

**CITY OF WEST HOLLYWOOD  
Arts and Cultural Affairs Commission**



**URBAN ART SUBCOMMITTEE**

**MEETING AGENDA PACKET  
THURSDAY, MAY 7, 2026 – 5:00 P.M.**

**LOCATION:  
WEST HOLLYWOOD CITY HALL, FIRST FLOOR COMMUNITY MEETING ROOM,  
8300 SANTA MONICA BLVD.**

**CITY OF WEST HOLLYWOOD**  
**Arts and Cultural Affairs Commission (ACAC)**  
**URBAN ART SUBCOMMITTEE**  
**MEETING AGENDA**  
Thursday, May 7, 2026, 5:00 p.m.  
**WEST HOLLYWOOD CITY HALL, 1<sup>ST</sup> FLOOR – COMMUNITY MEETING ROOM**  
**8300 SANTA MONICA BOULEVARD.**

***The West Hollywood Arts and Cultural Affairs Commission acknowledges that the land on which we gather and that is currently known as the City of West Hollywood is the occupied, unceded, seized territory of the Gabrieleño Tongva and Gabrieleño Kizh peoples.***

To comply with the Americans with Disabilities Act of 1990, Assistive Listening Devices (ALD) will be available for check out at the meeting; If you require special assistance to participate in this meeting, (e.g., a signer for the hearing impaired), you must call or submit your request in writing to the Office of the City Clerk at (323) 848-6800 at least 48 hours prior to the meeting. The City TDD line for the hearing impaired is (323) 848-6496.

Special meeting-related accommodations (e.g., transportation) may be provided upon written request to the Office of the City Clerk at least 48 hours prior to the meeting. For information on public transportation, 323.GO.COMMUTE (323/466-3876) or go to [www.metro.net](http://www.metro.net).

**STATEMENT OF SHARED RESPONSIBILITY FOR RESPECT:** During public meetings, community gatherings, interactions with the public, and with one another, the City endeavors for all participants and attendees to conduct City business and treat others with respect, a core value of the City. This includes being polite, professional, and thoughtful when interacting with others. Our collective commitment to West Hollywood requires intention, cooperation, courtesy, consideration, tolerance, forgiveness, acceptance, inclusiveness, kindness, compassion, and patience. Our respect is expressed not only in the words we choose, but also in our tone, our demeanor, and our actions toward one another.

***TO PARTICIPATE IN THIS PUBLIC MEETING:*** To provide public comment, email or call the Arts and Cultural Affairs Commission Recording Secretary at [acacpubliccomment@weho.org](mailto:acacpubliccomment@weho.org) or 323-848-6351 by 12:00 p.m. on Thursday, May 7, 2026 to be added to the Public Speaker List. If you want to speak by phone, you must also email a speaker request to the same address by 12:00 p.m. on the day of the meeting. For both in-person and phone comments, include your name, city, and the agenda item you want to speak about. Your comments will become part of the official record. To keep your address private, simply leave it out.

Written materials distributed to the Urban Art Subcommittee within 72 hours of the meeting are available for public inspection immediately upon distribution in the Arts Division at City Hall, 8300 Santa Monica Boulevard, West Hollywood, California, during normal business hours. They will also be available for inspection during the Urban Art Subcommittee meeting at the staff liaison's table. For a complete listing of arts and cultural programs, events and opportunities, please visit [www.weho.org/arts](http://www.weho.org/arts), or follow @WeHoArts on social media.

- I. CALL TO ORDER**
  - A. Land Acknowledgement**
  - B. Pledge of Allegiance**

- C. Roll Call
- D. Approval of the Agenda
- E. Approval of the March 5, 2026 Meeting Minutes
- F. Public Comment

*The public is given the opportunity to address the Subcommittee on any item within its responsibility. At the discretion of the Subcommittee, speakers may be limited to three minutes each.*

**II. CONSENT CALENDAR**

The following routine matters can be acted upon by one motion. Individual items may be removed by the Subcommittee for separate discussion. Items removed for separate discussion will be heard following Unfinished Business Items.

**A. Posting of the Agenda**

The agenda was posted per proper noticing procedures at City Hall, Plummer Park, and West Hollywood Aquatic and Recreation Center.

**RECOMMENDATION:** Receive and file.

**III. UNFINISHED BUSINESS**

**A. Urban Art Program Projects**

The Subcommittee will receive an update from staff and discuss Urban Art Program projects under the Subcommittee’s oversight. The list below reflects the current stage each development is pursuing (project address, project name (if available), artist selected for the project).

<b>STAGE I</b>
<ul style="list-style-type: none"> <li>▪ 626 N Robertson Boulevard (West Hollywood Recovery Center/Log Cabin, David Kim, city owned)</li> <li>▪ 8465 Santa Monica Boulevard (Holloway Interim Housing Program, Alison Kunath, city owned)</li> </ul>
<b>STAGE II</b>
<ul style="list-style-type: none"> <li>▪ Beverly Boulevard Gathering Place (Design District Streetscape Master Plan, Greenmeme – project currently on hold, city owned)</li> </ul>
<b>STAGE III</b>
<ul style="list-style-type: none"> <li>▪ none</li> </ul>
<b>STAGE IV</b>
<ul style="list-style-type: none"> <li>▪ 1040 La Brea Avenue (Jim Isermann)</li> </ul>
<b>OTHER PROJECTS</b>
<ul style="list-style-type: none"> <li>▪ Public Art Archive (Collections Management)</li> </ul>

**RECOMMENDATION**

Receive the update and request more information if necessary.

**B. Urban Art Guidelines - Deaccession**

The Subcommittee will consider updating the Urban Art Program Guidelines: Deaccession, Criteria for Deaccession section and consider recommending revisions to the Arts and Cultural Affairs Commission for approval.

**RECOMMENDATION**

Recommend the Arts and Cultural Affairs Commission approve or decline the recommended revision to Urban Art Program Guidelines: Deaccession, Criteria for Deaccession and then forward on to the City Council for final approval.

**IV. NEW BUSINESS** None.

**V. EXCLUDED CONSENT CALENDAR**

**VI. PUBLIC COMMENT**

*The public is given the opportunity to address the Subcommittee on any item within its responsibility. At the discretion of the Subcommittee, speakers may be limited to three minutes each.*

**VII. ITEMS FROM THE SUBCOMMITTEE**

**VIII. ITEMS FROM STAFF**

**IX. DEVELOPMENT OF NEXT MEETING AGENDA**

The Subcommittee will advise staff on the development of its Thursday, June 4, 2026 meeting agenda.

**X. ADJOURNMENT**

The Urban Art Subcommittee will adjourn to its meeting scheduled Thursday, June 4, 2026 at 5:00 p.m. at West Hollywood City Hall, 1<sup>st</sup> Floor Community Meeting Room, 8300 Santa Monica Boulevard.

**CITY OF WEST HOLLYWOOD  
ARTS AND CULTURAL AFFAIRS COMMISSION  
URBAN ART SUBCOMMITTEE  
MEETING MINUTES**

Thursday, March 5, 2026, 5:05 p.m.  
WEST HOLLYWOOD CITY HALL, 1<sup>ST</sup> FLOOR – COMMUNITY MEETING ROOM  
8300 SANTA MONICA BOULEVARD.

**I. CALL TO ORDER**

The meeting was called to order by Subcommittee Chair Gantman at 5:00 p.m.

**A. Land Acknowledgement**

Subcommittee Chair Gantman read the Land Acknowledgement.

**B. Pledge of Allegiance**

Subcommittee Chair Gantman led the Pledge of Allegiance.

**C. Roll Call**

Present: Subcommittee Member Gunther  
Subcommittee Member Moreno-Freedman  
Subcommittee Chair Martin Gantman

Absent: None

Also Present: Director of Economic Development Laura Biery  
Arts Manager Rebecca Ehemann  
Administrative Specialist IV/Recording Secretary Dennice Oceguela  
Public Art Administrator Marcus Mitchell

**D. Approval of the Agenda. Motion to approve the agenda  
Moted by Commissioner Gunther, seconded by Commissioner Moreno-Freedman and approved unanimously.**

**E. Approval of the February 5, 2026, Meeting Minutes  
Moted by Commissioner Gunther, seconded by Commissioner Moreno-Freedman and approved unanimously.**

**F. Public Comment** None.

**II. CONSENT CALENDAR**

The following routine matters can be acted upon by one motion.

**Moted by Commissioner Moreno-Freedman, seconded by Commissioner Gunther and approved unanimously.**

**A. Posting of the Agenda**

The agenda was posted per proper noticing procedures at City Hall, Plummer Park, West Hollywood Library, and West Hollywood Sheriff’s Station.

**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

**III. UNFINISHED BUSINESS**

**A. Urban Art Program Projects**

The Subcommittee received an update from staff and discussed Urban Art Program projects under the Subcommittee’s oversight. The list below reflects the current stage each development is pursuing (project address, project name (if available), artist selected for the project).

<b>STAGE I</b>
▪ 626 N Robertson Boulevard (West Hollywood Recovery Center [Log Cabin], (David Kim, city owned)
▪ 8464 Holloway Drive (Holloway Interim Housing Program, Alison Kunath, city owned)
<b>STAGE II</b>
▪ Beverly Boulevard Gathering Place (Design District Streetscape Master Plan, Greenmeme – project currently on hold, city owned)
<b>STAGE III</b>
▪ None
<b>STAGE IV</b>
▪ 1040 La Brea Avenue (Jim Isermann)
<b>OTHER PROJECTS</b>
▪ Public Art Archive (Collections Management)

**ACTION:** Staff provided an update on the urban art projects. Subcommittee inquired about project details and staff provided information as available.

**B. Update Sunset Blooms By Allison Kunath – 8464 Holloway Drive (Holloway Interim Housing Program)**

The Subcommittee received a presentation from art consultant Lesley Elwood, Elwood & Associates, for the urban art project, *Sunset Blooms* by Alison Kunath, for the Holloway Interim Housing Program (The Holloway) at 8464 Holloway Drive and provide directions on next steps.

**ACTION:**

Recommended the artist to engage with a fabricator to provide materials required for a STAGE III – Final Review of Urban Art Plan for *Sunset Blooms* by Alison Kunath, for the Holloway Interim Housing Program (The Holloway) at 8464 Holloway Drive.

**Motioned by Subcommittee Chair Gantman, seconded by Commissioner Gunther and approved unanimously.**

#### IV. NEW BUSINESS

##### A. Urban Art Guidelines Deaccession Criteria Review

The Subcommittee reviewed the deaccession criteria included in the current Urban Art Guidelines document and consider recommending revisions to the Arts and Cultural Affairs Commission for approval.

##### **ACTION:**

Recommended that the Arts and Cultural Affairs Commission approve the Subcommittee's revisions to the current Urban Art Guidelines and direct staff to review the document with the City Attorney and return with a finalized version for consideration at a future meeting. **Motioned by Commissioner Moreno-Freedman, seconded by Commissioner Gunther and approved noting a no vote from Commissioner Gantman.**

##### B. Proposal Regarding An Annual Urban Art Project Initiative

The Subcommittee received a presentation on a proposed annual urban art project initiative and discussed potential locations, possible funding approaches, resource considerations, and alignment with existing urban art programs and the current work plan.

##### **ACTION:**

The Subcommittee discussed and recommended a new "Commissioner's project," defined as a new city-owned urban artwork initiated every two years with \$150,000, excluding consultant fees, allocated each cycle from the Public Art and Beautification Fund (Fund 209), and recommended staff consult with the city attorney about legal implications and the required approval process. **Motioned by Subcommittee Chair Gantman, seconded by Commissioner Moreno-Freedman and approved noting a no vote from Commissioner Gunther.**

V. **EXCLUDED CONSENT CALENDAR** None.

VI. **PUBLIC COMMENT** None.

#### VII. ITEMS FROM THE SUBCOMMITTEE

Commissioner Moreno-Freedman asked staff whether Karon Davis's *Before Picasso* piece has a defined lifespan. She also highlighted several exhibitions she recently attended.

Commissioner Gunther inquired about the maintenance of the artwork *Parallel Perpendicular* by Phillip K. Smith.

#### VIII. ITEMS FROM STAFF

Public Art Administrator Marcus Mitchell responded to Commissioner Moreno-Freedman's inquiry regarding the defined lifespan of an artwork, noting that the details are outlined in the contract.

Arts Manager Rebecca Ehemann responded to Commissioner Gunther's question by stating that the landscape is not part of the artwork *Parallel Perpendicular* by Phillip K. Smith.

**IX. DEVELOPMENT OF NEXT MEETING AGENDA**

The Subcommittee will advise staff on the development of its Thursday, April 2, 2026 meeting agenda.

**X. ADJOURNMENT**

The Urban Art Subcommittee adjourned at 6:33 p.m. to its meeting scheduled Thursday, April 2, 2026 at 5:00 p.m. at West Hollywood City Hall, 1<sup>st</sup> Floor Community Meeting Room, 8300 Santa Monica Boulevard.

APPROVED BY A MOTION OF THE URBAN ART SUBCOMMITTEE ON THIS 7<sup>th</sup> DAY OF MAY 2026.

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SIGOURNEY GUNTHER  
ACTING SUBCOMMITTEE CHAIR

ATTEST:

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DENNICE OCEGUERA,  
RECORDING SECRETARY

URBAN ART SUBCOMMITTEE  
UNFINISHED BUSINESS

MAY 7, 2026

SUBJECT:           **URBAN ART GUIDELINES – DEACCESSION**

PREPARED BY:   **ARTS DIVISION**

Rebecca Ehemann, Arts Manager

Marcus Mitchell, Public Art Administrator

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**STATEMENT ON THE SUBJECT:**

The Subcommittee will consider updating the Urban Art Program Guidelines: Deaccession, Criteria for Deaccession section and consider recommending revisions to the Arts and Cultural Affairs Commission for approval.

**RECOMMENDATION:**

Recommend the Arts and Cultural Affairs Commission approve or decline the recommended revision to Urban Art Program Guidelines: Deaccession, Criteria for Deaccession and then forward on to the City Council for final approval.

**BACKGROUND / ANALYSIS:**

The Urban Art Program Guidelines were approved by City Council on August 16, 2021, Attachment A. Updates to the Urban Art Program Guidelines, pursuant to West Hollywood Municipal Code 19.38.060, requires approval from City Council through a resolution.

The current Urban Art Program Guidelines, Deaccession: Criteria for Deaccession reads:

The Arts and Cultural Affairs Commission may grant a request for deaccession when the art required by this section meets at least two of the criteria listed below:

- Presents a threat to public safety;
- Requires excessive or unreasonable maintenance;
- Requires restoration in gross excess of its aesthetic value;

- Elicits a significant adverse reaction from the community for a period of five years or more;
- Is judged to have little or no aesthetic, historical, or cultural value;
- Proves to be fraudulent, inauthentic, or in violation of existing copyright laws;
- Is lost, stolen, or missing;
- Artist submits a written request for removal of the art required by this section;
- Presents an obstacle for the City to exercise its responsibilities regarding public works and improvements.

On March 26, 2026, the Arts and Cultural Affairs Commission approved the Subcommittee's proposal to revise the Urban Art Program Guidelines, Deaccession: Criteria for Deaccession section and directed staff to review the document with the City Attorney and return to the Urban Art Subcommittee with a final version for consideration. After consultation with the city attorney, the following four options are being presented to the Subcommittee for consideration.

1. The proposed revision, crafted by the Subcommittee on March 5, 2026, reads,

The Arts and Cultural Affairs Commission may consider a request for deaccession if the artwork is 25 years old or older. In addition, the Arts and Cultural Affairs Commission may grant a request for deaccession when the art required by this section meets at least two of the criteria listed below:...

The above can be interpreted to mean that for the artwork be considered for deaccession, it needs to be 25 years or older *in addition* to two of the listed criteria. If that is the Subcommittee's intent, the edit can remain as is.

2. The Guidelines already contain bases for deaccession that would arguably satisfy the same concerns justifying deaccession based on age. Common reasons justifying a prescribed age limit are for maintenance, and cultural/historical values. For example, the artwork has become so old and deteriorated requiring unreasonable maintenance. Or the artwork no longer aligns with the City's current community values. This option would require no change to the Guidelines.

3. If the goal is instead to include the age (25 years or older) as an additional allowable base, it could simply be added to the various bases under section 9.1. to read:

9.1.10. The art is at least twenty-five (25) years or older from the date of installation.

4. If the intent is instead for age to be considered as an allowable base, but not a prerequisite, in addition to two of the already prescribed bases, then the Subcommittee may consider the following revision:

The Commission may approve deaccession requests of art works in its Urban Art Collection as a means of improving the quality of the Collection. The review process will be a seldom-employed action that operates from a strong presumption against removing artwork from the public art collection, insulating the collection from fluctuations in taste.

#### **9.1. Criteria for Deaccession**

The Arts and Cultural Affairs Commission may grant a request for deaccession when the art required by this section meets at least two of the criteria listed below:

- 9.1.1. Presents a threat to public safety;
- 9.1.2. Requires excessive or unreasonable maintenance;
- 9.1.3. Requires restoration in gross excess of its aesthetic value;
- 9.1.4. Elicits a significant adverse reaction from the community for a period of five years or more;
- 9.1.5. Is judged to have little or no aesthetic, historical, or cultural value;
- 9.1.6. Proves to be fraudulent, inauthentic, or in violation of existing copyright laws;
- 9.1.7. Is lost, stolen, or missing;
- 9.1.8. Artist submits a written request for removal of the art required by this section;
- 9.1.9. Presents an obstacle for the City to exercise its responsibilities regarding public works and improvements.

The Commission may also grant a request for deaccession when the art is at least twenty-five (25) years or older from the date of installation, and meets at least two of the above listed criteria. The age of the artwork shall not be the sole criteria justifying the artwork deaccession.

The Subcommittee may also consider directing staff to include a provision in the resolution delegating authority to amend the guidelines to the Commission. The provision would allow for future Urban Art Program Guidelines updates to be approved by the Arts and Cultural Affairs Commission without requiring approval from the City Council.

**ATTACHMENT:**

Attachment A – Urban Art Program Guidelines (2021)

## **CITY OF WEST HOLLYWOOD URBAN ART PROGRAM**

### **INTRODUCTION**

Very often when people think of public art, they think of a monumental sculpture or mural placed outside an office or public building. Yet public art can extend its reach and involvement into a community much further. Public art can tell a story and portray the culture and history of a community. Public art can be at its best when conceived and executed as an integral part of a building or development. Under the guidance of an artist, a public space can be transformed into an experience of fascination and delight. Further, public art can take the form of musical events, poetry readings, theater and performance which enrich civic culture.

The Urban Art Program provides a mechanism to integrate free and accessible art into the urban fabric of the City. In particular, the Urban Art Program is motivated by a desire to ameliorate some of the effects new development has on the community. New development often results in intensified use of land where larger structures seem imposing and inaccessible to the public. Urban art can help soften this effect and provide interaction and connection between the public and private domains.

These Urban Art Program Administrative Guidelines detail procedures required to implement and fulfill the requirements of the Urban Art Program (often referred to as the Percent for Art Requirement). Through sound administration of the program the City hopes to develop and support quality art projects that can be enjoyed by the whole community.

The Urban Art Program was initiated in 1987 and is codified in the City's Municipal Code - Title 19, Zoning Ordinance, Chapter 19.38 "Urban Art Program." Section 19.38.060 of the Ordinance entitled "Procedures, Guidelines, and Requirements" directs the City to establish by resolution the procedures and guidelines for implementing the Urban Art Program. In 2001 the City adopted a revised ordinance that requires developments of most projects greater than \$200,000 to place art on-site equal in value to one percent (1%) of the project value, or to contribute an equal amount into the West Hollywood Public Art and Beautification Fund.

In 2007, the Commission created the Urban Art Conservation Program to preserve the City's permanent Urban Art Collection. Urban art projects created under the Urban Art Program are automatically added to the Urban Art Collection. This program periodically addresses the condition of public art works in West Hollywood and subsequently notifies property owners with a report on the condition of the art work and their responsibility to maintain these art works under the City's Urban Art Program. The Urban Art Conservation Program also serves as an informational resource for property owners who need advice about art conservation.

In 2021, the City adopted revised Administrative Guidelines to strengthen the Urban Art Program review process for the benefit of the entire community.

The goals of the Urban Art Program are to:

- Ensure that West Hollywood remains a leader in providing art and cultural amenities for its residents and visitors, enhancing the vitality, sustainability, and identity of the city.
- Build the City's creative capacity by providing public art of the highest quality throughout the community, encouraging innovative approaches to public art and nurturing artists.
- Integrate the work of professional artists into the planning and design of the built environment to make West Hollywood an even better place to live, work and play.
- Stimulate the local economy as a result of making West Hollywood a preferred destination for residents and businesses as well as a key center for culture, recreation, and tourism.
- Match or exceed current standards of public art practice by municipalities.
- Reflect the innovative and creative nature of the history of the City of West Hollywood (see Appendix A: City of West Hollywood Mission, Core Values, and History)

## **URBAN ART PROGRAM GUIDELINES**

### **1. GENERAL REQUIREMENTS**

#### **1.1. Projects Subject to the Urban Art Requirement**

1.1.1. New development with a value of \$200,000 or more; or the alteration or repair of a structure increasing the total gross floor area or otherwise intensifying the use, where such alteration, intensification, or repair has a value of \$200,000 or more. The development value or "Project Value," shall be determined by the City Building Official.

#### **1.2. Projects Exempt from the Urban Art Requirement**

1.2.1. Rehabilitation of private property that is primarily financed with public funds.

1.2.2. Residential structures of one or two units.

1.2.3. Alteration, construction, or repair financed by funds collected in compliance with development exactions.

1.2.4. Cultural Resources that are residential buildings.

1.2.5. Projects that are intended primarily to provide facilities for nonprofit public service providers.

#### **1.3. Ways to Satisfy the Urban Art Requirement**

1.3.1. Contribute cash in the amount of one percent of the Project Value to the West Hollywood Public Art and Beautification Fund, this is called the In-Lieu Fee Alternative (the "Art Fee").

1.3.1.1. Payment of the Art Fee constitutes fulfillment of the urban art ordinance. A Developer may not pursue an on-site urban art work to fulfill the urban art ordinance after the fee has been paid. The Art Fee shall be the sole means for which the Developer can satisfy the City's urban art requirement.

1.3.2. Prepare an Urban Art Plan and incorporate art work into the development in accordance with this policy.

#### **1.4. Issuance of Building Permit**

1.4.1. Before the City will issue a Building Permit, either the Art Fee must be paid, or the Final Urban Art Plan must be approved by the Commission.

## **2. OPTION 1: PAYING INTO THE WEST HOLLYWOOD PUBLIC ART AND BEAUTIFICATION FUND (ART FEE)**

The West Hollywood Public Art and Beautification Fund was established for the specific purpose of financing art projects within the City and is used solely for that purpose. Under the Urban Art Program, a Developer must allocate one percent (1%) of the Project Value for the Art Fee. The Project Value is determined by the City Building Official. If a Developer should choose not to put art on the project site, then the entire Art Fee shall be contributed to the West Hollywood Public Art and Beautification Fund.

### **2.1. Developers intending to meet the requirements of the Urban Art Program by paying the Art Fee must:**

- 2.1.1. Obtain a Project Value (sometimes called the building valuation) from the City Building Official.
- 2.1.2. Request an invoice for the Art Fee from the City Planner assigned to manage the project.
- 2.1.3. Submit a payment to the City for the Art Fee Invoice provided by the City Planner. If there is an increase in the building valuation, as determined by the City Building Official, after the building permit has been issued and prior to the request for a certificate of occupancy, the Developer shall pay a corresponding increase in the Art Fee.
- 2.1.4. Submit a copy of the receipt as proof of payment to the City Arts Division staff.

## **3. OPTION 2: INCORPORATING ON-SITE ART INTO A DEVELOPMENT**

Developers wishing to meet the requirements of the Urban Art Program by including art or an integrated Arts and Culture Venue on the project site must develop an Urban Art Plan concurrently with the design and development phases of the building project. On-site art must be original work, publicly accessible, produced by a practicing Artist, and designed and fabricated specifically for the building project site (See Section 4.5: Types of Art for On-Site Art Projects).

The Urban Art Program review process is seen as a collaborative one, with the single aim of developing the best possible art for the project and the community at large.

**The art must be an integral part of the development project and the Artist must be selected at the inception of the building's design process.**

#### 4. **REVIEW CRITERIA AND REQUIREMENTS FOR ON-SITE ART**

This section details the general review criteria used by the Subcommittee and Commission to assess urban art plans and details the requirements associated with Artist selection and eligibility, types of art for on-site urban art projects, the project budget, acknowledgement plaque and maintenance requirements.

##### 4.1. **General Review Criteria**

It is the goal of the Urban Art Program to achieve high quality urban art projects within the City. Artist's qualifications and Urban Art Plans will be reviewed by the Subcommittee and the Commission at each stage of the project. General criteria used to review projects and project Artists will include, but are not limited to:

- i. Quality, artistic merit and location for Artist's urban art proposal.
- ii. Responsiveness and relevance to the site and the City's history, architecture, development, landscaping and socio-economic context.
- iii. Feasibility and quality of the proposed public art project with the available budget (technical, operational, maintenance requirements, public safety, durability and quality of materials).

##### 4.2. **Requirements for Art Consultant and Artist Selection**

The City requires Developer to hire a qualified Art Consultant to assist with the Artist selection and development of the Urban Art Plan.

###### 4.2.1. **Role of Art Consultant**

One of the most critical factors in the success of the Artist selection process is the participation of an Art Consultant who has knowledge of visual arts, design, and Arts and Culture Venue. An Art Consultant understands the challenges of public art and can comment on the qualifications and appropriateness of the Artists and venues under consideration. The role of an Art Consultant is to act as advisor and project manager for the urban art project. The Art Consultant is responsible for establishing the project parameters, in consultation with the Developer and design team, including the location for art work, art work opportunity, and art work budget. A qualified Art Consultant must have experience managing a variety of public art projects through all stages of development, including: Artist selection, contracting, design development, fabrication, and installation oversight.

All Art Consultants must be approved by the City. Approved Art Consultants are placed on the West Hollywood Urban Art Program Consultant Roster which serves as a resource for Developers interested in pursuing an on-site art project to fulfill the urban art ordinance. Applications for the West Hollywood Urban Art Program Consultant Roster will be reviewed every two years.

#### **4.2.2. Artist Qualifications**

Selecting an Artist is the single most important decision in the urban art process. The primary goal for the Artist selection should be to choose an Artist with the qualifications, experience and a portfolio demonstrating quality and integrity in their art work.

The City's Urban Art Program is intended for the participation of practicing, professional artists and seeks to bring the highest standards of art to the program. It is important to select an Artist who will best respond to the distinctive characteristics of the site.

The choice of an Artist must be approved by the Commission in accordance with the requirements outlined in this document (See Section 4.4.: Review and Evaluation Criteria for On-site Urban Art Projects).

Artists must be able to demonstrate their ability to:

- i. Work in the public realm
- ii. Work in the medium or media proposed for the project
- iii. Work collaboratively with other design professionals
- iv. Identify other artists to join the project, if applicable
- v. Recognize the uniqueness of a project and site and respond accordingly
- vi. Access and involve the community and its history as applicable
- vii. Work within a given budget, a designated timeframe, and with City officials

The selected Artist is required to attend the STAGE II and STAGE III meetings/presentations with the Subcommittee. If the Artist is unable to attend a meeting, due to some level of hardship, articulated to the City, then the City may excuse the Artist from attending, if the City is comfortable that a member of the Artist's team, or the Art Consultant, can adequately and accurately represent the artist.

#### **4.2.3. Ineligible Project Artists**

Project architects, or any other member of the consulting design team, such as landscape architects/designers, engineers, interior designers etc., are ineligible to act as the project Artist. Also, members of the City's selection panel, City employees or anyone with a vested or familial relationship to the development project are ineligible.

#### **4.3. Artist Selection Procedure**

The Art Consultant, in consultation with the development team, will review Artists' qualifications, conduct interviews, and select a group of semi-finalists OR a single finalist. Artists must be compensated for their concept proposal. Artist's fees for a concept proposal are considered an eligible expense within the overall art budget. The Subcommittee will review the Artist(s) qualifications and concept proposal(s) during STAGE I and make a recommendation to the Commission.

##### **4.3.1. Group of Semi-Finalists**

Two or more Artists, chosen by the development team, will receive an honorarium, paid by the Developer, to develop site-specific art work proposals for the STAGE I review.

##### **4.3.2. Single Finalist**

A single Artist is typically selected when an Artist is brought on early in the process to collaborate with the design team to integrate the art work into the development project. The single finalist Artist is chosen by the development team and will receive an honorarium, paid by the Developer, to develop a site-specific art work proposal for the STAGE I review.

#### **4.4. Review and Evaluation Criteria for On-site Urban Art Projects**

On-site urban art projects presented to the Subcommittee of the Commission are reviewed based on the following criteria. Each proposal shall be evaluated with the general standards of decency and respect for the diverse beliefs and values of the public in mind. [Please note each criterion may not be applicable to all projects and that some criteria may be weighed more heavily than others depending on the circumstances of the proposals.]

##### **4.4.1. Artist Qualifications and Experience**

- i. The Artist's qualifications, including the education, training, experience, body of work, and recognition of the Artist, and the consistency of the Artist's qualifications with the stated goals of the project.

- ii. To the extent applicable, the Artist's record of previous collaboration with other agencies, organizations, Artists, fabricators, and/or installers, to achieve a successful result in implementing the proposed project.
- iii. The Artist's experience working in the public realm.
- iv. To the extent applicable, the Artist's previous successful experience in creating, producing or otherwise implementing projects similar to the one proposed.

#### 4.4.2. **Aesthetics**

Projects will be evaluated on the design quality, innovation in concept and technical approach, and prospective social interaction.

- i. The continuation or advancement of the Artist's practice.
- ii. The original nature of the proposed concept.
- iii. To the extent applicable, the Artist's past work and if it demonstrates the level of craftsmanship needed to realize the proposed project.
- iv. The Artist's and/or proposer's consideration of the context of the art work in relation to the proposed site and city's history, including: scale, materials, form; architectural, historical, geographical, landscaping and socio-economic context of the site.
- v. The art work's contribution to the pedestrian friendly nature of West Hollywood.
- vi. The art work's enhancement, advancement, and/or diversification of the Urban Art Collection.
- vii. The experimental, boundary-pushing characteristics and/or use of innovation evidenced in the work.
- viii. The inherent artistic quality and aesthetic merit of the work.

#### 4.4.3. **Diversity**

The Commission is committed to providing opportunities to Artists who have not yet received an urban art commission in the City. All ranges of artistic styles, materials and types of art works and diversity of Artists (gender, race, ethnicity, and culture) are encouraged to assure a balanced and compelling Urban Art Collection.

- i. The promotion of the City's and the Commission's commitment to providing opportunities to Artists who have not yet received an urban art commission in the City.

- ii. The art work's contribution to the Commission's commitment to represent a range of artistic styles, materials, and types of art works.
- iii. The advancement of the representation of a diversity of Artists (gender, race, and culture) to ensure a balanced and interesting Urban Art Collection.

#### **4.4.4. Art Budget**

- i. The Artist has experience successfully working within a given budget.
- ii. The feasibility of the budget of the project given the scope of the proposed project.
- iii. The cost of fabrication, installation, and other related expenses.

#### **4.4.5. Public Safety, Materials, Maintenance, and Structural Integrity**

- i. Does not present a hazard to public safety.
- ii. The structural integrity of the proposed work.
- iii. The appropriateness of the proposed project materials for public space, considering maintenance, safety, and longevity.

#### **4.4.6. Location**

Making the right selection of art work location requires that the project goals, local conditions, public accessibility, and community context are taken into account. Identifying locations for the placement of art work is based on the following considerations:

- i. Visibility – must be visible 24 hours a day in a prominent and highly visible area. How will the art work be illuminated at night?
- ii. Public safety
- iii. Interior and exterior pedestrian and vehicular traffic patterns
- iv. Relationship of proposed art work to existing or future architectural features and to natural features
- v. Function of the facility
- vi. Facility users and interaction of users with proposed art work

- vii. Future development plans for the area
- viii. Landscape and lighting design – confirm that sprinklers will be directed away from the art work; confirm that plantings (shrubs, trees, etc.) will not make contact with or block the art work when they are mature; confirm that the art work will be adequately lit during evening hours.
- ix. Relationship of proposed art work to existing art works within the vicinity
- x. Environmental impact
- xi. Public accessibility to the art work
- xii. Social context of the art work

#### **4.5. Types of Art for On-Site Urban Art Projects**

The City encourages art that takes account of the social and physical environment in which it will exist. Murals, portable artworks (such as framed or hanging art works), advertising or commercial signage are not permitted for on-site urban art projects. Possible art forms, media and materials that might be used for on-site art include, but are not limited to:

- Sculpture: Free-standing, wall-supported or suspended, kinetic or electronic etc., in any material or combination of materials.
- Installations, earthworks, fiber works, neon, glass, mosaics, tile, stone, clay and combination of media.
- Other media including sound, film, holographic and video systems and new digital media may also be considered.
- Arts and Culture Venue: a specifically designated space for gallery exhibitions, musical events, poetry readings, theater, dance, and/or performing and cultural arts. An Arts and Culture Venue must include all amenities required to support a performance or visual art exhibition, including but not limited to, a sound and lighting system, audience seating, separately designated restrooms, green rooms, and a technical space. Venues must be ADA-compliant.

Projects proposing an Arts and Culture Venue for the Urban Art Plan will be considered on a case-by-case basis. In the event an Arts and Culture Venue is proposed for the Urban Art Plan, developer must demonstrate, to the City's sole satisfaction, a plan that identifies key staff, arts and culture programming goals, and an associated budget for a minimum of 10 years of operations.

Further, an Arts and Culture Venue must be specifically designated as such and cannot be used for any other purpose on an on-going basis. Applicants may receive credit for up to 10 years of operations, maintenance, and programming costs for the Venue, together with construction costs, toward fulfillment of the urban art requirement. Further, an Arts and Culture Venue

must be made available to Artists and arts organizations working with the City of West Hollywood (such as the recipients of the West Hollywood Arts Grant Program) at rental rates comparable to city facility rental rates, and no higher than other local arts venues for the lifetime of the building or other length of time approved by the City. The Urban Art Covenant for an Arts and Culture Venue will outline the conditions of approval on the project, annual reporting to the City, and any other mechanism that the City determines is appropriate for verifying compliance with the Urban Art Plan.

## 5. **APPROVAL PROCESS FOR ON-SITE ART**

This section details the stages for approval of the Urban Art Plan. The period required for approval will depend on the completeness of the submissions at each stage. The Developer shall present the required documents for each stage of the urban art process to the Subcommittee. The Subcommittee shall make a recommendation to the Commission. Each stage of the process is subject to review and approval by the Commission.

Prior to the STAGE I review, a Developer may, at their option, request an introductory meeting with the Subcommittee to introduce their development project and to receive assistance in determining the art opportunity for the development.

### 5.1. **STAGE I – Introductions, Artist Approval and Concept Proposal Review**

The Developer shall present their development plans and introduce their selected Art Consultant, Artist, and art concept.

Developer shall present the following:

- 5.1.1. Building development plans to include: (a) a brief description of the development project; (b) total square feet of the project; (c) the nature of the development (residential, retail, office, mixed use, etc.); (d) site plan, elevations, and all of the public spaces (renderings should be provided whenever possible to illustrate the plans); and (e) an estimated start date for construction.

Art Consultant shall present the following:

- 5.1.2. Proposed scope, goals, and parameters for the urban art project, including:
  - i. Narrative statement to address the scope, goals, and parameters of the urban art project
  - ii. Preliminary itemized Art Budget (See Section 5: Art Budget)

- iii. Location considerations for the urban art project (See Section 4.4.6.: Location)
- 5.1.3. Description of Artist Selection Procedure used (See Section 4.3: Artist Selection Procedure)
- 5.1.4. Proposed Artist(s) concept proposal(s) for the on-site urban art project consisting of:
- i. Artist(s) qualifications (See Section 4.4.1.: Artist Qualifications and Procedure)
  - ii. Proposed materials of the art work
  - iii. Proposed life-span of the art work (lifetime of the building or other length of time approved by the City)
  - iv. Concept sketch/rendering of the art work
  - v. Dimensions of the art work
  - vi. Artist's narrative statement addressing how the proposal meets the project scope, goals and parameters
  - vii. Copy of the executed Developer/Artist Agreement for the concept proposal

The Subcommittee will receive the presentations, provide feedback, and make a recommendation to the Commission.

The Developer can proceed to the next stage after a Subcommittee recommendation of approval of STAGE I is ratified by the Commission.

## **5.2. STAGE II - Developed Design Review of Urban Art Plan**

Artist and Art Consultant shall present the developed design of the Urban Art Plan, consisting of:

- 5.2.1. Artist's plan for the art work, including:
- i. Developed designs/drawings
  - ii. Site plans and elevations
  - iii. Narrative description of the proposed art project, intent of the art work, how it fits into the environment of the City, and what it will look like in 10 years' time
  - iv. Itemized list of proposed materials and color scheme
  - v. Itemized list of fabricators and suppliers
  - vi. Renderings, scale model, or video/animation of the art project to demonstrate the relationship of the art work to the development plans. This is intended to provide the

Commission with a sense of scale, dimension, and context of the art project to the overall project

- vii. Implementation timeline
- viii. Itemized Art Budget
- ix. Pre-fabrication conservator's review provided by a qualified art conservator
- x. Preliminary Maintenance Plan and schedule (Appendix C: Maintenance and Resources).
- xi. Copy of the executed Developer/Artist Agreement for the Urban Art Plan.

Developer shall present the following plans:

- 5.2.2. The development's lighting plans for the art work including renderings of both day and night conditions for the art work.
- 5.2.3. The development's landscaping plans for the area surrounding the artwork including trees, shrubs, etc.

The Subcommittee will receive the presentation, provide feedback, and make a recommendation to the Commission.

Developer can proceed to the next stage after a Subcommittee recommendation of approval for STAGE II is ratified by the Commission.

### **5.3. STAGE III - Final Review of Urban Art Plan**

Artist and Art Consultant shall present the Final Urban Art Plan consisting of:

- 5.3.1. Final narrative description of the art project
- 5.3.2. Final construction drawings and specifications of the art project
- 5.3.3. Final elevation showing location for the art plaque with text approved by the Artist
- 5.3.4. Updated renderings, scale model, or video/ animation of the art project to demonstrate the art work integrated into the development plans
- 5.3.5. Urban Art Maintenance Plan, maintenance schedule, and other special considerations (Appendix C: Maintenance and Resources).
- 5.3.6. Defined life-span of the art work to be incorporated in the Maintenance Covenant with the City.

- 5.3.7. Permits and/or approvals from the City Building Official (if applicable).
- 5.3.8. Updated project timeline.
- 5.3.9. Final itemized Art Budget.
- 5.3.10. The Artist is required to attend this meeting/presentation.

Developer shall present the following plans:

- 5.3.11. The development's final lighting plans for the art work including renderings of both day and night conditions for the art work.
- 5.3.12. The development's final landscaping plans for the area surrounding the art work including trees, shrubs, etc.

The Subcommittee will receive the presentation, provide feedback, and make a recommendation to the Commission. If the STAGE III Art Plan has substantially changed from the approved STAGE II Art Plan, the Subcommittee may ask the applicant to revise the design in conformance with the approved STAGE II Art Plan.

The Developer can proceed to the next stage after a Subcommittee recommendation of approval for STAGE III is ratified by the Commission.

#### **5.4. STAGE IV – Final Approval of Urban Art**

Prior to requesting the issuance of a Certificate of Occupancy or other final building approval, the developer must do the following:

- 5.4.1. Install the required on-site urban art work according to the approved Final Urban Art Plan;
- 5.4.2. Install the required Art Plaque;
- 5.4.3. Notify Arts Division staff that the on-site urban art work is complete;
- 5.4.4. Request an on-site inspection of the installed urban art work. The onsite inspection will be conducted by Arts Division staff to confirm that the on-site art work is fabricated and installed per the specifications detailed in the Final Urban Art Plan;
- 5.4.5. Arts Division staff will notify the developer of any discrepancies in the fabrication and/or installation and request a plan from the developer to remedy the inconsistencies from the Final Urban Art Plan;
- 5.4.6. Submit documentation of the art expenditures including but not limited to: copies of payments to the Artist(s) and other eligible contractors (See Section 5: Art Budget). The Artist(s) and Art Consultant must confirm in writing to the City that they have received the contracted payments. (Note: any shortfall in expenditures compared to the one percent (1%) for art amount determined by the

City Building Official shall be paid into the West Hollywood Public Art and Beautification Fund.); and

- 5.4.7. Sign, execute and record the Urban Art Maintenance Covenant with the Los Angeles County Registrar Recorder (Appendix C: Maintenance and Resources).

Arts Division staff will sign the Certificate of Occupancy after a successful inspection of the on-site art work, the documentation of the art expenditures has been received to the city's satisfaction, the art plaque has been installed, and the Urban Art Maintenance Covenant has been successfully filed with the LA County Registrar Recorder.

## 5.5. **SUBSEQUENT SIGNIFICANT DESIGN CHANGES**

Subsequent Significant design changes to the approved Final Urban Art Plan require approval from the Subcommittee and Commission. A significant change is one that affects design (color, size, material, or texture), installation, maintenance of art work, or concept of artwork, as represented in the approved Final Urban Art Plan.

Developer shall make a written request for significant changes to the Subcommittee, and Artist and Art Consultant shall present on those significant changes to the Subcommittee. The Subcommittee will receive the request for change, provide feedback, and make a recommendation to the Commission. The Developer can proceed with construction after the Subcommittee recommendation of approval of the request for change is ratified by the Commission.

## 6. **ART BUDGET**

The requirements of the urban art ordinance will be deemed satisfied only if art in the value of one percent (1%) of the Project Value has been installed on the project site to the City's satisfaction or the Art Fee is paid in full.

An itemized documentation of all costs associated with an on-site urban art work is required upon completion of the project.

### 6.1. **Eligible Costs**

- 6.1.1. Artist's fees as outlined in the Developer/Artist Agreement.
- 6.1.2. Any required permit, certificate fees, and reasonable business and legal costs directly related to the art work that are fully documented and justified.
- 6.1.3. Artist's travel related to the urban art project and/or STAGE II and STAGE III presentations.
- 6.1.4. Art conservator fees.

- 6.1.5. Contracted services required for the design, fabrication, and installation of the art work.
- 6.1.6. Identification plaque for the art work.
- 6.1.7. Materials required for the fabrication and installation of the art work.
- 6.1.8. Administrative expenses or representation fees that include Art Consultant fees, gallery fees or commissions not paid directly to the project Artist (not to exceed 15% of the total art budget).
- 6.1.9. Special engineering costs which enable the integration of the art work(s) within the architecture.
- 6.1.10. Transportation of the art work to the site.

## 6.2. **Ineligible Costs**

- 6.2.1. Directional elements such as supergraphics, signage, or color coding except where these elements were designed by the project Artist and approved as part of the Urban Art Plan.
- 6.2.2. Objects which are mass produced or of standard design, such as playground equipment or fountains.
- 6.2.3. Objects produced by a studio or design house where the individual Artist cannot be identified.
- 6.2.4. Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography or other media arts, as approved in the Urban Art Plan.
- 6.2.5. Decorative, ornamental, architectural or functional elements not designed by the project Artist specifically for the on-site urban art work as approved in the Urban Art Plan.
- 6.2.6. Landscape architecture and landscape gardening except where these elements were designed by the project Artist and where the elements were approved as part of the Urban Art Plan.
- 6.2.7. All maintenance costs, services or utilities required for the proper functioning of the art project.
- 6.2.8. Cost of receptions or grand openings.

## 7. **ART PLAQUE/ACKNOWLEDGEMENT**

Developers must incorporate a plaque on or close to the art work which properly acknowledges the Artist and the City's Urban Art Program. The City approved plaque must be 6" by 9" in a weather resistant material (such as bronze, stainless

steel or other weather resistant material as approved in the Urban Art Plan). The plaque must identify the name of the Artist and the title of the piece (as approved by the Artist), the year of installation and the following words "West Hollywood Urban Art Program." Any additional wording must be approved by the Commission.

## **8. URBAN ART CONSERVATION PROGRAM**

In 2007, the Commission created the Urban Art Conservation Program to preserve the City's Urban Art Collection. The City's Urban Art Collection is comprised of City-owned art works at City facilities and privately-owned art works on private property. This program periodically assesses the condition of public art works in West Hollywood and notifies property owners with art work condition reports as well as their responsibilities to maintain these art works under the City's Urban Art Ordinance. The intent of the Urban Art Conservation Program is to ensure that installed art works maintain their integrity and do not become visual blight.

### **8.1. Owner Responsibilities**

The City's Urban Art Collection is generally located outside, and art works are fabricated to endure the outdoor environment. However, ongoing maintenance is required in order to keep the art work in good condition. The Urban Art Conservation Program seeks to bring attention to art work that has weathered, malfunctioned, been vandalized, or is in some other way not in its best or working condition. It is the responsibility of the property owners or Homeowners Association (HOA) to maintain the urban art work. Under City's Municipal Code 19.38.080 "Urban Art – Maintenance Requirements for Art Installations", approved urban art works shall be maintained by the property owner for the life of the project. If the art work required by this section is altered, removed, not maintained in good condition, or is not provided as required, the City may initiate administrative remedies in compliance with Section 1.08.010 of the City's Municipal Code.

### **8.2. Maintenance of the Urban Art**

Maintenance of the urban art is the responsibility of the developer and its successors for the lifetime of the building or other length of time as approved by the City. The developer shall ensure that the urban art is properly maintained, cleaned and in good repair and working order at all times.

The owner shall execute a maintenance covenant with the City. The maintenance covenant will be recorded with the Los Angeles County Registrar Recorder against the property and binding on subsequent owners.

Developers should include maintenance provisions, a warranty, in the Artist's contract that stipulate the length of time that the Artist will be

responsible for repairs or modifications (typically one year). In addition, the lifetime of the art work must be defined to establish reasonable expectations for regular maintenance and long term conservation.

The developer must provide a copy of the Urban Art Maintenance Plan and Schedule to the City (as indicated in STAGE III – Final Urban Art Plan of the approval process).

The developer, and his or her successors in ownership, must ensure that the urban art work remains on the property as approved in the Final Urban Art Plan unless otherwise approved in writing by the City. If the urban art work should be removed, stolen, or destroyed, the owner shall be responsible for the replacement of the urban art work or pay an amount equivalent to the original one percent (1%) of Project Value into the West Hollywood Public Art and Beautification Fund.

Should the art work cease to be reparable, the property owner must negotiate an alternative solution for the replacement or disposition of the Art in conjunction with the City and the Artist as applicable in compliance with the City's Urban Art Deaccession Policy (in compliance with Section 9: Deaccession).

The City may impose a fine equal to the original arts requirement as a penalty for non-maintenance if administrative remedies do not result in proper maintenance. In the instances where urban art projects have been neglected and are in desperate need of repair, the City will notify the property owner and/or Homeowners Association that the condition of their art work is in question.

### **8.3. Change of Use**

In the event that the property is to be redeveloped or demolished, the property owner must make provisions to the satisfaction of the City and Artist to preserve the urban art work. Should the new development be subject to the requirements of the Urban Art Program, the owner must comply with the new requirement as well as assume the responsibilities for the existing urban art work.

## **9. DEACCESSION**

Art works commissioned through the Urban Art Program are considered a permanent part of the Urban Art Collection, as long as the work maintains its physical integrity, identity, and authenticity, and as long as it remains useful to the purposes of the City's Urban Art Program. When any of these conditions no longer prevail, the Commission may consider removal of the art work from public display and/or deaccessioning the art.

The Commission may approve deaccession requests of art works in its Urban Art Collection as a means of improving the quality of the Collection. The review process will be a seldom-employed action that operates from a strong presumption against removing art work from the public art collection, insulating the collection from fluctuations in taste.

### 9.1. **Criteria for Deaccession**

The Arts and Cultural Affairs Commission may grant a request for deaccession when the art required by this section meets at least two of the criteria listed below:

- 9.1.1. Presents a threat to public safety;
- 9.1.2. Requires excessive or unreasonable maintenance;
- 9.1.3. Requires restoration in gross excess of its aesthetic value;
- 9.1.4. Elicits a significant adverse reaction from the community for a period of five years or more;
- 9.1.5. Is judged to have little or no aesthetic, historical, or cultural value;
- 9.1.6. Proves to be fraudulent, inauthentic, or in violation of existing copyright laws;
- 9.1.7. Is lost, stolen, or missing;
- 9.1.8. Artist submits a written request for removal of the art required by this section;
- 9.1.9. Presents an obstacle for the City to exercise its responsibilities regarding public works and improvements.

### 9.2. **Owner Process to Request for Deaccession**

9.2.1. Owner shall present the following information to Arts Division Manager to consider a deaccession request:

- 9.2.1.1. Artist and Art Work information: Artist's name, biographical information, samples of past work, and resume; a written description of the art work; Artist's statement about the art work named in the deaccession request.
- 9.2.1.2. Rationale: A narrative stating reasons and request for the deaccession of the art work, requester's relationship to the art work and state in deaccessioning the art work.
- 9.2.1.3. History: Provide original acquisition method and commission price.
- 9.2.1.4. Community Opinion: If pertinent, public feedback on the dispensation of the art work in question.

- 9.2.1.5. Independent condition assessment of the art work: An independent professional conservator's report of the current condition of the art work, treatment recommendations, treatment costs, and recommended maintenance.
- 9.2.1.6. Independent appraisal of the value of the art work: An independent professional appraisal, or an estimate of value of the work based on recent documentation of gallery and auction sales.
- 9.2.1.7. Artist notification: Evidence of notification to the Artist or the Artist's designated heir(s), or legally recognized representative(s), and Artist's response.

Arts Division staff will review the Owner Request for Deaccession documents to confirm that all the documents are complete. The request for deaccession will be scheduled on a Subcommittee agenda after all the required documents have been submitted to the satisfaction of the city.

#### 9.2.2. **Notification to Artist**

Owner is responsible to notify the Artist of the intent to remove the art work in accordance with the Visual Artists Rights Act (VARA, 17 U.S.C. §§ 101 et seq., Appendix B) and the California Art Preservation Act (CAPA, Civil Code 987, Appendix B).

### 9.3. **Review of Request for Deaccession**

The Subcommittee reviews a request for deaccession and uses their judgement, experience, and knowledge to make recommendations to the Commission. The Commission shall review the Subcommittee's recommendations (including recommendations to deny approval), and shall confirm, reverse, or modify the Subcommittee's recommendations. The Subcommittee may request an in-person presentation from the applicant prior to making a recommendation of the request for deaccession to the Commission.

- 9.3.1. The Subcommittee may recommend approval of the request for deaccession to the Commission with one of the following conditions:
  - 9.3.1.1. Request owner to replace the deaccessioned art work with a new art work of equal value, or
  - 9.3.1.2. Request the owner to enter into a new covenant with the City to release the owner from the existing maintenance requirements for the deaccessioned art work.

- 9.3.1.3. Request that the applicant make further clarification or resubmit the proposal with additional information before advancing a recommendation to the Commission.
  - 9.3.1.4. Recommend denial of the request for deaccession to the Commission due to inconsistencies with the Urban Art Program Criteria for Deaccession.
- 9.3.2. The Commission shall review the Subcommittee’s recommendation and using the same evaluation criteria may:
- i. Ask the Subcommittee for clarification.
  - ii. Request the applicant to make further clarification or resubmit the request for deaccession to include additional information to either the Subcommittee or the Commission. In the event the Commission directs a request for deaccession to be resubmitted to the Subcommittee, the provisions of this policy shall apply as if the resubmitted request is a new application.
  - iii. Deny the request for deaccession.
  - iv. Approve the request for deaccession.

#### 9.4. **Commission Approval of Request for Deaccession**

The Commission may approve the request for deaccession considering the following options:

- i. Transfer of Title to the Artist  
The Artist will be given the first option of having the title of the art work transferred to him/her. If the Artist, or artist’s estate, elects to pursue title transfer, the owner is responsible for the object’s removal and all associated costs.
- ii. Disclaim Authorship  
In the case where the owner contemplates action which would compromise the integrity of the art work, the Artist shall be given the opportunity to disclaim authorship and request that his/her name not be used in connection with the given work.
- iii. Exchange of Art Work  
Replace the work with a more appropriate work by the same Artist for a value equal or greater to the original art budget if agreed upon by Owner and Artist. In this instance the owner is responsible for compensating the Artist, including but not limited to the California Resale Royalties Act.
- iv. Relocation of Public Display

If the Commission decides that an art work must be removed from its original site, and if its condition is such that it could be re-installed, the Commission will attempt to identify another appropriate site in the City. If the art work was designed for a specific site, the Commission will attempt to relocate the work to a new site consistent with the Artist's intention. If possible, the Artist's assistance will be requested to help make this determination. In this instance, the owner shall be responsible for coordination and costs associated with the art work relocation.

v. Alteration, Modification, or Destruction of Art Work

It is the responsibility of the Commission to preserve and protect the Urban Art Collection. However, under certain conditions, and accordance with the constraints of the California Art Preservation Act (Civil Code 987), known as CAPA, and the Visual Artists Rights Act of 1990 (17 U.S.C. 106A and 113(d)), known as VARA, in accordance with the owner's contractual agreement with the Artist, the Commission may authorize actions that would alter modify or destroy an art work.

If alteration, modification, or destruction of an art work protected under the California Art Preservation Act, or the Visual Artists Rights Act of 1990 is contemplated, the owner must secure a written waiver of the Artist's rights under this section. In the case of an emergency removal that may result in destruction or irreparable damage, the City will act in accordance with advice of the City Attorney. The owner shall be responsible for coordination and costs associated with the alteration, modification, or destruction of the art work.

## 9.5. **Provisions for Emergency Removal**

In the event that the structural integrity or condition of an art work is such that, in the opinion of the City Manager, in consultation with the City Attorney, the art work presents an imminent threat to public safety, City Manager may authorize its immediate removal in writing, without Commission action or the Artist's consent, and the owner will place the art work in temporary storage. The Artist and the Commission must be notified of this action within 30 days. The Commission will then consider options for disposition: repair, reinstallation, maintenance provisions or deaccessioning. In the event that the art work cannot be removed without being altered, modified, or destroyed, the owner must attempt to gain written permission from the Artist before proceeding unless the Artist's Agreement with the owner has waived the Artist's rights under the California Art Preservation Act and the Visual Artist's Protection Act, the owner must

attempt to gain such written permission before proceeding. If this cannot be accomplished before action is required to protect the public health and safety, staff shall proceed according to the advice of the City Attorney.

10. **ARTISTS' RIGHTS**

This Policy in no way limits the rights of the Artist under any applicable state, federal or local laws (See Appendix B: Visual Artist Rights Act (VARA) and California Arts Preservation Act (CAPA)).

## **APPENDIX A: CITY OF WEST HOLLYWOOD MISSION, CORE VALUES, AND HISTORY**

### **City of West Hollywood Mission Statement**

As a premiere city, West Hollywood is proactive in responding to the unique needs of our diverse community, creative in finding solutions to managing our urban environment, and dedicated to preserving and enhancing its wellbeing. We strive for quality in all our actions, setting the highest goals and standards.

### **City of West Hollywood Core Values**

#### *Respect and Support for People*

We recognize and celebrate the diversity of our community by treating all individuals with respect for their personal dignity and providing a wide array of specialized services. We promote mutual respect, courtesy, and thoughtfulness in all interactions.

#### *Responsiveness to the Public*

We hold ourselves accountable to the members of our community and are committed to actively seeking public participation. We promote a public process whereby we can respond to the community's needs while balancing competing interests and diverse opinions.

#### *Idealism, Creativity, and Innovation*

We value our artistic richness and support idealism and creativity. We are dedicated to consistently finding innovative and better solutions to provide the best public service possible.

#### *Quality of Residential Life*

We maintain a balanced sense of community by protecting quality of life, conserving our historic neighborhoods, safeguarding housing affordability, and proactively governing growth with care and thought.

#### *Promote Economic Development*

We recognize that economic development is essential to maintaining quality of life for the total community. We support an environment where our diverse and eclectic businesses can flourish and seek mutually beneficial relationships with the business community.

#### *Public Safety*

We protect the personal safety of our constituents and safeguard the community from the threats of natural, technological, and other man-made hazards. Through preparation and planning, we minimize the effects of these disasters.

### *Responsibility for the Environment*

We make it our responsibility to protect and improve our natural and built environments, pursuing opportunities to preserve and create open and green space in our urban setting. We initiate partnerships with other cities and agencies to address regional and global environmental challenges.

### **History of the City of West Hollywood**

In 1984, Cityhood was proposed by an unlikely coalition of LGBT activists, seniors, and renters — these groups came together to form a City like no other with progressive policies and strong tenants' rights protections. Through tireless determination, the City of West Hollywood was officially incorporated as an independent City on November 29, 1984. Previously, West Hollywood had been an unincorporated section of Los Angeles County.

West Hollywood has become one of the most influential small cities in the nation. No other city of its size has had a greater impact on the national progressive public policy agenda. West Hollywood's story as a city includes countless individual and community stories.

Some of the highlights of the first 30+ years in West Hollywood include:

- The first West Hollywood City Council established West Hollywood as the first City in the nation to have a majority openly gay governing body. This was a landmark development in LGBT rights in the United States as well as globally.
- The ordinances adopted by the West Hollywood City Council within the first year of Cityhood included landmark legislation such as the City's Rent Stabilization Ordinance (which, upon its adoption was one of the strictest rent control laws in the country); Ordinance prohibiting discrimination against people with HIV and AIDS; Domestic Partnership Ordinance; and Ordinance prohibiting discrimination in employment based on sexual orientation. Today, many of the City's landmark ordinances have been duplicated and have become mainstream policies nationally and globally.
- In 1985, the City Council established its Social Services program to provide much-needed services to residents, including services for seniors, people with HIV and AIDS, members of the LGBT community, people with disabilities, alcohol and drug use recovery programs, support programs for Russian-speaking immigrants, homeless services, food programs, and health care for people who are uninsured. City residents live longer and have lower rates of chronic diseases than residents of L.A. County (2013 West Hollywood Community Study).

- The onset of the HIV/AIDS epidemic had a significant impact on the City of West Hollywood due to the disease's elevated infection rate among gay men which caused a devastatingly high number of deaths in the City. The City of West Hollywood was one of the first government entities to provide social services grants to local AIDS and HIV organizations. The City sponsored one of the first AIDS awareness campaigns in the country in October 1985 and the City's response to the AIDS crisis has been recognized as a model for other cities, nationally and globally. As of 2015, 12 percent of households in the City have a person living with HIV/AIDS. The City is currently implementing its HIV Zero Strategic Plan.
- The City has been one of the most outspoken advocates for the legal rights of LGBT people. In 1985, the City of West Hollywood was one of the first cities in the country to adopt a Domestic Partnership Ordinance.
- In 1989, the City Council passes a resolution making the City a "Cruelty Free Zone" for animals. In 2004, an ordinance was adopted to ban the barbaric practice of declawing cats, making the City the first in North America to ban the procedure. In 2008, West Hollywood adopted a resolution supporting Proposition 2, which led to a statewide standard in the caging of chickens. And, in 2009, the City Council took a stand against puppy-mills and the sale of dogs in local stores that came from such mills. On September 21, 2013, the West Hollywood Fur Ban went in to effect, one of the first of its kind in the United States and encourages the promotion of the City as a destination for cruelty-free and animal welfare events as well as promoting the City as the Humane Capital of the United States.
- In 1991 City Council declared West Hollywood as a pro-choice city and shortly after, the City created the Women's Advisory Board to address matters relating to the advocacy on behalf of women's rights such as economic equality, reproductive rights, violence against women and sexual harassment.
- In 1995 the City adopted California's first gun limitation law banning the sale of a Saturday Night Special, targeting the weapons that were commonly available for as little as \$50, paving the way for similar proposals in other cities, including Los Angeles.
- The City created the nation's first municipal Transgender Task Force in 2001; in 2009 this became the City's Transgender Advisory Board.
- West Hollywood was one of the first cities in the country to pass a resolution in support of marriage equality, paving the way for same-sex marriage initiatives all over the county. In a monumental moment in U.S. history, the City, in conjunction with the Los Angeles County Register-Recorder Clerk, began to issue marriage licenses and perform civil ceremonies for same-sex couples in June 2008, following the Supreme Court of California ruling on Proposition 8. After a legal stay, in June 2013 the U.S. Supreme Court dismissed an appeal in Hollingsworth v. Perry and the City of West Hollywood launched a marriage celebration. West Hollywood City Councilmembers and City Officials performed

hundreds of civil ceremonies. In October 2014, the City marked an exciting milestone as the City Clerk's office at West Hollywood City Hall filed its 10,000<sup>th</sup> couple as registered Domestic Partners.

- The Russian-speaking population of West Hollywood is the most concentrated single Russian-speaking region in the United States outside of New York and consists primarily of émigrés from different Republics of the former Soviet Union: Russian Federation, Ukraine, Armenia, Georgia, Belarus, Latvia, Uzbekistan, etc. The City has a Russian Advisory Board, which consists of nine Russian-speaking community members who advise City Council on issues relating to the Russian-speaking Community.
- Advisory Boards in the City include: Disabilities Advisory Board (est. 1995); Lesbian and Gay Advisory Board (est. 1989); Russian Advisory Board (est. 2000); Senior Advisory Board (est. 1987); Transgender Advisory Board (est. 2009); and the Women's Advisory Board (est. 1992).
- Commissions in the City include: Arts and Cultural Affairs Commission (est. 1987); Business License Commission (est. 1987); Historic Preservation Commission (est. 1989); Human Services Commission (est. 1985); Planning Commission (est. 1985); Public Facilities Commission (est. 1996); Public Safety Commission (est. 1989); Rent Stabilization Commission; and the Transportation Commission (est. 1989).

## **APPENDIX B: VISUAL ARTIST RIGHTS ACT (VARA) and CALIFORNIA ARTS PRESERVATION ACT (CAPA)**

### **VISUAL ARTISTS RIGHTS ACT (VARA)**

Federal Law

TITLE 17 — COPYRIGHTS

### **TITLE 17 UNITED STATES CODE, SECTION 106A: RIGHTS OF CERTAIN AUTHORS TO ATTRIBUTION AND INTEGRITY**

#### **1. Rights of Attribution and Integrity.**

Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art —

- a. shall have the right —
  - a. to claim authorship of that work, and
  - b. to prevent the use of his or her name as the author of any work of visual art which he or she did not create;
- b. shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and
- c. subject to the limitations set forth in section 113(d), shall have the right —
  - a. to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and
  - b. to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

#### **2. Scope and Exercise of Rights.**

Only the author of a work of visual art has the rights conferred by subsection (a.) in that work, whether or not the author is the copyright owner. The authors of a joint work of visual art are co-owners of the rights conferred by subsection (a.) in that work.

#### **3. Exceptions.**

- a. The modification of a work of visual art which is a result of the passage of time or the inherent nature of the materials is not a distortion, mutilation, or other modification described in subsection (a.3.A.).

- b. The modification of a work of visual art which is the result of conservation, or of the public presentation, including lighting and placement, of the work is not a destruction, distortion, mutilation, or other modification described in subsection (a)(3) unless the modification is caused by gross negligence.
- c. The rights described in paragraphs (1.) and (2.) of subsection (a.) shall not apply to any reproduction, depiction, portrayal, or other use of a work in, upon, or in any connection with any item described in subparagraph (A.) or (B.) of the definition of "work of visual art" in section 101, and any such reproduction, depiction, portrayal, or other use of a work is not a destruction, distortion, mutilation, or other modification described in paragraph (3) of subsection (a.).

#### **4. Duration of Rights.**

- a. With respect to works of visual art created on or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, the rights conferred by subsection (a.) shall endure for a term consisting of the life of the author.
- b. With respect to works of visual art created before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, but title to which has not, as of such effective date, been transferred from the author, the rights conferred by subsection (a.) shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106.
- c. In the case of a joint work prepared by two or more authors, the rights conferred by subsection (a.) shall endure for a term consisting of the life of the last surviving author.
- d. All terms of the rights conferred by subsection (a) run to the end of the calendar year in which they would otherwise expire.

#### **5. Transfer and Waiver.**

- a. The rights conferred by subsection (a.) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.
- b. Ownership of the rights conferred by subsection (a.) with respect to a work of visual art is distinct from ownership of any copy of that work, or of a copyright or any exclusive right under a copyright in that work. Transfer of ownership of any copy of a work of visual art, or of a copyright or any exclusive right under a copyright, shall not constitute a waiver of the rights conferred by subsection (a). Except as may

otherwise be agreed by the author in a written instrument signed by the author, a waiver of the rights conferred by subsection (a.) with respect to a work of visual art shall not constitute a transfer of ownership of any copy of that work, or of ownership of a copyright or of any exclusive right under a copyright in that work.

SOURCE- (Added Pub. L. 101-650, title VI, Sec. 603(a), Dec. 1, 1990, 104 Stat. 5128.)

## **TITLE 17 UNITED STATES CODE, SECTION 113**

1. In a case in which —
  - a. a work of visual art has been incorporated in or made part of a building in such a way that removing the work from the building will cause the destruction, distortion, mutilation, or other modification of the work as described in section 106A(a.3.), and
  - b. the author consented to the installation of the work in the building either before the effective date set forth in section 610(a.) of the Visual Artists Rights Act of 1990, or in a written instrument executed on or after such effective date that is signed by the owner of the building and the author and that specifies that installation of the work may subject the work to destruction, distortion, mutilation, or other modification, by reason of its removal, then the rights conferred by paragraphs (2.) and (3.) of section 106A(a.) shall not apply.
2. If the owner of a building wishes to remove a work of visual art which is a part of such building and which can be removed from the building without the destruction, distortion, mutilation, or other modification of the work as described in section 106A(a)(3), the author's rights under paragraphs (2.) and (3.) of section 106A(a.) shall apply unless —
  - a. the owner has made a diligent, good faith attempt without success to notify the author of the owner's intended action affecting the work of visual art, or
  - b. the owner did provide such notice in writing and the person so notified failed, within 90 days after receiving such notice, either to remove the work or to pay for its removal. For purposes of subparagraph (A), an owner shall be presumed to have made a diligent, good faith attempt to send notice if the owner sent such notice by registered mail to the author at the most recent address of the author that was recorded with the Register of Copyrights pursuant to paragraph (3). If the work is removed at the expense of the author, title to that copy of the work shall be deemed to be in the author.

3. The Register of Copyrights shall establish a system of records whereby any author of a work of visual art that has been incorporated in or made part of a building, may record his or her identity and address with the Copyright Office. The Register shall also establish procedures under which any such author may update the information so recorded, and procedures under which owners of buildings may record with the Copyright Office evidence of their efforts to comply with this subsection.

SOURCE- (Pub. L. 94-553, title I, Sec. 101, Oct. 19, 1976, 90 Stat. 2560; Pub. L. 101-650, title VI, Sec. 604, Dec. 1, 1990, 104 Stat. 5130.)

## **CALIFORNIA ARTS PRESERVATION ACT (CAPA)**

State Law

California Civil Code §987

1. The Legislature hereby finds and declares that the physical alteration or destruction of fine art, which is an expression of the artist's personality, is detrimental to the artist's reputation, and artists therefore have an interest in protecting their works of fine art against any alteration or destruction; and that there is also a public interest in preserving the integrity of cultural and artistic creations.
2. As used in this section:
  - a. "Artist" means the individual or individuals who create a work of fine art.
  - b. "Fine art" means an original painting, sculpture, or drawing, or an original work of art in glass, of recognized quality, but shall not include work prepared under contract for commercial use by its purchaser.
  - c. "Person" means an individual, partnership, corporation, Limited Liability Company, association or other group, however organized.
  - d. "Frame" means to prepare, or cause to be prepared, a work of fine art for display in a manner customarily considered to be appropriate for a work of fine art in the particular medium.
  - e. "Restore" means to return, or cause to be returned, a deteriorated or damaged work of fine art as nearly as is feasible to its original state or condition, in accordance with prevailing standards.
  - f. "Conserve" means to preserve, or cause to be preserved, a work of fine art by retarding or preventing deterioration or damage through appropriate treatment in accordance with prevailing standards in order to maintain the structural integrity to the fullest extent possible in an unchanging state.
  - g. "Commercial use" means fine art created under a work-for-hire arrangement for use in advertising, magazines, newspapers, or other print and electronic media.
3.
  - a. No person, except an artist who owns and possesses a work of fine art which the artist has created, shall intentionally commit, or authorize the intentional commission of, any physical defacement, mutilation, alteration, or destruction of a work of fine art.
  - b. In addition to the prohibitions contained in paragraph (1), no person who frames, conserves, or restores a work of fine art shall commit, or authorize the commission of, any physical defacement, mutilation, alteration, or destruction of a work of fine art by any act constituting gross negligence. For purposes of this section, the term

“gross negligence” shall mean the exercise of so slight a degree of care as to justify the belief that there was an indifference to the particular work of fine art.

4. The artist shall retain at all times the right to claim authorship, or, for a just and valid reason, to disclaim authorship of his or her work of fine art. To effectuate the rights created by this section, the artist may commence an action to recover or obtain any of the following:
  - a. Injunctive relief.
  - b. Actual damages.
  - c. Punitive damages. In the event that punitive damages are awarded, the court shall, in its discretion, select an organization or organizations engaged in charitable or educational activities involving the fine arts in California to receive any punitive damages.
  - d. Reasonable attorneys’ and expert witness fees.
  - e. Any other relief which the court deems proper.
5. In determining whether a work of fine art is of recognized quality, the trier of fact shall rely on the opinions of artists, art dealers, collectors of fine art, curators of art museums, and other persons involved with the creation or marketing of fine art. The rights and duties created under this section:
  - a. Shall, with respect to the artist, or if any artist is deceased, his or her heir, beneficiary, devisee, or personal representative, exist until the 50th anniversary of the death of the artist.
  - b. Shall exist in addition to any other rights and duties which may now or in the future be applicable.
  - c. Except as provided in paragraph (1) of subdivision (h), may not be waived except by an instrument in writing expressly so providing which is signed by the artist.
6.
  - a. If a work of fine art cannot be removed from a building without substantial physical defacement, mutilation, alteration, or destruction of the work, the rights and duties created under this section, unless expressly reserved by an instrument in writing signed by the owner of the building, containing a legal description of the property and properly recorded, shall be deemed waived. The instrument, if properly recorded, shall be binding on subsequent owners of the building.
  - b. If the owner of a building wishes to remove a work of fine art which is a part of the building but which can be removed from the building without substantial harm to the fine art, and in the course of or after removal, the owner intends to cause or allow the fine art to suffer

physical defacement, mutilation, alteration, or destruction, the rights and duties created under this section shall apply unless the owner has diligently attempted without success to notify the artist, or, if the artist is deceased, his or her heir, beneficiary, devisee, or personal representative, in writing of his or her intended action affecting the work of fine art, or unless he or she did provide notice and that person failed within 90 days either to remove the work or to pay for its removal. If the work is removed at the expense of the artist, his or her heir, beneficiary, devisee, or personal representative, title to the fine art shall pass to that person.

- c. If a work of fine art can be removed from a building scheduled for demolition without substantial physical defacement, mutilation, alteration, or destruction of the work, and the owner of the building has notified the owner of the work of fine art of the scheduled demolition or the owner of the building is the owner of the work of fine art, and the owner of the work of fine art elects not to remove the work of fine art, the rights and duties created under this section shall apply, unless the owner of the building has diligently attempted without success to notify the artist, or, if the artist is deceased, his or her heir, beneficiary, devisee, or personal representative, in writing of the intended action affecting the work of fine art, or unless he or she did provide notice and that person failed within 90 days either to remove the work or to pay for its removal. If the work is removed at the expense of the artist, his or her heir, beneficiary, devisee, or personal representative, title to the fine art shall pass to that person.
  - d. Nothing in this subdivision shall affect the rights of authorship created in subdivision (d) of this section.
7. No action may be maintained to enforce any liability under this section unless brought within three years of the act complained of or one year after discovery of the act, whichever is longer.
  8. This section shall become operative on January 1, 1980, and shall apply to claims based on proscribed acts occurring on or after that date to works of fine art whenever created.
  9. If any provision of this section or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect any other provisions or applications of this section which can be effected without the invalid provision or application, and to this end the provisions of this section are severable.

## **CALIFORNIA CIVIL CODE, SECTION 989**

1. The Legislature hereby finds and declares that there is a public interest in preserving the integrity of cultural and artistic creations. As used in this section:
  - a. “Fine art” means an original painting, sculpture, or drawing, or an original work of art in glass, of recognized quality, and of substantial public interest.
  - b. “Organization” means a public or private not-for-profit entity or association, in existence at least three years at the time an action is filed pursuant to this section, a major purpose of which is to stage, display, or otherwise present works of art to the public or to promote the interests of the arts or artists.
  - c. “Cost of removal” includes reasonable costs, if any, for the repair of damage to the real property caused by the removal of the work of fine art.
2. An organization acting in the public interest may commence an action for injunctive relief to preserve or restore the integrity of a work of fine art from acts prohibited by subdivision (c) of Section 987.
3. In determining whether a work of fine art is of recognized quality and of substantial public interest the trier of fact shall rely on the opinions of those described in subdivision (f) of Section 987.
4.
  - a. If a work of fine art cannot be removed from real property without substantial physical defacement, mutilation, alteration, or destruction of such work, no action to preserve the integrity of the work of fine art may be brought under this section. However, if an organization offers some evidence giving rise to a reasonable likelihood that a work of art can be removed from the real property without substantial physical defacement, mutilation, alteration, or destruction of the work, and is prepared to pay the cost of removal of the work, it may bring a legal action for a determination of this issue. In that action the organization shall be entitled to injunctive relief to preserve the integrity of the work of fine art, but shall also have the burden of proof. The action shall commence within 30 days after filing. No action may be brought under this paragraph if the organization’s interest in preserving the work of art is in conflict with an instrument described in paragraph (1) of subdivision (h) of Section 987.
  - b. If the owner of the real property wishes to remove a work of fine art which is part of the real property, but which can be removed from the real property without substantial harm to such fine art, and in the course of or after removal, the owner intends to cause or allow the fine art to suffer physical defacement, mutilation, alteration, or destruction the owner shall do the following:

- a. If the artist or artist's heir, legatee, or personal representative fails to take action to remove the work of fine art after the notice provided by paragraph (2) of subdivision (h) of Section 987, the owner shall provide 30 days' notice of his or her intended action affecting the work of art. The written notice shall be a display advertisement in a newspaper of general circulation in the area where the fine art is located. The notice required by this paragraph may run concurrently with the notice required by subdivision (h) of Section 987.
    1. If within the 30-day period an organization agrees to remove the work of fine art and pay the cost of removal of the work, the payment and removal shall occur within 90 days of the first day of the 30-day notice.
    2. If the work is removed at the expense of an organization, title to the fine art shall pass to that organization.
  - b. If an organization does not agree to remove the work of fine art within the 30-day period or fails to remove and pay the cost of removal of the work of fine art within the 90-day period the owner may take the intended action affecting the work of fine art.
5. To effectuate the rights created by this section, the court may do the following:
    - a. Award reasonable attorney's and expert witness fees to the prevailing party, in an amount as determined by the court.
    - b. Require the organization to post a bond in a reasonable amount as determined by the court.
  6. No action may be maintained under this section unless brought within three years of the act complained of or one year after discovery of such act, whichever is longer.
  7. This section shall become operative on January 1, 1983, and shall apply to claims based on acts occurring on or after that date to works of fine art, whenever created.
  8. If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

## APPENDIX C: MAINTENANCE AND RESOURCES

### Urban Art Maintenance Covenant

Developers who pursue the urban art requirement with an on-site urban art project are required to submit an Urban Art Maintenance Covenant at the conclusion of the project, STAGE IV. The Urban Art Maintenance Covenant, provided by the City, must be executed, and recorded with the Los Angeles County Registrar Recorder before a Certificate of Occupancy or other final approval can be given. A copy of the document will be shared upon request.

### Urban Art Maintenance Plan

Developers who pursue the urban art requirement with an on-site art project are required to submit an Urban Art Maintenance Plan with the Final Art Plan, STAGE III, for review and approval. The form, provided by the City, should be completed by the art conservator working in consultation with the artist. A copy of this form can be downloaded from the City's website.

## RESOURCES

The **Americans for the Arts** is a nonprofit organization whose primary focus is advancing the arts in the United States. The Americans for the Arts **Public Art Network** (PAN) develops professional services for the broad array of individuals and organizations engaged in the diverse field of public art. Important reference tools, produced by this organization, can be accessed on the internet, free of charge and include: **Best Practices for Public Art Projects** outlines professional methods for administrators and artists which highlight procedures utilized by many leaders in the public art field ([www.americansforthearts.org/PANBestPractices](http://www.americansforthearts.org/PANBestPractices)) and the **Public Art Resource Center** is an online portal for professionals and artists to find information and tools tailored for your role (artist, administrator, field partner, community stakeholder) in the public art field ([www.americansforthearts.org/parc](http://www.americansforthearts.org/parc)).

The **American Institute for the Conservation of Historic and Artistic Works** (AIC) maintains a list of qualified, local conservators. Their website includes a "Find a Conservator" guide that can help you narrow down the right person for your conservation needs. <https://www.culturalheritage.org/>

**Public Art Archive** is a free online, and mobile accessible catalog of completed public art works worldwide. All art works in the City of West Hollywood's Urban Art Collection will receive a listing in the archive. <https://www.publicartarchive.org/>