Beverly Hills City Council Liaison/Arts and Culture Commission Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

CITY OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, CA 90210

TELEPHONIC VIDEO CONFERENCE MEETING

Beverly Hills Liaison Committee Meeting
https://beverlyhills-org.zoom.us/my/bhliaison
Meeting ID: 312 522 4461
Passcode: 90210
You can also dial in by phone:
+1 669 900 9128 US
+1 888 788 0099

One tap mobile
+16699009128,,3125224461#*,90210#
+18887880099,,3125224461#*,90210# Toll-Free

Thursday, April 22, 2021
4:00 PM

Pursuant to Executive Order N-25-20 members of the Beverly Hills City Council and staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at www.beverlyhills.org/live and on BH Channel 10 or 35 on Spectrum Cable, and can participate in the teleconference/video conference by using the link above. Written comments may be emailed to mayorandcitycouncil@beverlyhills.org.

AGENDA

1) Public Comment
   a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

2) Review of the art requirements at 9242 Beverly Blvd., Beverly Hills CA 90210

3) Adjournment

[Signature]
Huma Ahmed
City Clerk

Posted: April 20, 2021

A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT
www.beverlyhills.org

Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1014 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services.
INTRODUCTION

In December 2019, the developer Tishman Speyer contacted the City regarding renovation of their property at 9242 Beverly Boulevard and the Fine Art Obligation related to existing artworks at this location. Community Development staff reached out to Community Services staff inquiring about a Fine Art Obligation relating to 9242 Beverly Blvd, which included a ceiling lobby mural by artist Terry Schoonhoven (originally valued at $30,400), as well as a sculpture by artist Jack Zajac, titled Falling Water (originally valued at $27,000). The Fine Art Obligation for this subject building was reviewed and approved by the Fine Art Commission at their May 1991 regular meeting.
The current developer is now requesting permits to begin renovating the building including approval from the City to remove the Schoonhoven ceiling mural and relocate the art sculpture. Staff reached out to the City Attorney’s office for clarification on destruction of the artwork that was originally installed under the 1990 Fine Art Ordinance. The Fine Art Ordinance No. 90-0-2096 that was current at the time of the original request and approved by the Fine Art Commission allowed for artwork to be part of the structural features of a building and in essence an architectural element. The ceiling mural is a sculptural part of the building in the form of an archway. Current language prohibits sculptural elements in new projects as part of satisfying the Fine Art Obligation.

In September 8, 2020 the property representatives for 9242 Beverly Blvd presented to the Arts and Culture Commission (or “Commission”) the request to relocate the Falling Water sculpture from inside the interior lobby area to a more visible location in a planter area outside of the building. The Arts and Culture Commission approved the request with a 5-0 approval with one condition, which was to install lighting to ensure that the piece may be visible at all hours.

City staff have been working with the City Attorney’s Office to assist the developer in navigating the approval process on their request including removal of the Schoonhoven mural, satisfying the new public art obligation that arises from the building reconstruction, proposed replacement of the decommissioned mural with a new artwork by Pae White (attached) (“Pae White artwork”) and presentation to the Arts and Culture Commission, Council Liaisons and City Council. After several months of discussion between the property representatives, City staff, and City Attorney’s Office, many additional factors were identified that would need be addressed prior to approval of this request and removal of the Schoonhoven mural on the building archway.

In October 2020, City staff met with the property representatives for 9242 Beverly Blvd. to continue discussion on their request to remove the mural on the archway. Staff informed the group about the Visual Artist Rights Act (VARA) and California Art Preservation Act (CAPA). Staff advised the group to reach out to the artist’s estate regarding the removal of the artwork so they could either waive their rights or request to have the artwork returned. The property representatives for 9242 Beverly Blvd. agreed that they would reach out to the artist’s estate and also offered to record the process of its removal and provide the estate and the City with a photographic documentation of the original archway and mural artwork for archival purposes.

In December 2020, staff reached out to the representatives of 9242 Beverly Blvd in preparation for presentation of the proposal and informed them that for the Arts and Culture Commission and City Council Liaisons to review their request for removal of the existing mural by Schoonhoven, the City would also need a recent appraisal of the mural, documents reflecting the steps taken to comply with the Visual Artists Rights Act (“VARA”) and California Art Preservation Act (“CAPA”), a complete proposal for the new piece of art that the developers intend to install in this property to replace the mural, and any new fine art obligation triggered by the current construction project and renovation to the property’s exterior facade.

The representatives of the subject building submitted an appraisal to staff on March 26, 2021 of the Schoonhoven mural as well as information regarding the proposed Pae White artwork. See the attached appraisal and the Pae White artwork proposal.

The Arts and Culture Commission (“Commission”) met on April 13, 2021 to consider Tishman Speyer’s requests. The Commission has recommended the approval of Tishman Speyer’s request to remove the Schoonhoven mural art, an amendment to the Fine Arts Ordinance that allows a combination of the obligations (appraised value of the mural + current construction obligation) and approval of the proposed installation of the Pei White artwork to address both the value of the Schoonhoven mural art and the new art obligation that arises from the reconstruction of the subject building.

**DISCUSSION**

In light of the proposed redevelopment of the subject building, Tishman Speyer is requesting the authorization from the City to remove the Schoonhoven mural arch, and to replace this artwork
with a fine artwork by Pae White which Tishman Speyer represents is valued at $140,000 (see attached). A property representative may request the removal of a previously approved artwork by offering to donate the piece to the City or by paying the original or present day value of the art, whichever is higher “(Beverly Hills Municipal Code (“BHMC”) section 3-1-809E) BHMC section 3-1-809E also provides that in order to remove public art which was previously approved, the Arts and Culture Commission must review the request, and the developer must obtain approval of the City Council. Since the Schoonhoven mural is part of the structure of the building, it is not possible to donate it to the City. The developer has represented that it is not possible to remove the Schoonhoven mural without destroying it. With respect to the amount of the required payment for the removal (“removal payment”), attached is an appraisal of the Schoonhoven mural which values the mural art currently at $15,000. The mural was originally valued at $27,000. (See attached mural appraisal) Hence, the BHMC as currently written requires Tishman Speyer to make a removal payment in the amount of $27,000 to the City’s Public Art fund based on the higher original value of the mural. (BHMC section 3-1-809E).

In addition, as there is reconstruction proposed to the subject building, there will be a new fine art obligation assessed in accordance with BHMC section 3-1-802.

Finally, Tishman Speyer is requesting that in lieu of making a removal payment that they would like to install the Pei White artwork, which according to the attached appraisal, is valued at $140,000. This Pei White artwork is also proposed to cover the new fine art obligation resulting from the reconstruction of the building estimated to be $14,275.

In order to approve Tishman Speyer’s request to forgo making the removal payment and instead install a work of art on the subject property with a value of no less than the removal payment and the new fine art obligation, the BHMC must be amended. Staff is requesting direction from the Committee with respect to Tishman’s requests to remove the mural, install a new public artwork (with a minimum value of the removed mural and the new fine art obligation) and amend the BHMC.

**RECOMMENDATION**

Staff is requesting a recommendation from the Arts and Culture Commission/City Council Liaison Committee (“Committee”) to the City Council to authorize the removal of the Schoonhoven mural, and for approval of the proposed Pae White artwork. In addition, City staff is requesting input from the Committee regarding amending the BHMC to authorize the installation of new public art in lieu of making a removal payment to the City’s Public Art Fund for the original or present day value of the removed artwork in situations where there is a request to remove existing public art which is part of the architecture of the building.

Jenny Rogers  
Director of Community Services  
Approved by
CITY OF BEVERLY HILLS
FINE ART COMMITTEE
MINUTES OF MEETING
MAY 15, 1991

PRESENT:

Chair: Ellen Byrens; Vice Chair: Nancy Nebenzahl; Members: Arnold Ashkenazy, Jean Sieroty, Janet Salter, Joan Agajanian Quinn.

NOT PRESENT:

Harriet Hochman.

CALL TO ORDER:

The meeting was called to order at the Library Conference Room and adjourned to the Neiman Marcus Club Room at 3:00 p.m. The meeting was called to order at the Neiman Marcus Club Room at 4:00 p.m.

MINUTES:

The minutes were approved as mailed.

OLD BUSINESS:

A. Report of Nominating Committee: Chair Byrens called on Member Salter to report on the status of the Vice Chair nomination. Member Salter reported that Jean Sieroty had accepted the nomination as Vice Chair. The nomination was unanimously approved.

B. Buildings in Non-Compliance: Chair Byrens requested a report on the status of two projects currently in non-compliance with the Ordinance. Chair Byrens reviewed a letter received from Mae Butler, representing the Tracinda Corporation, regarding the 9333 Wilshire Boulevard MGM/UA building and requesting approval to present an ornamentation proposal at the June 19 meeting. The request was approved. Walter Zifkin, Executive Vice President of the William Morris Agency, and Steven H. Kram, Vice President of the William Morris Agency, requested Committee permission to proceed with acquisition of a sculpture by Chaim Gross titled "Dance Rhythm, A Large Group of a Mother and Child," which will be offered at the Sotheby's auction of American paintings, drawings and sculpture on May 23. The acquisition price would be more than the $63,000 Ordinance requirement, and the sculpture would be located in the public lobby of the 150 S. Rodeo Drive building. The motion was made by Vice Chair Nebenzahl that the Committee conditionally approve proposal as submitted by the William Morris Agency pending purchase at auction, and to provide report at the June 19 meeting. The motion passed unanimously.
Byrens: yes; Nebenzahl: yes; Ashkenazy: yes; Quinn: yes; Salter: yes; Sieroty: yes.

C. Fine Art Ornamentation Proposal Presentations:

1. Robert Zarnegin, owner and developer of the Peninsula Hotel, presented a maquette by Norwegian artist Kirsten Kokkin titled "Flight to Infinity." The sculpture would be placed in the fountain of the central garden of the hotel. Member Quinn requested information on the appraisal of the artist's work and expressed concern as to its value. The Ordinance requirement for this project is $63,000. The work will consist of three parts: cast bronze female figure as depicted in maquette ($46,000) measuring 5 ft. 3 in. (height) by 3 ft. 3 in. (width); bronze fluted pedestal ($8,000) measuring 3 ft. 2 in. (height) by 8 to 10 in. (diameter); eight cast bronze birds ($16,000). Mr. Zarnegin noted that the height of the female figure was increased by 1 foot, making the figure life-size. Ellen Byrens will chair the opening event for the hotel, tentatively scheduled for August 8, under the auspices of the Fine Art Committee. A motion was made by Member Ashkenazy to approve the Peninsula Hotel proposal as presented. The motion was seconded by Jean Sieroty and unanimously passed. Vote: Byrens: yes; Nebenzahl: yes; Ashkenazy: yes; Quinn: yes; Salter: yes; Sieroty: yes.

2. Richard Leonard, primary tenant of the 9430 Olympic Boulevard building, introduced Lynne Cohen, art consultant with Art Dimensions Inc., who presented an oil painting by artist Alain-Paul Sevilla entitled "The Year 2000" ($4,000) and a two-panel serigraph by artist Carlos Almarza entitled "Mystery in the Park" ($9,500). The Committee expressed concerns with the proposal regarding the appraised value of the works and their originality. The proposal was not approved, and the request was made for a revised proposal to be submitted at the June 19 meeting.

3. Ross Gilbert, owner of Mercedes Place, 9242 Beverly Boulevard, presented a revised proposal to include a 10-foot bronze by artist Jack Zajac ($38,000) entitled "Falling Water" and a lobby mural by artist Terry Schoonhoven ($30,000). The fine art requirement for this project is $63,000. Chair Byrens complimented Mr. Gilbert on his excellent revision of selected of artists and proposed fine art for the building. The motion was made by Member Quinn to approve the fine art proposal of works by Jack Zajac and Terry Schoonhoven. The motion unanimously passed. Vote: Byrens: yes; Nebenzahl: yes; Ashkenazy: yes; Quinn: yes; Salter: yes; Sieroty: yes.

D. Civic Center Art: Chair Byrens reported that the City Council approved the Committee recommendation to purchase a work by Chuck Arnoldi ($68,000) for the Civic Center. The work will be placed, at Charles Moore's request, on the south side of the Library facility at Rexford Drive and Burton Way. Mr. Arnoldi has been notified and will make arrangements to view the site to prepare for the installation. Chair Byrens noted that there are
remaining funds ($82,000) still available in the Fine Art Fund for the purchase of additional art works for the Civic Center.

E. Promised Gift for Library Interior: Chair Byrens asked if Committee members had viewed the "Torso of the Walking Man" by Auguste Rodin, which is the promised gift from Cantor Fitzgerald Inc. for the Library interior. The motion was made to accept the promised gift for the Library interior. Vote: Byrens: yes; Nebenzahl: yes; Ashkenazy: yes; Quinn: yes; Salter: yes; Sieroty: yes. The motion was unanimously passed.

NEW BUSINESS:

A. Promised Gift from Mrs. Elaine Attias to Library: Chair Byrens asked the Committee to review a letter received from Mrs. Elaine Attias regarding her request to donate two paintings to the Library interior. The works are: "Clamming at Stanford" by artist Reginald Pollack (American), oil on canvas, 1964, measuring 46 1/2 x 68 1/4, valued at $7,500; "Venice, 1958" by Shirl Goedike (American), oil on canvas, 1958, measuring 60 x 42. Chair Byrens requested staff to have the works transported to the Library and made available for Committee review at the June 19 meeting.

ADJOURN:

Chair Byrens thanked Mayor Reynolds and City Manager Mark Scott for attending the meeting and acknowledged Neiman Marcus for its generosity in providing arrangements for the meeting. There being no further business, the meeting was adjourned at 5:00 p.m.

NEXT MEETING:

The next meeting will be held June 19 at 4:00 p.m. in the Beverly Hills Public Library Conference Room.

Respectfully submitted,

Ellen Byrens, Chair
A representative from nbbj for the interior building improvement project located at 9242 Beverly Boulevard, will do a presentation and discuss a request to relocate the previously approved public art at the property. The artwork, a bronze sculpture, called *Falling Water*, by Jack Zajac, needs to be relocated due to improvements being made to the building’s interior. The proposed location is to a visually prominent exterior corner at Beverly Boulevard and Maple Drive. The artwork will be installed in an elevated landscaped planter area.

Information on the requested relocation is attached. The attachment includes a site map, floor plan, and a variety of photos displaying the proposed new location in relation to the building.
SCOPE OF WORK - 

Review of the previously approved public art location in building 9242 Beverly Blvd. Due to interior improvements throughout the building including the Lobby in which the artwork, a sculpture is located the piece needs to be relocated. The proposed relocation of the sculpture is to a visually prominent exterior corner at Beverly Blvd. and Maple Dr. The sculpture will be installed in an elevated landscaped planter area, see the attached documentation for context.
PROPOSED 3D PERSPECTIVE RENDERING - SHOWING NEIGHBORING PROPERTIES

ARTS AND CULTURE COMMISSION

9242 BEVERLY BLVD
9242 BEVERLY BLVD. BEVERLY HILLS, CA 90210

08/24/20
SCALE.

923 WEST 6TH STREET, SUITE 360
LOS ANGELES, CALIFORNIA 90014
PHONE 213 243 3333
FAX 213 243 3334

A0-02

TISHMAN SPEYER

ARCHITECTURAL REVIEW DRAWINGS

SCALE:

9242 BEVERLY BLVD
BEVERLY HILLS, CA 90210

07/16/20

PROPOSED 3D PERSPECTIVE RENDERING - SHOWING NEIGHBORING PROPERTIES

RELOCATED LOBBY
SCULPTURE

RELOCATED LOBBY
SCULPTURE

MAPLE DRIVE

BEVERLY BLVD.

SANTA MONICA BLVD.
ARCS AND CULTURE COMMISSION
9242 BEVERLY BLVD
9242 BEVERLY BLVD. BEVERLY HILLS, CA 90210

EXISTING LOCATION - VIEW 1

EXISTING LOCATION - VIEW 2

IMAGES - EXISTING SITE

08/24/20
SCALE.
ARCHITECTURAL REVIEW DRAWINGS

PROJECT SITE: 9242 BEVERLY BLVD.

LOOKING SOUTH ALONG BEVERLY BLVD.

RELOCATED SCULPTURE
ARTS AND CULTURE COMMISSION

9242 BEVERLY BLVD
BEVERLY HILLS, CA 90210

VIEW OF RELOCATED SCULPTURE AT NORTHEAST CORNER

A2-02A
NEW SCULPTURE LOCATION

NEW MONUMENT SIGN

ARTS AND CULTURE COMMISSION

VIEW OF RELOCATED SCULPTURE AT NORTHEAST CORNER

9242 BEVERLY BLVD
9242 BEVERLY BLVD. BEVERLY HILLS, CA 90210

TISHMAN SPEYER

nbbj

08/24/20

SCALE.
MEETING CALLED TO ORDER
Date/Time: September 8, 2020 / 10:01 am

CIVILITY STATEMENT
The Civility Statement was read to initiate the meeting.

ROLL CALL
Commissioners Present: Commissioners Filipovic, Vahn, and Rubins, Vice Chair Frank, Chair Smooke
Commissioners Absent: None
Staff Present: Jenny Rogers, Pam Shinault, Kristin Buhagiar, Jenny Rogers, Patty Acuña, Adrine Ovasapyan, Lolly Enriquez, Aida Thau

COMMUNICATIONS FROM THE AUDIENCE
None

APPROVAL OF AGENDA
By order of Chair Smooke, the agenda was approved as presented.

CONSENT CALENDAR

Motion: MOVED by Commissioner Vahn, SECONDED by Vice Chair Frank to approve the minutes (5-0).

AYES: Commissioners Filipovic, Vahn, and Rubins, Vice Chair Frank, Chair Smooke
NOES: None
ABSENT: None
ABSTAIN: None
CARRIED

REPORTS FROM PRIORITY AGENCIES

Recordings of the Arts and Culture Commission’s meetings are available online at www.beverlyhills.org
Arts and Culture Commission Regular Meeting Minutes
September 8, 2020

None

PRESENTATIONS
None

NEW BUSINESS

2. 2020 Conflict of Interest Code – Arts and Culture Commission

Chief Assistant City Attorney Lolly Enriquez provided a general overview of the 2020 Conflict of Interest Code noting one change: where the bottom of page 7 says $460, but will change to $500. The Conflict of Interest Code is required by the Political Reform Act and the FPPC Regulations.

Motion: MOVED by Commissioner Rubins, SECONDED by Chair Smooke to approve the changes for the 2020 Conflict of Interest Code (5-0).

AYES: Commissioners Filipovic, Vahn, and Rubins, Vice Chair Frank, Chair Smooke
NOES: None
ABSENT: None
ABSTAIN: None
CARRIED

3. Request to Relocate Public Art at 9242 Beverly Blvd.

Developer NBBJ’s representatives Yuri Suzuki, Jonathan Nichols, Rick Poulos, and Robert Norwood, presented renderings to demonstrate the relocation request of artwork Falling Water by Jack Zajac from the inside of the building located at 9242 Beverly Blvd. to the outside of the building. The bronze sculpture will be more visible from both Maple Dr. and Beverly Blvd. as it will sit in an elevated planter. The intent of the relocation is for the artwork to be more visually prominent and enjoyed by the public. The Commission suggested adding lighting to the sculpture for increased visibility in the evening and the representatives agree.

Motion: MOVED by Commissioner Vahn, SECONDED by Vice Chair Frank to approve relocating the sculpture from the interior of the building and placing at corner of Beverly Blvd. and Maple Dr. on the condition there are up lights so that the sculpture will show during the day and in the evening (4-0).

AYES: Commissioners Vahn, and Rubins, Vice Chair Frank, Chair Smooke
NOES: None
ABSENT: None
ABSTAIN: Commissioner Filipovic
CARRIED
CONTINUED BUSINESS

4. Financial Update
   Recreation Supervisor Adrine Ovasapyan reported on the Fine Art fund and informed on pending permits and fees.

5. Artwalk Map Brochure
   Commissioner Rubins shared that the project is on hold due to the Nechita and Zajac sculptures. Since the artworks are potentially relocating, the printed map brochure will need to be amended to reflect artwork locations. Staff recommended printing smaller versions of the paper publication and specifying which edition it is on the map brochure with the addition of text instructing the reader to reference the online version which will provide the most up-to-date information. Adding to staff recommendations, Commissioner Rubins suggests adding a reference to the QR code for the most current information.

PROJECT UPDATES
- Nechita Artwork Update
  Staff discussed the agreement concerns with the art donors specifically the terms regarding obligation to display. The City Attorney's Office advised that the City has the latitude to make a business decision other than what City Attorneys are best recommending. Staff strives for a compromise between of the City and the donors to protect both parties' interests.
- Ai Weiwei Artwork Update
  The artwork passed customs at LAX and is currently at the fabricator. Staff was able to view the piece which is in great condition. The fabricator will be creating the plinth base for approximately 10 weeks. During that time, staff will be working on engineering studies pull permits, and prepare for installation. A project timeline will be developed soon with an installation date that will be shared with the Commission.
- Greystone Theatre Programming and Concerts on Canon Programming
  Performances taped at Greystone Theatre started airing on BHTV on August 3rd and September 8th will mark the last performance. Concerts on Canon take place every Thursday on BHTV with the last performance airing on September 10th.
- Fall Virtual Art Show
  The Fall Art Show will take place on October 17th and 18th and will be virtual again. If County permits, there may be onsite programming such as painting or jewelry-making workshops.

COMMUNICATIONS FROM THE COMMISSION
- Chair’s report
  a) Mayor’s Cabinet Meeting Highlights
  b) Ad Hoc Committees
    - Fine Art and Public Art (Smooke, Vahn)
      Chair Smooke and Director Rogers informed that art consultants Karen Constine and Jessica Cusick are working on a revised public art draft and will bring the document to the Commission for further discussion and feedback. Additionally, the Ad Hoc Committee is reviewing specific sculptures that need landscaping revisiting and bringing recommendations
to the Commission for approval.

- Cultural and Events (Frank, Vahn)
  Vice Chair Frank and Director Rogers informed that the TZ Projects and The Wallis partnership and the Beyond 2020 partnership with United Talent Agency (UTA) will be up for discussion at the upcoming City Council meeting on September 15th. These projects are part of the Inter-Commission Initiative – Embrace and Celebrate Culture.

- Education and Outreach (Rubins, Filipovic)
  c) Other items brief announcements, request for information, and brief reports on activities

COMMUNICATIONS FROM STAFF

- Director’s Report
  a) Director Rogers shared information on an upcoming county and city art summit. Art consultants Karen Constine and Jessica Cusick continue to share opportunities that staff will share with the Commission, the Arts and Culture website, and social media accounts.

- Information only items
  a) Arts and Culture Commission Upcoming Meetings

ADJOURNMENT

Date / Time: September 8, 2020 / 12:30 pm

PASSED, Approved and Adopted on this 13th day of October 2020.

Michael Smooke, Chairperson
ORDINANCE NO. 90-0-2096

ORDINANCE OF THE CITY OF BEVERLY HILLS
AMENDING THE FINE ART ORNAMENTATION LAW
REGARDING THE PROCEDURE FOR REVIEWING FINE
ART PLACED IN COMMERCIAL BUILDINGS AND
PROVIDING A TWO YEAR TERM FOR CHAIRPERSONS
OF THE FINE ART COMMITTEE

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES

HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 3-1.803(c) of Article 8, Chapter 1,
Title 3 of the Beverly Hills Municipal Code is hereby amended to read:

(c) "Fine art" or "fine art ornamentation" shall mean a work of art which is freestanding or freehanging in that it is not a structural part of a building or other structure, nor an architectural element on or in which the work of fine art is placed, installed, or affixed. Fine art includes, but is not limited to, sculptures, monuments, wall hangings, tapestries, photographs, etchings, engravings and paintings. Fine art shall not include decorative, ornamental or functional elements designed by the architect or other design consultant retained for the design and construction of the subject building or art objects that are mass-produced with a standard design such as fountains and statutory objects.
Section 2. Section 3-1.804 of Article 8, Chapter 1, Title 3 of the Beverly Hills Municipal Code is hereby amended to read:

(a) After final completion of architectural review of a commercial structure under Article 30, Chapter 3, Title 10 of this Code, an application shall be filed with the City for the Fine Art Committee approval of the fine art ornamentation proposed for such building. The application shall be on the form designated by the City, containing the following information:

(1) Preliminary sketches, photographs, a model or other documentation of sufficient descriptive clarity to indicate the nature of the proposed fine art ornamentation;

(2) A curriculum vita of the artist;

(3) An appraisal by an independent, qualified fine art appraiser or other evidence satisfactory to the Committee of the value of the proposed fine art ornamentation including but not limited to bona fide invoices, purchase orders or agreements, and auction records;

(4) The site plans and elevations as approved by the Architectural commission;

(5) An estimate of the construction cost of the proposed commercial structure;

(6) Sketches, photographs, or other documentation sufficient to show the relationship of the proposed fine art ornamentation to the proposed commercial structure;

(7) Such other information as may be required by
the Fine Art Committee in considering the application under the standards established by subsection (c) hereof.

(b) Upon receiving a complete application, the Fine Art Committee shall schedule a meeting to consider the application. Fourteen (14) days prior written notice shall be provided to the applicant of the time and place of the meeting at which the application will be heard.

(c) The Fine Art Committee shall approve the application if the proposed fine art ornamentation satisfies all of the following standards:

(1) The fine art has the minimum value required by Section 3-1.802. Such value shall be established by an appraisal performed by an independent, qualified fine art appraiser or other evidence satisfactory to the Committee, including but not limited to bona fide invoices, purchase orders or agreements, and auction records. Utility and maintenance costs incurred to operate and maintain the fine art over time shall not be considered in determining the value of the proposed fine art.

(2) The fine art has been created by an established artist. Established artist shall mean a professional artist who derives his or her income primarily from his or her work as an artist and is accepted and recognized in the field of art locally, regionally, nationally or internationally as
evidenced by art journals, art books or art gallery reputation. The members of architectural, engineering, design or landscaping firms retained for the design and construction of the subject commercial building shall not be considered qualified established artists for the purposes of this Article.

(3) The fine art has intrinsic quality and enduring value beyond any decorative characteristics.

(4) The fine art is compatible with and enhances the aesthetic quality of the building site. The relationship of the fine art to the site in terms of physical size, shape and colors shall be considered as well as the social and cultural interaction of the fine art with the space it ornaments.

(d) The Fine Art Committee may conditionally approve proposed fine art ornamentation subject to such conditions that the Committee deems reasonably necessary for such fine art to satisfy the standards set forth in subsection (c) above. Upon the written request of the property owner, the Committee may later reconsider a decision denying an application if the applicant installs such fine art on the subject site and is able to demonstrate to the satisfaction of the Committee that the fine art as installed meets the standards set forth in subsection (c) above. Such request for reconsideration also may be made by the property owner and considered by the Commission if changes are made either to the subject building or the proposed fine art such that there are new facts upon which the Committee may
reconsider its earlier denial.

Section 3. A new section 2-2.805 is hereby added to Article 8 of Chapter 2, Title 2 of the Beverly Hills Municipal Code to read:

Sec. 2-2.805 Chairperson.
Notwithstanding the provisions of Section 2-2.107(e), the term of the chairperson of the Fine Art Committee shall be two years. A member of the Committee shall not serve more than two consecutive years as chairperson during any single term on the Committee.

Section 4. The City Clerk shall cause this Ordinance to be published in a newspaper of general circulation printed and published in the county and circulated in the city within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code, shall certify to the adoption and publication of this Ordinance, and shall cause this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 5. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first day after its passage.
Adopted: August 7, 1990

ALLAN ALEXANDER
Mayor of the City of
Beverly Hills, California

Approved as to Form:

JEAN M. OSHIJIMA
City Clerk

Approved as to Content:

GREGORY W. STEPANICICH
City Attorney

MARK SCOTT
City Manager

MICHAEL R. CART
Director of Library and
Community Services

7/5/90
Article 8. Beverly Hills Fine Art Ordinance

3-1-801: Definitions
3-1-802: Fine Art Obligation
3-1-803: Separate Fund For Purchase Of City Owned Art
3-1-804: Application Requirements For Proposed Fine Art
3-1-805: Fine Art Criteria
3-1-806: Ineligible Costs
3-1-807: Placement And Signage Of Fine Art
3-1-808: Schedule Of Installation Of Fine Art
3-1-809: Ownership, Maintenance, And Insurance By The Property Owner
3-1-810: Reconstruction Of Buildings That Previously Met The Fine Art Obligation
3-1-811: Denial By The Fine Art Commission
3-1-812: Appeal To City Council Following Denial By The Fine Art Commission
3-1-813: Gifts Of Fine Art
3-1-814: Deaccessioning Of City Owned Fine Art

3-1-801: DEFINITIONS:

The following definitions are applicable to the provisions of this article:

ACT OF GOD: A direct, sudden, and irresistible action of natural forces such as could not reasonably have been foreseen or prevented, as a flood, hurricane, earthquake, or other natural catastrophe.

COMMERCIAL/INDUSTRIAL BUILDING: Any building or structure, all or part of which contains a commercial or industrial use permitted by this code. "Commercial structure" shall not include any building or structure constructed or reconstructed for the elderly or disabled pursuant to title 10, chapter 3, article 12.5 of this code.

COMMISSION: The fine art commission.

CONSTRUCTION COST: The total value of all building permits issued by the city as they relate to the construction, reconstruction or addition work on a commercial/industrial building, or the office or retail portion of a mixed use building in the city.

DECORATIVE ART: Arts and crafts that are employed in the making of ornamental and functional works in a wide range of materials. Decorative arts are concerned with design, decoration, ornamentation and/or functionality of the object rather than the purely aesthetic.

FINE ART: Art produced or intended primarily for beauty rather than utility. Fine art includes, but is not limited to: sculpture, photography, drawing, multimedia art and painting. Fine art shall not include the following: a) decorative, ornamental or functional elements designed by the architect or other design consultant retained for the design and construction of the subject building; b) art objects that are mass produced with a standard design such as fountains and statuary objects; c) an artistic or architectural element that is a structural part of a building; or d) decorative art.

FINE ART OBLIGATION: The obligation to provide art or make an in lieu payment as specified in section 3-1-802 of this chapter.

MIXED USE BUILDING: A site with two (2) or more different land uses, such as, but not limited to, a
combination of residential, office or retail uses in a single or physically integrated group of structures or the development of a combination of different land uses in a single zone.

PROPERTY OWNER: The titleholder of the subject property.

RECONSTRUCTION: All alterations or repairs made to a commercial/industrial building or the office and/or retail portion of a mixed use building where:

A. Any such alterations or repairs result in changes to the exterior of the building, with the exception of signs and/or awnings;

B. The changes to the exterior of the building are not limited to repair and/or ordinary maintenance; and

C. The building permit valuation of all alterations or repairs to the building equals or exceeds five hundred thousand dollars ($500,000.00).

Notwithstanding the foregoing, reconstruction necessitated by damage due to fire, flood, wind, earthquake, or other disaster shall be exempt from this article. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-802: FINE ART OBLIGATION:

A. Any construction, reconstruction or additions, to a commercial/industrial building or mixed use building in the city of Beverly Hills shall be assessed with the obligation to provide fine art as follows:

1. For projects with total construction costs between five hundred thousand dollars ($500,000.00) and one million dollars ($1,000,000.00), the fine art obligation shall be satisfied by either of the following: a) installation of fine art that has a value equal to, or exceeding, one percent (1%) of the total construction costs; or b) payment of an in lieu fee to the fine art fund equal to ninety percent (90%) of the value required by the immediately preceding item a of this subsection.

2. For projects with total construction costs equal to or greater than one million dollars one cent ($1,000,000.01), the fine art obligation shall be satisfied by either of the following: a) installation of fine art that has a value equal to, or exceeding, one percent (1%) of the first one million dollars ($1,000,000.00) plus one and one-half percent (1.5%) of the amount in excess of one million dollars ($1,000,000.00); or b) payment of an in lieu fee to the fine art fund equal to ninety percent (90%) of the value required by the immediately preceding item a of this subsection.

B. If the in lieu payment option has been chosen pursuant to subsection A of this section, then such in lieu payment shall be made prior to the issuance of the related building permit. Once the funds for the in lieu payment have been made available to the fine art fund, then the property owner's obligations under this article shall have been fulfilled. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-803: SEPARATE FUND FOR PURCHASE OF CITY OWNED ART:

All payments made to the fine art fund of the city shall be used solely for the following in connection with fine art: a) planning, b) acquisition (including appraisal fees), c) installation, d) improvement, e) maintenance (including professional services required to maintain the integrity of the public art collection), and f) promotional activities associated with city owned fine art for display in the city. Any fine art
purchased with such funds shall be the property of the city, and shall meet the requirements set forth in subsections 3-1-805B through D of this chapter. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-804: APPLICATION REQUIREMENTS FOR PROPOSED FINE ART:

After final approval by the architectural commission, if required, an application shall be filed with the city for approval of the proposed fine art by the fine art commission. The application shall be on the form designated by the city, containing the following information:

A. Preliminary sketches, photographs, models, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed fine art;

B. Curriculum vitae of the artist;

C. An appraisal by an independent, qualified fine art appraiser or other evidence satisfactory to the commission of the value of the proposed fine art, including, but not limited to, bona fide invoices, auction records, and fine art gallery records;

D. Documentation showing at least one piece of the same or comparable medium, size, and condition that has sold in the last five (5) years, at or above the required fine art obligation value shall be included;

E. Sketches, photographs, or other documentation representing to scale the relationship of the proposed fine art as installed to the proposed commercial or mixed use structure. Final approval will be contingent upon accurate depiction of proposed artwork and accurate depiction of installation of artwork; and

F. Such other information as may be requested by the director of community development.

Upon receiving a complete application, the fine art commission shall consider the application at its next regularly scheduled meeting; provided however, that the complete application must be received at least two (2) weeks prior to the meeting at which it will be considered. Ten (10) days' prior written notice shall be provided to the applicant of the time and place of the meeting at which the application will be considered. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-805: FINE ART CRITERIA:

The fine art commission shall approve the application if the proposed fine art satisfies all of the following criteria:

A. The fine art has the minimum value required by section 3-1-802 of this chapter as determined by the appraisal submitted along with the application pursuant to section 3-1-804 of this chapter. Such appraisal shall not use the current market value of materials used to produce a comparable art piece as a basis for determining the value of the proposed fine art. The value of the fine art shall not include the items listed in section 3-1-806 of this chapter.
B. The fine art has been, or will be, created by an established artist. "Established artist" shall mean a professional artist who derives his or her income primarily from his or her work as an artist and is accepted and recognized in the field of fine art, internationally or nationally. Documentation to support the artist's stature should include, but is not limited to: 1) inclusion in art journals and art books; 2) fine art gallery representation; 3) museum exhibition or collection; 4) auction house records; and, 5) letters of support from fine art curators. The members of the architectural, engineering, design or landscaping firms retained for the design and construction of the commercial or mixed use building under review shall not be considered qualified established artists for the purposes of this article.

C. The fine art has intrinsic quality and enduring value.

D. The fine art is compatible with and enhances the aesthetic quality of the proposed installation site. The relationship of the fine art to the site in terms of physical size, shape and color shall be considered, as well as the social and cultural interaction of the fine art with the space it occupies and the surrounding area. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-806: INELIGIBLE COSTS: 🌊

Expenses for the following do not qualify as fulfilling the fine art obligation:

A. Art consultants;

B. Appraisers;

C. Insurance;

D. Maintenance costs;

E. Shipping;

F. A structure, upon which artwork is displayed (e.g., a pedestal);

G. Professional fees for the artist(s);

H. Labor of assistants, materials, and contracted services required for the installation of the work of art;

I. Any required permit or certificate fees;

J. Business and legal costs directly related to the project;

K. Studio and operating costs;
L. Communication and other indirect costs (insurance, utilities);

M. Travel expenses of the artist for site visitation and research;

N. Transportation of the work of art to the site;

O. Preparation of the site to receive the artwork;

P. Installation of the completed work of art;

Q. Documentation (e.g., color slides and black and white photographs of the artwork); and

R. Directional elements such as super graphics, plaques, or color coding except where these elements are integral parts of the original work of art. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-807: PLACEMENT AND SIGNAGE OF FINE ART:

A. The fine art required by this article shall be located in a public place. A "public place" means any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public during normal business hours and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

B. The applicant may request to have the work of fine art placed on city owned property. Upon such request, the fine art commission may recommend a site on city owned property for approval by the city council. Any work of art installed on city owned property pursuant to this section, would be gifted to the city with an endowment provided by the current property owner for transport, installation, insurance, and maintenance, in an amount acceptable to the city council.

C. Each work of art shall be identified by a plaque stating the artist's name, title, date the artwork was created, and the year of installation. The plaque will be placed and maintained in a location near the artwork and easily viewable by the public. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-808: SCHEDULE OF INSTALLATION OF FINE ART:

A. Prior to the issuance of a building permit that triggers a fine art obligation, the applicant shall deposit with the city cash, a letter of credit, or other security satisfactory to the director of community development in an amount equal to the value of the fine art as required by section 3-1-802 of this chapter. The security shall guarantee installation of fine art, or an in lieu fee, as required by this article.

B. All fine art required by this article shall be installed, as approved by the fine art commission, prior to the final inspection of the construction or reconstruction that has triggered the requirements of this article. Within seven (7) days of installation of the approved fine art, the applicant shall notify the fine art commission and city staff to verify compliance.
C. If the fine art required by this article is not installed by the final inspection of the construction or reconstruction that has triggered the requirements of this article, then the applicant shall forfeit the security posted with the city, and such monies shall be deposited into the fine art fund. In the case of unforeseeable, and verifiably documented, extenuating circumstances, the deadline to install the fine art may be extended up to a maximum of twelve (12) months, with the written approval of the fine art commission. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-809: OWNERSHIP, MAINTENANCE, AND INSURANCE BY THE PROPERTY OWNER:

The property owner:

A. Shall, except if the fine art is placed on city owned property, own such fine art, and if the building is sold, shall transfer ownership of the fine art as an integral part of the sale of the building.

B. Shall execute a recordable covenant running with the land, in a form acceptable to the city attorney, regarding the fine art.

C. Shall maintain such fine art at the on site location as approved by the fine art commission, unless a different on site location is approved by the fine art commission at the request of the property owner.

D. Shall maintain artwork per the guidelines set forth by the artist who created it, or the artist's representative, if applicable.

E. May request the ability to remove the fine art at a later date by offering to donate the piece to the city or by paying the original or present day value of the art, whichever is higher. Such request must be reviewed by the fine art commission and approved by the city council. If the piece will be gifted to the city, the owner must provide the city with an endowment for the piece to pay for transport, storage, reinstallation, insurance and maintenance in an amount acceptable to the city council. If there is construction, reconstruction or an addition to the property in conjunction with the request to remove the original fine art, then there will be a new fine art obligation assessed in accordance with the provisions of this article.

F. For all fine art installed after January 1, 2015, shall provide an appraised valuation or other evidence of value satisfactory to the fine art commission, of the artwork every five (5) years, to guarantee the work is insured to its proper market value. Any appraisal shall be made by an independent, qualified fine art appraiser and shall be paid for by the property owner. Other evidence of value may include bona fide invoices, auction records, and fine art gallery records.

G. Shall maintain in full force and effect at all times, insurance coverage in the amount of the most recent appraised value, insuring such fine art against any loss or damage, including vandalism, in accordance with the provisions of chapter 4 of this title. Annual proof of insurance coverage must be provided to the city.
H. Shall, in the event that the artwork is destroyed, stolen, damaged, or lost, resulting in an insurance claim against such loss, use any funds that are paid out to the owner by the insurance company toward the purchase of a replacement work of art, subject to the most current criteria of the fine art ordinance and equal to the insured valuation of the lost work. Alternatively, the property owner has the option to deposit into the fine art fund an amount equal to the insured valuation of the lost work. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-810: RECONSTRUCTION OF BUILDINGS THAT PREVIOUSLY MET THE FINE ART OBLIGATION:

Each reconstruction with a total construction cost of at least five hundred thousand dollars ($500,000.00) shall trigger the fine art obligation.

A. If a building that had previously satisfied the fine art obligation is damaged by an act of God resulting in a reconstruction and the original fine art is intact or an in lieu fee was previously paid, there will be no additional fine art obligation required. However, if the original fine art is destroyed, a replacement work of art that meets the requirements of the fine art ordinance currently in effect will be required in an amount equal to the insured value of the lost or destroyed art piece. Alternatively, the property owner has the option to deposit into the fine art fund an amount equal to the insured valuation.

B. If a building that had previously satisfied the fine art obligation is voluntarily reconstructed and the original fine art is intact or an in lieu fee was previously paid, a new fine art obligation will be required based on the difference between the construction cost of the new project less the construction cost of the project that triggered the original fine art obligation. However, if the original fine art is missing or destroyed, a new fine art obligation that meets the requirements of the fine art ordinance currently in effect will be required in an amount: 1) based upon the construction costs of the new project as specified in section 3-1-802 of this chapter; or 2) equal to the most recent appraised value of the missing or destroyed original fine art, whichever is higher. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-811: DENIAL BY THE FINE ART COMMISSION:

A. In the event a work of art proposed by the property owner is denied by the fine art commission, the property owner must present other works of fine art to the commission. The full application process must be followed for each work of fine art presented to the commission, as set forth in 3-1-804 of this chapter.

B. The applicant may request that the fine art commission reconsider its decision if changes are made either to the proposed fine art or the subject building such that there are new facts upon which the commission may reconsider its earlier decision. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-812: APPEAL TO CITY COUNCIL FOLLOWING DENIAL BY THE FINE ART COMMISSION:

Any final decision of the fine art commission may be appealed to city council under title 1, chapter 4, article 1 of this code. (Ord. 15-O-2672, eff. 2-6-2015)
3-1-813: GIFTS OF FINE ART:

A. All proposed gifts to the city of fine art with a value in excess of ten thousand dollars ($10,000.00) that are proposed to be installed in a "public place" (as such term is defined in subsection 3-1-807A of this chapter) shall be reviewed by the fine art commission in accordance with the terms of this article, prior to being presented to city council for consideration of acceptance. Nothing herein shall prevent the city council from accepting gifts of fine art with a value in excess of ten thousand dollars ($10,000.00) that will not be displayed in a public place, without review by the fine art commission.

B. If the donor requests a receipt from the city containing a specified value of the donated art, such donor will need to provide an appraisal to the city which supports the stated value. (Ord. 15-O-2672, eff. 2-6-2015)

3-1-814: DEACCESSIONING OF CITY OWNED FINE ART:

A. Introduction: Deaccessioning is a legitimate part of the formation and care of a collection. However, deaccessioning should be a deliberate and seldom used procedure. It is the policy of the city not to dispose of artwork simply because it is not currently in fashion, and not to dispose of work whose worth might not yet be recognized.

B. Definition: "Deaccessioning" shall mean any actions or set of procedures that result in the cessation by the city of its ownership and possession of works of art, through sale, exchange, gift or any other means not in conflict with state or federal law.

C. Conditions:

1. No artwork shall be deaccessioned within five (5) years of acquisition by the city or installation unless:
   a. The piece poses a threat to public health or safety;
   b. Authenticity was misrepresented at the time of acquisition or installation;
   c. There is a valid challenge to title; or
   d. It possesses faults of design or workmanship that result in excessive or unreasonable maintenance, and/or damage to an extent where repair is unreasonable or impractical.

2. Once the five (5) year period has lapsed, the fine art commission may recommend to the city council the deaccessioning of any work of art if any of the following conditions apply:
   a. The cost to repair the work is more than fifty percent (50%) of current appraised value, or the work is so deteriorated that restoration would prove unfeasible or misleading;
   b. Destruction of, or changes to, the site where the art is located threaten the artwork's survival or result in a significant diminishing of its artistic integrity or accessibility; or
   c. The fine art commission determines that there is an exceptional and unforeseen reason for removing the artwork from its current site, and no other suitable site in the city can be found.
D. Procedures: If the conditions for deaccessioning are met, the following information, as appropriate, shall be considered by the fine art commission at a formal meeting:

1. Reasons for the proposed deaccessioning;
2. Opinion of the city attorney's office, if necessary;
3. Process of acquisition method and cost and/or value at the time of acquisition;
4. Expert appraisal of the current market value of the work;
5. Costs associated with deaccessioning or removal;
6. A condition report from a professional conservator; and
7. Professional fees associated with the subsequent sale, auction, donation or trade of the artwork.

At the discretion of the fine art commission, where applicable and achievable, the original donor of the work may be given right of first refusal to purchase the work within sixty (60) days of notification. No works may be sold, traded or transferred to a member of the fine art commission, city of Beverly Hills officials or staff or their agents.

Nothing in this section shall prohibit the city council from deaccessioning any piece of city owned art, at any time, if the city council determines that deaccessioning is in the public interest and that following the procedures set forth in this section is not in the public interest. (Ord. 15-O-2672, eff. 2-6-2015)
Appraisal Report

Prepared for
Frank Gaugler of Tishman Speyer

Intended Use: Disposition of Artwork
Type of Value: Replacement Value

Effective Date of Valuation: February 4, 2021
Date of Inspection: February 4, 2021
Date of Appraisal Report: March 16, 2021

Prepared by
Lauren Miller, ASA
American Society of Appraisers
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LETTER OF TRANSMITTAL</td>
<td>3</td>
</tr>
<tr>
<td>TERMS OF THE APPRAISAL</td>
<td>4</td>
</tr>
<tr>
<td>Type of Report</td>
<td>4</td>
</tr>
<tr>
<td>Intended Use</td>
<td>4</td>
</tr>
<tr>
<td>Intended Users</td>
<td>4</td>
</tr>
<tr>
<td>Type of Value</td>
<td>4</td>
</tr>
<tr>
<td>APPROACHES TO VALUE</td>
<td>5</td>
</tr>
<tr>
<td>CERTIFICATION</td>
<td>6</td>
</tr>
<tr>
<td>PRIVACY POLICY</td>
<td>9</td>
</tr>
<tr>
<td>NARRATIVE</td>
<td>10</td>
</tr>
<tr>
<td>Description of the Property</td>
<td>10</td>
</tr>
<tr>
<td>Artist Background</td>
<td>14</td>
</tr>
<tr>
<td>Market Analysis</td>
<td>16</td>
</tr>
<tr>
<td>Comparable</td>
<td>16</td>
</tr>
<tr>
<td>Rationale</td>
<td>17</td>
</tr>
<tr>
<td>GLOSSARY OF ART-RELATED TERMS</td>
<td>18</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>19</td>
</tr>
<tr>
<td>APPRAISER CREDENTIALS</td>
<td>20</td>
</tr>
</tbody>
</table>
LETTER OF TRANSMITTAL

March 15, 2021

Frank Gaugler | General Manager, Beverly Hills Portfolio
Tishman Speyer
345 N. Maple Dr. Suite 101
Beverly Hills, CA 90210

RE: Appraisal of personal property – one mural by Terry Schoonhoven titled Projector

Dear Mr. Gaugler,

Per our contract signed February 26, 2021, I have prepared an appraisal of the above referenced property to conclude its Replacement Value (new) for the intended use of the report, as discussed hereinbelow, due to the lobby remodel of 9242 Beverly Blvd.

The effective date of valuation is February 4, 2021, the date of my inspection.

This appraisal is subject to the limiting conditions and assumptions as stated herein. Values are based on the whole and possessory interest of the owner of these properties, undiminished by liens, fractional interest or other encumbrances. To be valid, this appraisal report must be used in its entirety of 20 pages. I have no past, present or contemplated future interest in the subject properties of this appraisal.

This appraisal report has been prepared in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) 2020-2021, promulgated by the Appraisal Standards Board of The Appraisal Foundation and the “Principles of Appraisal Practice and Code of Ethics” of the American Society of Appraisers (ASA).

Information provided to me during the course of preparation of this appraisal and identified as confidential will remain so, as will my opinions and conclusions, in accordance with USPAP and ASA code of Ethics.

On the basis of inspection, research and analysis, it is my opinion that the total Replacement Value (New) for the subject property included in this appraisal as of the effective date of valuation was $15,000 (fifteen thousand US Dollars).

The submission of this report completes this appraisal assignment. Thank you for allowing Modern Art Services to have been of service to you.

Kind Regards,

Lauren Miller, ASA
TERMS OF THE APPRAISAL

The following appraisal terms and definitions are specific to this appraisal report.

Type of Report
This appraisal is communicated in an Appraisal Report.

Intended Use
This report is intended for the disposition of artwork due to the lobby remodel located at 9342 Beverly Blvd (the “Project”). This report is not intended for any other use.

Intended Users
This report is intended for use by the Asset Management team for The Project, your legal representation for the Project and the Fine Art Commission for the City of Beverly Hills. Use of this report by others is not intended by the appraiser.

Type of Value
This appraisal concludes Replacement Value (new).

Replacement Value (new) is defined as the cost to replace a property with an equivalent, or substitute which is new, using modern materials, techniques and standards that satisfy the description or use of the replaced property. It is the present cost of replacing the property with one having the same quality and utility, but in new condition. This definition includes various anticipated costs associated with the replacement of the property.¹

¹ American Society of Appraisers Personal Property Committee, Monograph #2, Type of Value, 2010.
APPROACHES TO VALUE

There are three Approaches to Value for appraising personal property; all approaches were considered in preparing this appraisal.

**Cost Approach to Value**
A procedure to estimate the current costs to reproduce or create a property with another of comparable use and marketability.

This approach to value was considered, but not used because the maker of the property in this appraisal contributes to its value and a reproduction would therefore not be comparable.

**Income Approach to Value**
A procedure to conclude an opinion of present value by calculating the anticipated monetary benefits (such as a stream of income) for an income-producing property.

This approach to value was considered but not used because the subject property is not income-producing.

**Sales Comparison Approach to Value**
A procedure to conclude an opinion of value for a property by comparing it with similar properties that have been sold or are for sale in the relevant marketplace by making adjustments to prices based on marketplace conditions and the properties’ characteristics of value.

This approach to value was used for analysis in this appraisal because there are a sufficient number of properties in the relevant marketplace that are comparable to the subject property on which to base a credible conclusion of value.

---

2 Personal Property Committee, American Society of Appraisers.
CERTIFICATION

I certify to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.

2. The reported analyses, opinion and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial and unbiased professional analyses, opinions and conclusions.

3. I have no present or prospective interest in the property that is the subject of this report and no personal interest or bias with respect to the parties involved.

4. I have prepared no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.

6. My engagement for this assignment was not contingent upon developing or reporting predetermined results.

7. My compensation for this assignment is not contingent upon the development of reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result or the occurrence of a subsequent event related to the intended use of this appraisal.

8. My analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice, 2020-2021.

9. I have made a personal inspection of the property that is the subject of this report.

10. No one provided significant appraisal assistance to me in the preparation of this report.

_________________________
Lauren Miller, ASA
Modern Art Services, LLC
LIMITING CONDITIONS AND ASSUMPTIONS

This appraisal report has been prepared subject to the following limiting conditions and assumptions:

This appraisal report has been prepared for the intended use, intended users and type of value as stated herein.

The opinion of value is valid only for the effective date of the appraisal.

This appraisal report is only valid in its entirety and is not valid if any page of the report is missing. Reproduction of the report must be done in its entirety.

The client stated that Tishman Speyer is the owner of the property. This appraisal is not a certificate of title or a warranty of ownership. Ownership was neither researched nor confirmed.

Information utilized in the preparation of this report was obtained from a variety of sources that are either documented in the appraisal report or contained in my workfile. These sources are assumed to be reliable and accurate. I assume no responsibility for errors or omissions provided by these sources.

No change to this report shall be made by anyone other than the appraiser. I retain the right to amend this appraisal report.

Sales results or asking prices quoted in this report, regardless of origin, do not include any taxes. Auction sales results quoted in this report include the standard buyer’s premium of that auction house, as of date of sale (unless otherwise noted). In addition, all prices/figures are in US currency. Any prices that required conversion to us dollars were converted using the rates of the date of sale.

This appraisal makes no warranty as to the authenticity of the property appraised. Absolute identity is frequently confirmed through scientific testing. This appraisal is based on visual inspection and the property were not subjected to extensive testing.

I assumed that there are no undisclosed conditions of the subject property that would have a material adverse effect on the value conclusions.

Dimensions are listed in the following order: height x width x depth in inches and are precise within 0.25 inch. Photographs I took and included in this document are not considered to be professional, may not be suitable for use in court and are included solely to serve as an adjunct to the descriptions included in this report.
The fee for this appraisal is based solely on an hourly rate and is not dependent on any conclusion of value.

Neither this appraisal report nor any part of it shall be disseminated to the public in any form without the prior written consent of the appraiser.

Access to confidential information or the appraiser’s opinions will not occur without the expressed written consent of the client, unless ordered by a court of appropriate and competent jurisdiction and/or regulation, or a duly authorized panel of a professional organization.

I will retain a copy of this appraisal report, together with the assignment workfile for a minimum of five (5) years, or two (2) years following the conclusion of any legal proceeding in which I give testimony regarding this appraised property, whichever period of time is longer.

The submission of this report concludes this appraisal assignment. Any additional services related to this appraisal shall constitute a new assignment and shall be invoiced according to the current fee schedule at that time.
PRIVACY POLICY

Lauren Miller and the staff of Modern Art Services is committed to safeguarding the confidential information of our clients. Please know that we hold all of our clients’ personal information provided to our appraisal services in the strictest confidence and in accordance with the USPAP and ASA ethics standards of confidentiality. These records include information collected from clients in connection with the personal property appraisal services provided by our company. At no time in the past have we ever disclosed information to third parties, except as specifically authorized by our clients, or as required by law, and we do not anticipate doing so in the future. We are prohibited under federal law from changing our policy without first advising a client and obtaining permission. As you know, we use the personal property information provided by our clients to help meet their appraisal requests, while guarding against any real or perceived infringements of their rights of privacy.

Our policy with respect to personal information about our client is as follows:

We limit employee and agent access to information only to those who have a business or professional reason to know and only to non-affiliated parties as required by law.

We maintain a secure office and computer environment to ensure that your information is not placed at unreasonable risk.

The categories of non-public personal information that we collect from a client depend upon the scope of the client’s appraisal engagement. This includes information about personal property assets, information about tax identification numbers and other non-public information necessary. Additionally, it may include information about transactions between clients and third parties and information from third party sources.

Unaffiliated third parties that require access to our clients’ personal information, such as Federal and State tax regulators, insurance companies, and the like, may only review company records as permitted under the law.

We do not provide client information to mailing list vendors or solicitors for any reason whatsoever.

Personally identifiable information will be maintained during the time a client is a client of the company and for the appropriate time thereafter that such records are required to be maintained by the USPAP and consistent with the ASA ethics code. After this required period of record retention, all such information will be destroyed in a manner consistent with providing confidentiality to our clients.
NARRATIVE

Description of the Property

Object: Mural
Artist: Terry Schoonhoven (American, 1945-2001)
Title: *Projector*
Date: 1991
Dimensions: 12 x 24 ft., 288 sq. ft.
Medium: Acrylic paint painted directly onto the interior barrel-vaulted ceiling
Inscriptions: Yes, the artist signed and dated the work, “T. Schoonhoven 91” in red paint on the lower right-hand side
Condition: Excellent
Location: The interior barrel-vaulted ceiling located in the lobby elevator bank of 9242 Beverly Blvd. Beverly, CA 90210
Provenance: Robert Gilbert commissioned the work by the artist in compliance with the Beverly Hills Fine Art Ordinance Obligation. The client and current owner of the building/artwork, Tishman Speyer, acquired the building where the work is installed in 2005 from Star Property Fund. Previous ownership is unknown.
Description: A cityscape filled with recognizable buildings located in Beverly Hills and surrounding Los Angeles area are depicted in a three-panel mural that is situated above the viewer’s head, painted on the ceiling. With one panel on the right, one panel on the left and one straight ahead, the entire mural plays with the viewer’s perspective and makes one wonder if you are looking outside of a window on a clear blue-sky day in Southern California. For example, there are horizontal and vertical cream rectangles with black lines throughout the work that are reminiscent of blonde wood paneling similar to what one might find on the interior of a building near the ocean. Then there are the multiple rounded cut-outs from these panels that are reminiscent of windows. Outside of these windows, the viewer can see palm trees, airplanes, the Beverly Hills Hotel, Beverly Hills City Hall, Griffith Observatory and more. Finally,
running the width of the ceiling, from the right panel to the left, is a human figure in various diving positions.
Artist Background

Terry Schoonhoven was born in 1945 in Freeport, Illinois. He attended the University of Wisconsin and received a Bachelor of Science Degree in 1967. Soon after, he moved to Los Angeles and studied art at UCLA, the same university where he later taught lithography.

In 1969, Schoonhoven co-founded the Los Angeles Fine Arts Squad, a group of muralists with a shared goal to get outside and paint. This desire to not be confined by a studio practice and instead collaborate with other artists and engage with the local community was common among artists of the time, particularly in Venice. Artists wanted to be outside in the action, and felt the studio could easily be expanded to include the community at large. Although the group dissolved in 1974, Schoonhoven continued his artistic practice until his death in 2001 at the age of 56 after a long battle with cancer.

Over the course of his career, Schoonhoven was decorated with awards including the California Arts Council Special Projects Grant in 1978 and a National Endowment for the Arts Artists Fellowship in 1980. He painted more than 40 murals, occasionally for private clients but more often than not they were corporate commissions and public art projects under civic percent for art programs. Most of these murals were executed in the Los Angeles area and can still be seen today including Cityscape, 1984 - Downtown Los Angeles, Jewish Contributions to Medicine, 1999 - Cedars Sinai and Traveler, 1993 - Union Station. In addition to local projects, Schoonhoven completed murals in Minneapolis, San Antonio and St. Louis.

Schoonhoven was known for his realism and trompe l’oeil technique. He often used the outside and surrounding landscapes as subjects for his murals and had a unique ability to incorporate his paintings into the existing landscapes or architecture creating a sense of illusion to the viewer. As seen in Figure 1 Cityscape, 1984, commissioned by the Olympics art committee coinciding with the 1984 Olympics in Los Angeles, Schoonhoven mimicked the skyline of Downtown Los Angeles on a bridge above the Harbor Freeway. This is just one of many mural examples where Schoonhoven used the surrounding landscape while simultaneously creating an illusion to the viewer.

With the majority of Schoonhoven’s murals being painted directly on to the surfaces of buildings, it comes as no surprise that some have faded or even disappeared over time due to
either the artist’s use of unstable materials or new construction\(^3\). However, his work is not going to disappear as resources have been deployed on some for restoration and conservation purposes. For example, *Cityscape*, 1984 has already been repainted with a new material pigment for durability to last 75 years. Additionally, Schoonhoven’s tile mural\(^4\), *Traveler*, 1993 located at Union Station, is very secure and on track to last a very long time.

In addition to the restored works of art, Schoonhoven made a few rare portable works that can be found in the permanent collections of notable museums including the Los Angeles County Museum of Art, Walker Art Center, Minneapolis; San Antonio Museum of Art; Smithsonian Institution, Washington, D.C.; and the Australian National Gallery, Canberra.

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\(^3\) Two examples of murals that are no longer standing due to new construction are *Beverly Hills Siddhartha*, once located on the exterior of the old La Cienega Blvd. nightclub Climax and an interior scene at Plaza Pasadena.

\(^4\) Schoonhoven made a few tile murals, a rare medium for the artist.
Market Analysis

Murals are not often, if ever, resold due to the nature in which they are installed affixed directly onto the wall. However, there are a sufficient number of artists being commissioned on a regular basis making the artist studio the relevant market to conclude Replacement Value (new). As stated earlier, the maker of the subject property contributes to the value of the work. But, since the artist is no longer living, I could not simply ask the artist what his rate today would be to commission a new mural of like size and quality. Instead, I needed to research artists similar to Schoonhoven and find out what their commission rate would be for a new mural comparable to the subject property.

I decided to begin my research with living muralists known primarily for their public work but that may have done some private and corporate commissions. The list of artists was long, so I narrowed down my search to also include artists with a similar resume to Schoonhoven who also paint in a similar style. That lead me to artist Richard Haas.

Comparable

Just like Schoonhoven, Haas received his Bachelor of Science degree from the University of Wisconsin. Haas furthered his education and received his MFA from the University of Minnesota. Similar to Schoonhoven, Haas has been the recipient of several awards and grants including the National Endowment for the Arts, 1987 and the Guggenheim Fellowship, 1983. Haas is also in the permanent collections of the notable museums including the Art Institute of Chicago; Walker Art Center, Minneapolis and the Smithsonian Institution, Washington, D.C. among others.

In addition to having a similar pedigree to Schoonhoven, Haas has painted numerous murals similar in style to the subject property. Like Schoonhoven, Haas’ work is very realistic and architectural. He too is known for his use of trompe l’oeil as well as incorporating nearby notable architectural features into his murals. For example, in Figure 3, we see a depiction of the Brooklyn Bridge, a bridge located close to the mural installation.

After I established both Haas’s resume and artistic style were comparable to Schoonhoven, I needed to find out how much Haas would charge to commission a new mural today in order to determine the Replacement Value (new) for the subject property. I was able to speak with Haas over the phone at length and learned that while he is still painting murals
(see figure 4 for a commission completed in 2014), the price for his murals has not increased over the years. In fact, it has decreased.\textsuperscript{5}

\textbf{Rationale}

He shared with me that there are many factors that go into pricing out a mural such as size, scale, density, level of detail, location and access. I provided Haas with the dimensions of the subject property as well as details about its location (inside and on the ceiling). Haas shared that while painting inside is easier than being outside due to weather conditions and sun exposure, painting on the ceiling is not ideal. The arching of the neck while having to look up is not particularly comfortable for any artist and it also makes it more difficult to paint when compared to painting on a surface in front or below you. Given all of these factors, Hass informed me that he would charge a commission rate of $15,000 for a new mural comparable in design and size to the subject property. Therefore, I have concluded the Replacement Value (new) to be $15,000.

\textsuperscript{5} I believe this is due to several factors. There is an abundance of artists available to do murals. I myself have commissioned nearly ten murals for clients this past year alone and the number of artists available for these projects was endless. With the abundance of artists to choose from, the artists essentially drive their prices down in order to win the bids. The majority of murals being commissioned today are not in the artistic style of Haas or Schoonhoven, making the demand for this type of work low.
# GLOSSARY OF ART-RELATED TERMS

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition</td>
<td>Excellent, fine, fair or poor.</td>
</tr>
<tr>
<td>Ranking</td>
<td>A planographic method of printmaking based on the antipathy of grease and water (per <em>The Concise Oxford Dictionary of Art Terms</em>).</td>
</tr>
<tr>
<td>Lithograph</td>
<td>The material in which an artist works.</td>
</tr>
<tr>
<td>Lithograph</td>
<td>The chain of ownership to the date an item was created or as far back as is known.</td>
</tr>
<tr>
<td>Realism</td>
<td>A term used generally to refer to art in which subjects from real life are depicted (per <em>The Concise Oxford Dictionary of Art Terms</em>).</td>
</tr>
<tr>
<td>Trompe l’oeil</td>
<td>A visual illusion in art, especially as used to trick the eye into perceiving a painted detail as a three-dimensional object (per <em>The Concise Oxford Dictionary of Art Terms</em>).</td>
</tr>
</tbody>
</table>
BIBLIOGRAPHY

Literature


Internet Sources

Americanart.si.edu/artist/terry-schoonhoven-4320

Artslb.org/public-art/white-city/

Beverlyhills.org/vbh/publicart/

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Lafineartssquad.com/documents/essay-by-terry-schoonhoven/

Metro.net/about/art/artworks/traveler/

Newyorksocialdiary.com/richard-haas/

Publicartinla.com/Downtown/figueroa/schoonhoven_bio.html

Richardhaas.com

Unionstationla.com/artwork/terry-schoonhoven

Other Sources

Richard Haas, Artist, Park Hill, New York.
APPRAISER CREDENTIALS

EDUCATION:

• Loyola Marymount University
  Bachelor of Arts, Art History
  Los Angeles, CA
  2015

APPRAISAL EDUCATION:

• State University of New York
  American Society of Appraisers
  Personal Property Certificate Program
  Purchase, NY
  2016

• Uniform Standards of Professional Appraisal Practice
  Current through 2021

SELECTED PROFESSIONAL EXPERIENCE:

• Modern Art Services
  Art Appraiser and Art Advisor
  West Hollywood, CA
  2016 - Present

• The Lapis Press, Pop – Up
  Sales Associate
  Culver City, CA
  2016

• The Lapis Press
  Project Coordinator
  Culver City, CA
  2014 - 2015

• Gagosian Gallery
  Gallery Assistant
  Beverly Hills, CA
  2009 - 2010
Pae White

• Pae White’s (b. 1963) practice is known for blurring the traditional and often nebulous boundaries between the fine and applied arts, architecture and design. White playfully gives grandeur and permanence to the ordinary.

• White is an internationally established figure in contemporary art, having presented major projects at Skulptur Projekte Muenster; the 53rd Venice Biennale, 2009; The Whitney Biennial; MoMA PS1; The Henry Art Museum and more. Her work is held in the permanent collection of the Whitney Museum of American Art, LACMA, and the YUZ foundation, Shanghai.

Whistleblower, 2019
Ink, cable, and electroplated steel
84.5 x 189 x 74 inches
3189 discs; 295 strands
$140,000