously with the City's public art collection: many visitors to the park felt

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the need to interact physically with the piece. People were regularly seen standing on the base, touching the flowers and even sitting on the leaves of the piece. Within a few years of its installation, the piece began to show fading, chipping and other signs of wear. To provide better protection for the piece, the Fine Art Commission implemented an approximately two foot border around the piece which was planted with shrubbery. Unfortunately this border was unsuccessful in keeping people away from the piece, and its deterioration continued. As a result, approximately two years ago, the Fine Art Commission again voted to add a second border around the piece of an additional four feet and recommended that the areas within the borders be planted with thorny bushes. Unfortunately once this solution was implemented, the plants were never allowed to establish, because park patrons trampled them in their attempts to get to the piece.

About this same time, the Fine Art Commission procured the services of Rosa Lowinger and Associates (RLA) to provide art maintenance and restoration for the Kusama piece as well as others in the City's collection. Representatives of RLA noted that while some of the damage to the *Hymn of Life* may have been caused by interaction with members of the public, some of the damage appeared to be a result of the materials used and the fabrication process. As a result, staff contacted the fabricator Ironwood, and in speaking with representatives of the company and in review of the documentation associated with the piece, it became clear that when the piece was originally installed, Ironwood had not provided proper care and maintenance instructions to the City. As the piece was still under warranty, Ironwood was compelled to restore it completely without cost to the City.

Once the piece was fully restored and inspected by RLA, the urgency to protect it from renewed damage compelled the Fine Art Commission to seek a more aggressive means of protecting the piece. After considering a plethora of high and low technology options, the FAC recommended the implementation of a post and wire cable solution which would have been approximately three feet high and would have provided five substantial metal cables around the piece. The goal with this solution was to provide protection from the piece, yet continue to allow visibility of the piece, including the base, to visitors of the park as well as from Santa Monica Blvd.

This recommended solution was not well received by members of the Recreation and Parks Commission who felt that it was not attractive visually. As a result, an alternative solution was proposed by the Recreation and Parks Commission which involved surrounding the piece at the outer most border with a post and single, flexible cord, similar to what is used at the De Young Museum in San Francisco. The Fine Art Commission, based on past experience, did not feel that this solution would be substantive enough to prevent members of the public from continuing to interact with the piece. The proposed solutions were discussed at great length during liaison meetings between FAC Chair Chalom and Vice Chair Smooke in concert with RPC Chair Anderson and Commissioner Gersh; however, agreement around one of these solutions could not be achieved.

Because of this impasse, the issue was brought to the City Council Fine Art Commission liaison, comprised of Vice Mayor Bosse and Councilmember Gold. After much discussion, the liaison recommended against both solutions and asked that further research be conducted on means of protecting the piece. Additionally, Councilmember Gold volunteered to help facilitate some discussions between the Fine Art Commission—Recreation and Park Commission liaisons as the general roles and responsibilities of both commissions relating to protection of art in the parks appeared to be somewhat unclear.

Two meetings of the liaison and Councilmember Gold occurred and some clarification of roles was achieved through this process. Please see the attached minutes for a summary of the areas that were discussed as well as a copy of the City's Administrative

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Regulations that guide the roles of the two commissions. During the time period that these meetings were occurring, the City Council decided to take a broad look at various items related to all of the Commissions, and established an ad hoc of Councilmembers Gold and Krasne to accomplish this task. As a result, further discussion of the roles and responsibilities of the Fine Art Commission and the Recreation and Park Commission will occur through that larger process, which is presently underway and is led by an Ad Hoc committee comprised of Councilmembers Gold and Krasne.

During the past few months, as these various discussions have occurred, the art restoration company, RLA noted new deterioration of the Kusama *Hymn of Life* which appears directly related to physical interaction of park patrons with the piece. There are cracks appearing at the base of the leaves which are likely due to patrons sitting or climbing on the leaves. Such cracks allow for water intrusion into the piece and are resulting in rust staining. Water intrusion into the cracks can also lead to further cracking due to expansion-contraction as a result of weather conditions, and obviously allowing patrons to continue this type of interaction with the piece can lead to further damage of the piece. As a result, the Fine Art Commission approved the temporary addition of posts and netting around the piece so that it could be protected while the various discussions took place. This netting solution appears to have been successful in keeping patrons away from the piece for the time being. The cracks in the piece will be restored presently by RLA to prevent any further damage to the piece due to weather conditions and water intrusion.

Over the course of the last months, staff continued speaking with various experts in a variety of fields regarding the protection of the piece, and in the process came across the concept of an inverted barrier. An inverted barrier is a gently sloping depression in the landscape starting from an outer edge and declining toward the piece. At its lowest point, the inverted barrier would sit approximately 30" below the piece. Please see the attached renderings of the inverted barrier solution for more information.

The inverted barrier has become the recommended solution of both commissions because of the following reasons:

- It provides a visual and physical barrier around the piece
- It allows viewers to see the entire piece, without obstruction, including the tile base
- It does not protrude into the park space any further than the current borders around the piece

The concern that has been expressed about the inverted barrier is the relatively high cost of the solution compared to the various post and cord solutions that have been previously proposed.

In addition to the inverted barrier, the Recreation and Parks Commission recommends installation of the single post and flexible cord solution around the perimeter to provide added protection and a visual deterrent. The Fine Art Commission recommends against the addition of the cord solution because they feel it will add little additional protection and will be visually unpleasing and distract from the visual appearance of the piece.

If the inverted barrier is implemented, the City's Building and Safety division have confirmed that there is no fencing requirement around the piece or the outer edge of the inverted barrier. Additionally, since the time that the Recreation and Parks recommendation was made, Risk Management has advised against the implementation of the post and cord solution at the proposed height of 12-18" as it can pose a tripping hazard. It is possible that the post and cord solution would be acceptable from a Risk Management standpoint should it be placed at a higher level so that it is more visible. Additionally, Risk Management advises that the plantings within the inverted barrier

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should be low lying and of a color distinctive from the surrounding landscaping. As a result, staff has recommended the use of *Euonymus fortune* for the interior of the barrier.

It should be noted that throughout the process of seeking solutions to protect the Kusama, the concept of installing cameras was discussed with IT and the Police Department, but due to distance and technical limitations, it was not possible to pull CCTV cameras to that block of Beverly Gardens Park. However, recently the City's IT department was able to install a CCTV camera in the Santa Monica 5 parking lot which can be set so it can focus on this block of the park. These cameras are part of the citywide CCTV camera program, and therefore are not actively monitored, but they can be viewed live if an issue is reported or the view of the park can be played back after an incident had occurred.

### **FISCAL IMPACT**

None at this time. Should City Council decide to move forward with the inverted barrier concept, a very rough estimate to implement it will likely be in the \$75,000-\$100,000 range. Staff can return to the City Council at a later time with a more defined estimate once the design development phase of the project is complete. If this is a direction that the City Council would like to pursue, the Fine Art Commission has requested that some of this cost be shared between the Fine Art Fund and another fund (such as the Recreation and Parks Fund) in the City.

### **RECOMMENDATION**

The Fine Art Commission and the Recreation and Park Commission recommend that City Council approve the concept of an inverted barrier around Kusama's *Hymn of Life* piece. City Council is further asked to provide direction on the addition of a post and cord system around the perimeter of the inverted barrier.

  
Nancy Hunt-Coffey  
Approved By

# **Attachment 1**

FAC/R&P Liaison Meeting  
With  
Dr. Julian Gold, City Council Member  
July 15, 2013

Attending: Julian Gold, City Council Member  
Fiona Chalom and Sandy Pressman, representing the Fine Art Commission  
Robbie Anderson and Susan Gersh, representing the Recreation and Parks Commission  
Mahdi Aluzri, Steven Zoet, Nancy Hunt-Coffey, Brad Meyerowitz, Patty Acuna, Lois Foraker, City Staff members.

Councilmember Gold provided an overview of the intention of this gathering; to clarify the jurisdiction of the Fine Art Commission and the Recreation and Park Commission when it comes to functions of Fine Art Installations in Beverly Hills City Parks, and to discuss possible protection of the Kusama piece.

In restating the basics:

- Fine Art Commission has the responsibility to act as an advisory body to the City Council to initiate and propose the acquisition or donation of Fine Art to the City, to the City-owned art collection, or the loan of Fine Art to the City.
- Recreation and Parks Commission has the responsibility to act as an advisory body to the City Council on matters which relate to recreation and parks programs and facilities.

After endorsement of proposed site(s) by the full Fine Art Commission, and if one or more of those sites is in a City Park or Community Center, the FAC and R&P Liaison will meet to discuss proposed site(s), which will include site visits.

If proposed sites are endorsed by the FAC and R&P Liaison, the selected site(s) will be brought to the full R&P for endorsement, after which the recommendation will be brought to the FAC and City Council Liaison prior to a vote of the full City Council for approval.

Councilmember Gold suggested that, once a piece of art has been chosen to proceed toward acquisition, the protection of the piece be considered at the same time. The package for approval by City Council would include both the cost to acquire the artwork and the method and price to protect and maintain the artwork.

**Summary:** City regulatory documents, Administrative Regulations and Municipal Code, shall be amended and clarified to clearly state the Fine Art Commission has the authority to find, purchase, protect, and to examine lighting options for the artwork that is installed on City Property, inclusive of Beverly Hills City Parks. A member of each Commission shall attend the others Commissions to report back to their Commission the topics discussed to facilitate transparency and cooperation between the Commissions. Dr. Gold will be responsible for the final language of the changes that are taken to City Council for approval.

2 options on how to protect the Kusama piece were presented and discussed. The costs associated with each option will be researched and brought to group for more detailed examination.

Future Meetings:

1. Next meet to discuss the language of these proposed changes with the same Commissioners and City staff members.
2. 2<sup>nd</sup> meeting, with the same people, to discuss Kusama protection options and associated costs.
3. 3<sup>rd</sup> meeting, same people, to discuss possible City Standard for protection of artwork.

# **Attachment 2**

ADMINISTRATIVE REGULATION  
OF THE  
CITY OF BEVERLY HILLS

No. 4A-10  
December 5, 2003

SUBJECT: SITING CITY-OWNED PUBLIC ART IN CITY PARKS

- I. Purpose - Public art is sited to enhance public spaces such as a City park and to enhance the experience of the public when utilizing a public space. This Administrative Regulation is to identify the roles and responsibilities of the Fine Art Commission and Recreation and Parks Commission in regard to selecting locations for City-owned public art in City parks. The goal of this Administrative Regulation is to outline a process whereby the Fine Art Commission and Recreation and Parks Commission can reach consensus and a unified opinion for the location of public art in a City park.
- II. Definitions
- A. "Public art" shall mean objects of art including but not limited to paintings and sculptures designed by artists for view and appreciation by the public. For the purposes of the Administrative Regulation, public art is art owned by the City.
  - B. "Design element" of a park shall refer to the functional elements of the site including but not limited to lights, benches, water features and equipment (also known as park amenities) that relate to a patron's recreational use of the park.
  - C. The "Fine Art Commission" is defined in Municipal Code section 2-2.801.
  - D. The "Recreation and Parks Commission" is defined in Municipal Code section 2-2.1001.
- III. Application - This regulation applies only to City parks where, per the City Attorney, City-owned art is legally authorized to be displayed.
- IV. Responsibilities
- A. The Director of Recreation and Parks is responsible for:
    - 1. Identifying locations in City parks for public art.
    - 2. Maintaining a map, portfolio or documentation identifying City parks approved for public art.
    - 3. Facilitating and coordinating the Recreation and Parks Commission's efforts to identify City parks and sites within the parks for the location of public art.
    - 4. Facilitating dialogue between the Recreation and Parks Commission and the Fine Art Commission in regard to siting locations for public art within City parks.

5. Recommending appropriate design elements within City parks to the Recreation and Parks Commission and the City Council.
6. Working with the Director of Library and Community Service in determining appropriate landscaping and lighting around public art locations.
7. Installing appropriate landscaping around public art locations.

B. The Recreation and Parks Commission is responsible for:

1. Recommending locations within approved City parks for the installation of public art.
2. Reviewing staff recommendations of the location for public art upon renovation of a City park.
3. Recommending to the City Council the design elements within City parks.

C. The Director of Library and Community Service is responsible for:

1. Maintaining a map, portfolio or documentation identifying the current location of public art within City parks.
2. Facilitating and coordinating the Fine Art Commission's efforts to identify sites within the parks for the location of public art.
3. Facilitating dialogue between the Fine Art Commission and the Recreation and Parks Commission in regard to siting locations for public art within City parks.
4. Working with the Director of Recreation and Parks in determining appropriate landscaping and lighting around public art locations.

D. The Fine Art Commission is responsible for:

1. Recommending to the City Council the choice(s) of public art for a City park.
2. Proposing to the City Council the park(s) for a specific piece of public art.
3. Identifying within the proposed park, the specific site for the art based on the available, predetermined location(s) for public art.
4. Advising the Recreation and Parks Commission of its recommended public art and its recommended location within a City park for the public art prior to City Council consideration of the recommendation.
5. Recommending to the Director of Library and Community Service the appropriate lighting around public art locations and ideas for landscaping alternatives.

V. Procedures

For siting art in parks

- A. The Fine Art Commission and Recreation and Parks Commission will tour City parks periodically to view possible sites for the location of public art.
- B. The Fine Art Commission will advise the Recreation and Parks Commission of proposed public art for a City park and the proposed location within a City park for the public art.
- C. For each specific piece of public art, the Fine Art Commission and Recreation and Parks Commission will meet and endeavor to agree upon a mutually supported location.
- D. If a unified opinion among the Commissions for the location for a select piece of public art in a specific park is not achieved, the Director of Library and Community Service will coordinate a meeting between the City Council and Fine Art and Recreation and Parks Commissions liaisons to discuss the matter.
- E. The proposed art and the proposed location(s) for the public art will be forwarded to the City Council by the Fine Art Commission for review and approval.
- F. The Recreation and Parks Commission or designated representative(s) shall advise the City Council of its recommendation in regard to the proposed location(s) for a selected piece of public art to be located in a City park.

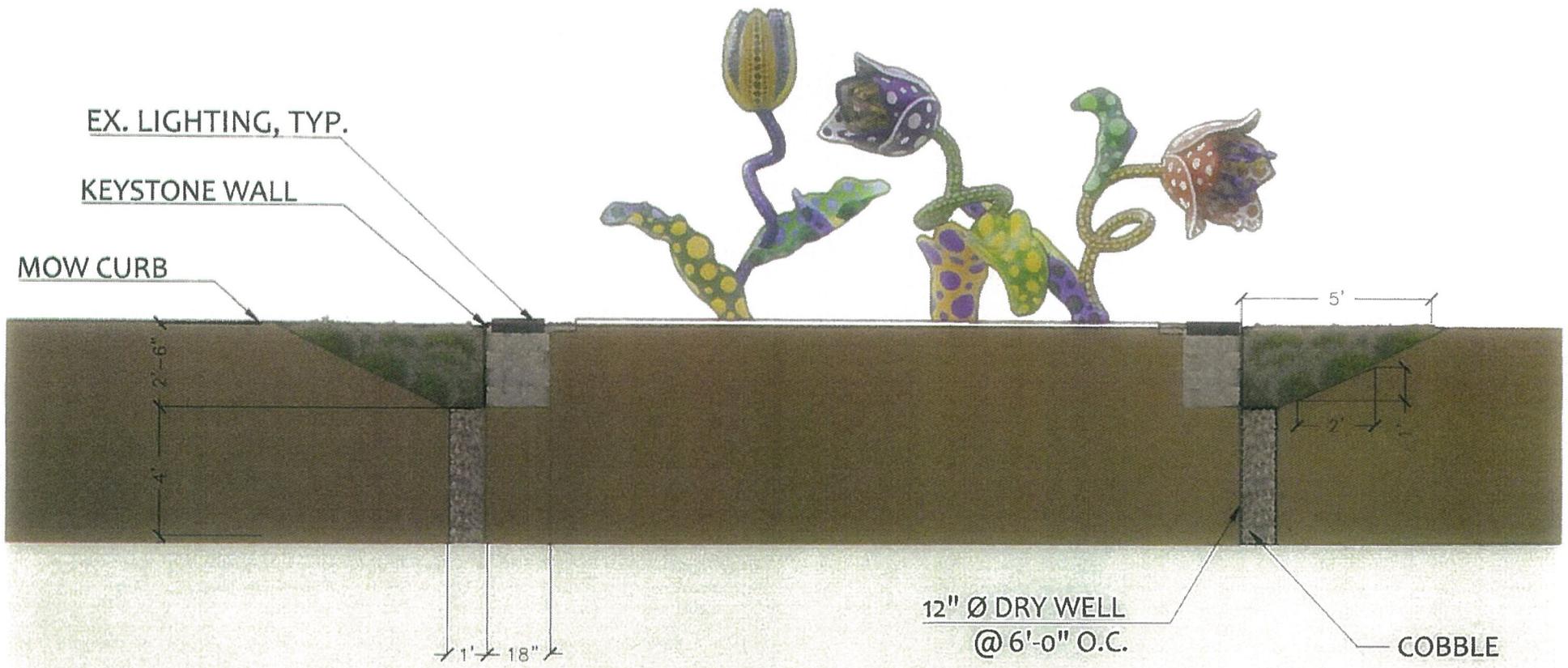
For determining design elements within parks

- A. The Recreation and Parks Commission shall invite the involvement of the Fine Art Commission in the earliest stages of park design and enhancement projects.
- B. The Recreation and Parks Commission shall identify the functional design elements in a park that can be designed, commissioned or purchased as art. The list shall be forwarded to the Fine Art Commission.
- C. The Fine Art Commission shall review the list provided by the Recreation and Parks Commission and identify potential artists or artistic options for the identified design elements.
- D. The Fine Art Commission's recommendations of artists or artistic options for design elements in the park shall be forwarded to the Recreation and Parks Commission for consideration and further exploration.
- E. The Recreation and Parks Commission will recommend to the City Council design elements for consideration at a park and in doing so, represent the input received from the Fine Art Commission.

APPROVED:

  
DAN WEBSTER  
INTERIM CITY MANAGER

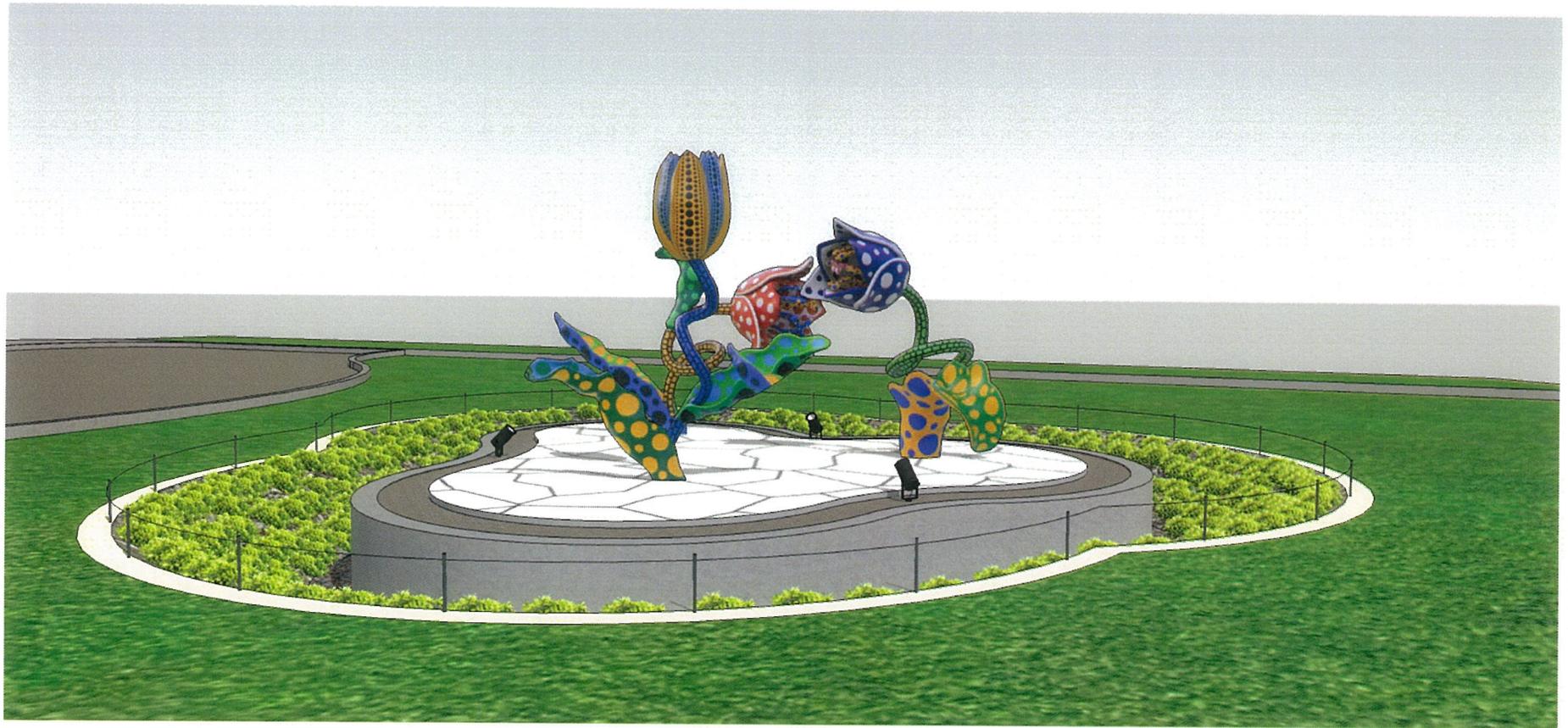
# **Attachment 3**



TULIP SCULPTURE  
 BEVERLY GARDENS  
 CITY OF BEVERLY HILLS



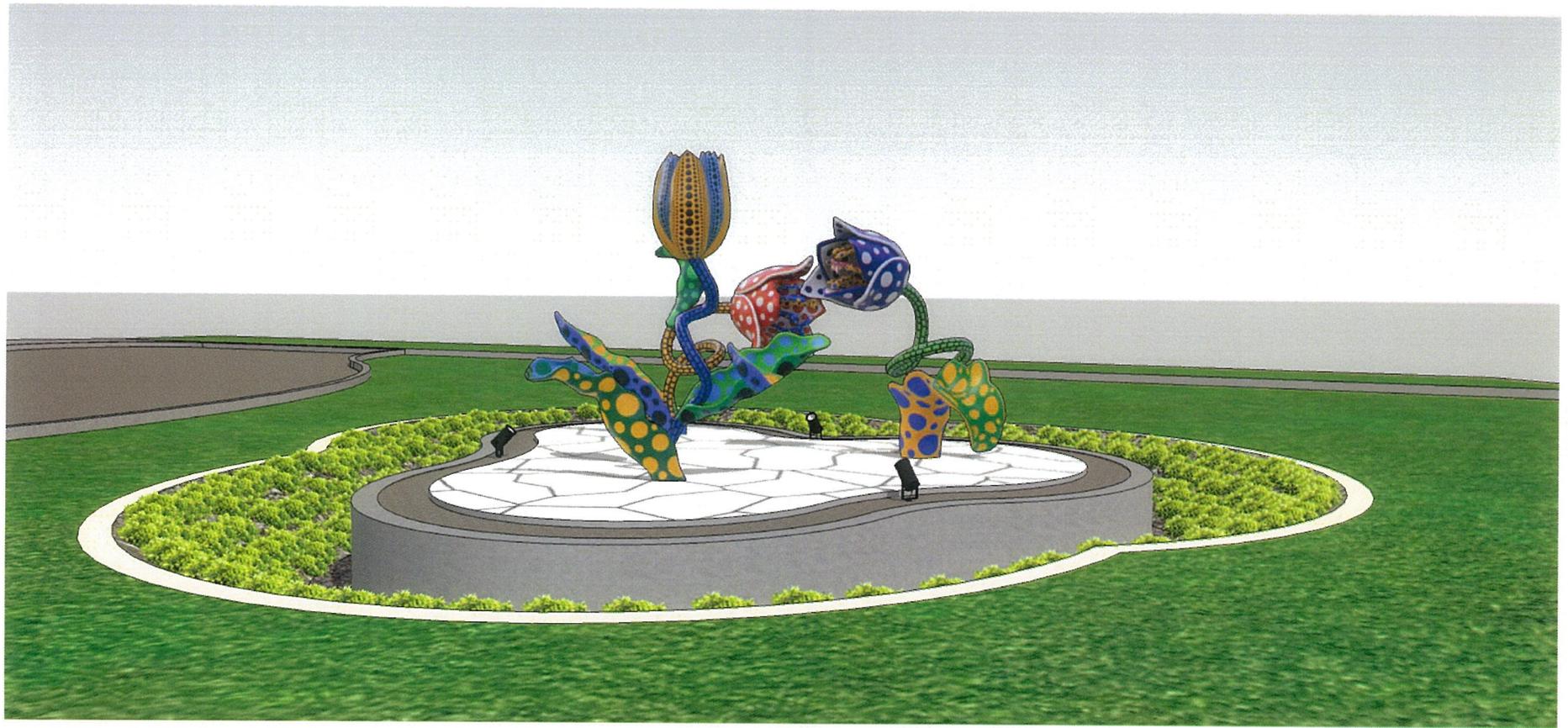
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