

Agenda Report

July 16, 2012

TO: Honorable Mayor and City Council

FROM: Planning Department

SUBJECT: APPEAL OF ARTS AND CULTURE COMMISSION DECISION REGARDING FINAL PUBLIC ART PLAN FOR 680 E. COLORADO BOULEVARD (IDS)

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the application for the 680 E. Colorado Boulevard project was subject to environmental review in the Environmental Impact Report and that City Council approved the Final Environmental Impact Report and associated findings, a Statement of Overriding Considerations, a Mitigated Monitoring and Reporting Program, and other land-use elements (adjustment permit, conditional use permit, minor conditional use permit, and tree removal) for this project on November 16, 2009. On November 12, 2011, the City Council approved an Addendum to the FEIR and a Major Modification to an Approved Project, modifying a number of the land use permits. No changed circumstances or new information trigger further environmental review and;
2. Deny the appeal of the Arts and Culture Commission decision; and remand the application to the Arts and Culture Commission for consideration of a modified Final Art Plan or;
3. Approve the appeal of the Arts and Culture Commission decision and conditionally approve the Final Art Plan with the following modifications, subject to the approval of the Cultural Affairs Manager:
 - a. Re-contextualize the project to remove historical period costume from the figure and generic symbols from the base of the sculpture;
 - b. Remove generic Shakespeare quotations and references and replace with literary or performative elements (visual and possibly audio) that are based on poems, texts or theatrical excerpts relating to some aspect of Pasadena to embrace a more expansive notion of storytelling and;
 - c. Introduce storytelling elements into the courtyard hardscape to include an interactive element that may reference local literature or theatre that is unique to Pasadena and provides a level of complexity as to inspire further reflection and thought.

ARTS AND CULTURE COMMISSION RECOMMENDATION:

On June 13, 2012, the Arts and Culture Commission did not approve the Final Art Plan as proposed by the applicant due to failure to meet the specific conditions of approval for the Concept Art Plan reviewed in February of this year.

EXECUTIVE SUMMARY:

The development of 680 East Colorado Boulevard is subject to the Public Art requirement for Private Development which requires both Concept and Final Art Plan approval by the Arts and Culture Commission, or payment of the full 1% Public Art Requirement as an in-lieu fee. The concept of a traditional jester figure in bronze was presented at the February 8, 2012 Commission meeting and received approval with specific conditions. Though the Commission responded positively to the notion of a jester as a storytelling concept and acknowledged the artist's strong technical skills, the sculpture as proposed was viewed as lacking vision, originality, appropriate context and did not relate to the overall development concept as is required by the Public Art Guidelines. The Commission's Decision Letter directed the applicant to consider a broader context for the refinement of the jester concept to result in a more complex final artwork.

On June 13, 2012, the Commission reviewed the Final Art Plan of a slightly modified jester sculpture and found that the proposal did not reflect measurable change in form or content and did not meet the expectations of a substantially more developed artwork. The Commission acknowledged the artist's craftsmanship and emphasized that the concern was not based on the artwork as traditional, bronze or figurative but rather because it evidenced little change, remained too literal, was not contextually related to the overall development and was not sufficiently refined which is a requirement of the Final Art Plan.

The Commission offered to continue the agenda item to allow the applicant more time to work with staff to address its concerns. However, the applicant voiced objection and requested an immediate vote. A motion to approve the Final Art Plan as presented was made and seconded. The motion failed with a vote of one in favor, four against and one abstention. No other motions were proposed.

BACKGROUND:

Pasadena's first Public Art Requirement for Private Development was created in 1988 for the Downtown and Old Pasadena Redevelopment areas and was intended to ensure that new developments would contribute to the cultural landscape of the City. The 1% for art program was expanded citywide in 1992 when a similar mandate for City construction projects was also approved. The Arts and Culture Commission was established to oversee the public art programs and to make recommendations and approvals for eligible projects through a two-step review process.

The Pasadena Zoning Code Section 17.40.100 implements the policies of the Cultural and Recreational Element of the Pasadena Comprehensive General Plan that call for provisions for the arts and other cultural resources in new development. The code specifies that the Arts and Culture Commission shall be responsible for determining compliance with this Section based on adopted guidelines.

Review and Approval Process

Per the Public Art Guidelines for New Private Development, the procedure for approval of onsite public artworks requires that an advisory body to City Council, the Arts and Culture Commission, review and approve proposed art projects in two phases: Concept Art Plan and Final Art Plan. The Concept Art Plan involves the review of the preliminary project concept and potential artist(s), including review of images of the proposed artist's past work, sketches of a general art concept, and a written narrative describing the goals of the proposed concept. Concept reviews take into consideration the project's context and require that the art concept relate to the overall development concept, with the work of the proposed artist "to bear a discernible relationship to the proposed concept."

The Private Development Public Art Program Guidelines list among the review criteria for Concept Art Plans: Artistic quality (vision, originality and craftsmanship); Context (architectural, historical, geographical and socio-cultural context of the site); Quality and permanency of materials and Diversity of artworks (medial, scale, style, intention).

Following the approval of the Concept Art Plan, "the artist will refine project objectives and the conceptualized art project." The Final Art Plan, unlike the Concept Art Plan, must include a more fully developed art plan including a final budget, artwork maintenance plan, installation calendar, and a two or three-dimensional maquette (small scaled model) with materials samples and dimensions. The two-step artwork review process allows for the Commission to provide input and impose conditions of approval for incorporation into a revised Final Art Plan.

The inherent expectation with this process is that the Concept Art Plan will be distinguished from the Final Art Plan in that the latter should articulate and reflect the feedback and any design-related conditions of approval put forth at Concept Review.

680 E. Colorado Boulevard Public Art Proposal

The project at 680 E. Colorado Boulevard, known as Playhouse Plaza, is a five story retail and office complex set over a subterranean parking structure. The development will have approximately 145,000 square feet of area and is described as being inspired by proto-modern office buildings of the 1920's with elements that refer to the abstract classicism of the Deco style. The one-percent public art requirement is \$278,400 of which \$55,680 (20% of the requirement) is due to the City at plan check. The remaining amount \$222,720 is the public art budget for on-site artwork. This amount includes fees for the art consultant, and artist design, fabrication and installation costs.

Located within the Playhouse District of the Central District Specific Plan area, the development is bounded by Colorado Boulevard to the north, El Molino Avenue to the west, Green Street to the south, and Oak Knoll Avenue to the east. The site is surrounded by a combination of commercial and mixed-use buildings. The Pasadena Playhouse, after which the project is named, is located across the street on El Molino.

Development of Art Concept

The Concept Art Plan for 680 East Colorado Boulevard was reviewed by staff in late 2011. Artist Ramon Velazco had been selected from a short list compiled by the project art consultant and approved by the developer, the architect and a community group that had formed as a result of litigation for the overall development.

The proposed artwork was a figurative bronze sculpture depicting a jester balancing on a ball and holding a scepter in one hand and a rose in the other. The bronze cast, life-size sculpture was proposed to be 6-9 feet tall, including the base. The sculpture is proposed to be sited in the main courtyard, visible and across the street from the Pasadena Playhouse. In response to community input, this courtyard had been reduced in size to create a more intimate space. Restaurants are expected to occupy the ground level with al fresco dining.

The application indicated that the concept of the jester was intended to celebrate the universal notions of theater, performing arts and storytelling. In consideration of the rich variety of arts and culture housed within the Playhouse District, where this project is to be located, staff voiced concerns about the one dimensionality of the figure and concept as failing to meet the requirements of the Public Art Guidelines. Staff encouraged the artist to expand the concept to reflect the broader context of the District as is required by the public art program.

The Private Development Public Art Guidelines provide direction regarding development of both the Concept and Final Art Plans. The purpose of the program is defined as promoting "...public art and art in public places as a cultural resource for the community and as a mechanism to enhance the commercial vitality and economic stability of the City." The Guidelines state that the goals and objectives of the program are to reflect and communicate our values, enhance life in our community and engage citizens and visitors. These goals are to be realized through:

- The commissioning of artists of the highest artistic merit who are sensitive to the city's cultural diversity, recognize the values and contributions of various cultures;
- The encouragement of public dialogue and;
- The inclusion of a broad range of works of art, reflective of the overall diversity of current works in the field of visual and performing arts.

At a subsequent meeting with the development team, including the project architect, developer, artist and art consultant, a small clay model (maquette) was presented bearing a three-dimensional ring around the figure. Staff discussed the need to refine the proposed concept for Final Art Plan consideration. Because the Private

Development Public Art Guidelines state that eligible artwork must be “responsive to the site and community,” the artist was encouraged to explore a more in-depth, multi-faceted, and contextual perspective that might include text and other elements for a more fully integrated art installation.

The concern was that the singular sculpture, placed in a courtyard without a discernible relationship to the overall modern development concept would be incompatible with the Public Art Guideline requirements.

In addition to consideration of the Public Art Guidelines, the artist was asked to refine the concept to reflect the community’s request for impactful and meaningful public artworks that invite ongoing interest and dialogue, as expressed in the Cultural Nexus plan and through the Playhouse District’s new arts initiative. Titled “Using Arts as an Economic Generator,” the report recommends enhancement of dynamic arts and cultural elements at street level, including public art. Other suggested resources include the many arts and cultural organizations in the District, including Red Hen Press, Southwest Chamber Orchestra, Boston Court Performing Arts Center and the Pasadena Museum of California Art.

Based on this discussion of a need for an expanded concept, staff prepared a report recommending approval of the Concept Art Plan with several conditions. Condition “A” explicitly states that the Final Art Plan shall reflect consideration of “some of the many aspects of theatre and storytelling.” The Concept Art Plan and the staff recommendation with conditions were reviewed on February 8, 2012 by the Arts and Culture Commission.

Concept Art Plan Review

The Concept Art Plan was presented at the February 8, 2012 meeting. After the art consultant’s introduction, the project architect (via video) discussed the overall development and the public art concept. The artist then spoke about the design process and revealed the maquette of the jester. The form of the proposed jester sculpture included such details as a rose, scepter, ball, ring, pedestal, and the figure’s pose. Uncharacteristically, the presence of the clay model, which is a required element of the Final Art Plan, revealed a prior investment of resources into a concept which had not been fully vetted and approved by the Commission.

The Commission responded positively to the artist’s technical skills but elaborated concerns about the proposed concept which was viewed as requiring significant refinement as a final proposal. The Commission found that the proposal did not exemplify conceptual depth or breadth and as a finished artwork would not reveal new insights or make a lasting impact. The proposed project did not seem to relate to the site; the jester figure did not seem to relate to the architectural, historical, geographical or social-cultural context of the modern complex, as required in the Guidelines. Additionally, the work was not seen to reflect the overall diversity of current works in the field of visual arts, which is a stated goal in the Guidelines.

The applicant was requested to conduct additional research that would provide more substantial background for the development of the refined concept and was directed to the numerous arts and cultural organizations in the Playhouse District as resources. As an example, the applicant was prompted to consider the Playhouse District Association's recent study on arts as an economic generator (which details the context for innovative public art projects in the City's only designated arts district) as a point of reference for concept development pertaining to site specificity and location.

In doing so, the Commission encouraged the artist to create a Final Art Concept that would create a feeling of innovation as opposed to predictability, so as to express a contextual relationship to the site with layered meanings beyond the decorative, literal, and formal aspects of a jester. The Concept Art Plan was approved by the Commission with a number of conditions including:

- a) The Final Art Plan shall include a refined final concept that has been developed in consideration of some of the many aspects of theater and storytelling;
- b) The sculpture shall be appropriately lighted;
- c) The artwork shall be sited without interference from commercial signage;
- d) The developer shall submit structural plans for review by the City's Building Division to determine if a Public Art Permit is required;
- e) The Arts and Culture Commission shall conduct a Final Art Plan review that will contain a detailed public art budget, final art plan narrative with the selected artist's fully developed concept, visual materials with dimensions, maintenance plan and an artist maquette;
- f) The artwork shall remain publicly accessible during normal business hours without enclosure;
- g) The developer shall record the artwork to ensure public accessibility;
- h) Staff shall review for compliance and approve all final documentation materials including a detailed budget showing all actual expenses for design, fabrication and installation; a detailed maintenance plan including product and application methods; the one-page project documentation summary and photograph;
- i) Staff shall conduct a final site inspection after project installation for review and approval prior to issuance of any Certificate of Occupancy; and

- j) The developer shall record the artwork maintenance stipulations in the OPA or DDA under covenants affecting real property at the time of installation to ensure ongoing, permanent maintenance of the artwork.

Final Art Plan

The Final Art Plan was presented for consideration to the Arts and Culture Commission on June 13, 2011. The art consultant and project architect reiterated the overall modern development design features and the artist read a prepared statement about the proposed sculpture and presented a large clay figurine (maquette).

The jester as presented was similar in form and content to the Concept Art Plan proposal. Slight differences included a change in scale; the work was enlarged to 10 feet high, including the base. While changed somewhat in position, the jester remained balanced on a ball, holding a scepter and a rose and was surrounded by a bronze ring where a quotation from William Shakespeare's *The Tempest* was proposed to be inscribed. The adjacent hardscape would bear a second quote from Shakespeare's *As You Like It* in an inscription in a bronze ring surrounding the artwork's base. The base had been molded to include three forms: a book, a treble clef and a film strip. Blue pebbles had been added to the surrounding hardscape seemingly in an effort to incorporate one of the site's building materials into the artwork.

After reviewing the staff report and the applicant's presentation of the Final Art Plan at the June 13 meeting, the Commission considered public comment in support of the artwork before closing the Public Hearing. During discussion, the Commissioners expressed concerns about the apparent lack of substantive change to the Concept Plan and found the proposal non-compliant with their previous decision as articulated in the February 21, 2012 Decision Letter.

The Commission found that while the jester figure had been more fully articulated, the refinements were primarily of a decorative nature—thematic instead of substantive—and relied on overused symbols as new elements such as musical notes, harlequin diamonds and the pages of a book. The art team's research appeared to have been narrowly restricted and focused on finding a consensus of themes (Shakespeare) rather than producing an expanded vision.

The Commission found that these slight modifications did not reflect the current work in the field of visual arts, per the Guidelines because the figure was still presented with an unrelated historical context. The Renaissance costumed figure did not bear a relationship to the art deco design aesthetic of the site or geographically to the current visual art work and focus of the Playhouse District. The figure was merely representational and decorative without any specific references to the history, geography or architecture of the site and without additional elements that would engage the viewer physically or intellectually. As a result, the proposal was not viewed as meeting the condition of the Concept Art Plan approval in that it failed to reflect "some of the many aspects of theater and storytelling" as required by the Commission.

The lack of contextual alignment was contrasted with other traditional, bronze and figurative public art works in the City, such as the Pasadena Robinson Memorial. The portrayals of Jackie and Mack Robinson are traditional, figurative and bronze but infuse new elements to engage the viewer. The realistic portraiture modeling of their facial features is juxtaposed with exaggerated scale—the heads are enlarged to 9 feet tall. Text elements in bas relief reveal new insights about their lives beyond the expected sports references.

Instead of a realistic figure in sports pose with bat or track shoes, the Robinson project does not rely on these simplistic references but rather inspires investigation, thought and engagement—the public is invited to make rubbings of the bas relief crosswords on the heads. These artworks are sited within an installation that includes seating, hardscape and landscape, and are placed prominently near City Hall to emphasize their historical and conceptual relationships with Pasadena.

The jester figure, while proposed to be located across a new pedestrian corridor from the Spanish style Pasadena Playhouse building, was presented without context that related to the socio-cultural aspects of the Playhouse District, the art deco architecture of the development in which it would be placed or any sense of uniqueness due to the overly decorative nature of the figure. These factors combined to leave the Commission with the impression that the work would not be memorable and therefore would not serve as a permanent enhancement or as a cultural resource, which is among the stated purposes of the Public Art Program.

In an attempt to allow the applicant more time to resolve these concerns for a revised artwork, the Commission proposed a continuance. However, the project developer indicated his opposition to this proposed action and requested that the Commission take an immediate vote.

The Commission's decision not to approve the Final Art Concept was based on inconsistency with the specific conditions of approval that had been issued during the February 8, 2012 Concept Art Plan review. A motion to approve the Final Art Plan failed with a vote of one in favor, four against and one abstention.

The applicant has appealed the decision. The Council has the option to either accept or deny the appeal. If the Council were to deny the appeal, it is recommended that the matter be remanded back to the Arts and Culture Commission for further consideration of a modified Final Art Plan.

If the Council were to approve the appeal, staff recommends that it do so subject to the following conditions to be approved by staff:

- a. Re-contextualize the project to remove historical period costume from the figure and generic symbols from the base of the sculpture;
- b. Remove generic Shakespeare quotations and references and replace with literary or performative elements (visual and possibly audio) that are

based on poems, texts or theatrical excerpts relating to some aspect of Pasadena to embrace a more expansive notion of storytelling and;

- c. Introduce storytelling elements into the courtyard hardscape to include an interactive element that may reference local literature or theatre that is unique to Pasadena and provides a level of complexity as to inspire further reflection and thought.

COUNCIL POLICY CONSIDERATION:

The staff recommendation has been made in consideration of the Cultural Nexus Cultural Plan Policy #9 which calls for a new vision for public art, the City's Municipal Code Section 17.40.100 (Public Art Requirements and Design Standards) and the City's Public Art Guidelines which require public art projects to be site specific, high quality, reflective of current works in the field and developed in consideration of the community.

ENVIRONMENTAL ANALYSIS:

The application for the 680 E. Colorado Boulevard project was subject to environmental review in the Environmental Impact Report and that City Council approved the Final Environmental Impact Report and associated findings, a Statement of Overriding Considerations, a Mitigated Monitoring and Reporting Program, and other land-use elements (adjustment permit, conditional use permit, minor conditional use permit, and tree removal) for this project on November 16, 2009. On November 12, 2011, the City Council approved an Addendum to the FEIR and a Major Modification to an Approved Project, modifying a number of the land use permits. No changed circumstances or new information trigger further environmental review.

FISCAL IMPACT:

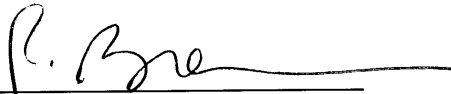
There is no fiscal impact as a result of this action.

Respectfully submitted,



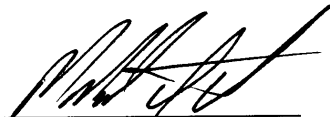
VINCENT P. BERTONI, AICP
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Attachment:
Attachment A – Public Art Guidelines for New Private Development