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It's Yahoo's Lawn, But This Artist Says Keep Off the Grass

Why Tech Giant Whacked Its Swampy Art Installation; Trouble With Berkeley Sedge

By Kelly Crow

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When Yahoo moved into its Sunnyvale, Calif., headquarters six years ago, it kept peace with local authorities by buying and installing \$500,000 worth of public artworks.

Now Yahoo says it is suffering for its art.

On its front lawn, the technology giant installed a work by New York artist Sharon Loudon that paired real wetlands grass with artificial cattail-like reeds. The grass grew. The city complained. Last year, to rein in its overgrown yard, Yahoo dispatched a grounds crew with weed whackers.



"Reflecting Tips, 2001" at dusk, after the grass was cut. YAHOO

Artificial reeds were cut, bent and twisted. The artist, horrified, responded with letters from her lawyers, which were met with letters from Yahoo's lawyers. "They turned my art into a bad miniature golf course," Ms. Loudon says.

As negotiations continue over who controls Yahoo's front yard, the company has found itself caught at the intersection of two artist-friendly laws -- one that made the company install art, and a second that essentially prohibits the company from messing with it.

Like Sunnyvale, many cities across the U.S. have embraced the "Percent for Art" movement. Typically, cities ask or require companies to allocate 1% of their construction budget to buying and prominently displaying art, often in exchange for tax cuts or use of public land. In Philadelphia and Portland, Ore., such ordinances are responsible for dozens of commissions. Typically, city committees approve the potential purchases, while owners are responsible for maintaining the art.

Sunnyvale passed its Art in Private Development Ordinance in 1990. The city's requirement that new developments place art in public view has been controversial with companies and



real-estate developers, says Nancy Bolgard Steward, the city's superintendent of arts and recreation.

But Yahoo was enthusiastic, Ms. Bolgard Steward recalls. It formed an art committee that rejected dozens of proposals before selecting three, including a series of bronze doors around the campus (a nod to Yahoo's role as an Internet portal) and a revolving metal sculpture in a fountain. The committee also tapped Ms. Louden, whose post-Minimalist work has been collected by insurer Progressive Corp. and AT&T.

Ms. Louden proposed creating a landscape that would mimic the natural wetlands that border Yahoo's campus, but with a high-tech twist. She offered to plant 2,500 white wires, clumped into grassy patches and topped with 2-inch reflective squares. During the day, the wires would blend into the surrounding grass. At night, the reflectors would catch the headlights of passing cars on Matilda Avenue and her marsh "grass" would glow.

Mary Ritchey, an art consultant Yahoo hired to help with the project, says the idea was a hit with the committee. "They didn't want anything fancy or flashy," Ms. Ritchey says. "Her piece was beautiful because it was so subtle."

For a swampy effect, Ms. Louden insisted that Yahoo plant a billowy grass that wouldn't need mowing and would grow no more than 5 inches high around her 22 groupings of reflector-tipped wire. After leafing through the *Color Encyclopedia of Ornamental Grasses*, she illustrated her proposal with images of three types she liked: a clumpy *Sesleria heufleriana*, a low-growing bamboo called *Pleioblastus auricomus* and a puckered *Carex plantaginea*. But, unfamiliar with California flora, Ms. Louden says she left it to Yahoo's landscaper to pick a grass suited for Sunnyvale.

Dennis Taniguchi, the landscape architect Yahoo hired, chose *Carex tumulicola*, or Berkeley Sedge, which he explains is hardy and grows into wispy bunches with arching blades. Mr. Taniguchi says he told Yahoo and Ms. Louden that the grass would deliver the desired effect but could also grow up to two feet in ideal conditions. Ms. Louden says she wasn't told that detail.

"We were making a lot of decisions quickly," Mr. Taniguchi says. "We weren't sitting around pondering grass."

In June 2001, Ms. Louden finished installing her work, "Reflecting Tips, 2001." Yahoo paid her \$100,000.

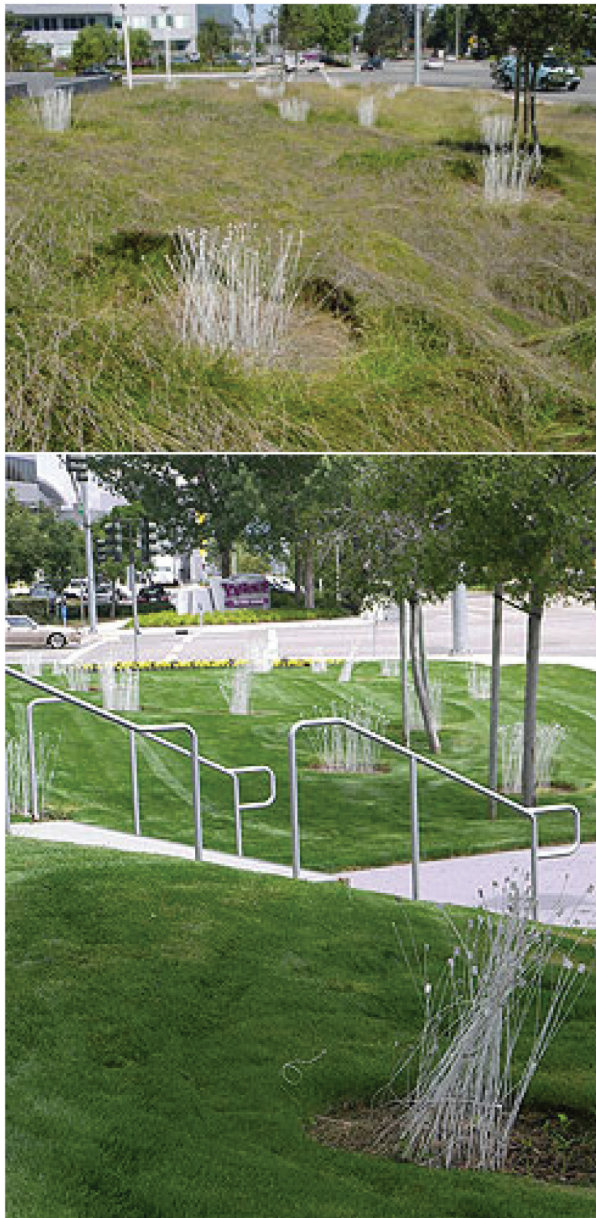
Then the Berkeley Sedge grew, and grew.

Last fall, a city recreation employee noticed the tall grass on Yahoo's campus and reported it to her bosses, says Ms. Bolgard Steward, the city's art superintendent. In October, the city told Yahoo its overgrown front lawn needed tending.



Yahoo sent a crew to cut the grass with string trimmers. Nearly half of the wires were severed in the process. Over the years, other wires had become bent to the ground or twisted into shapes.

Shortly afterward, Yahoo told Ms. Loudon about the damage. The artist and company agreed to wait until springtime to address repairs.



Sharon Loudon created art for Yahoo's lawn. The company says it has improved the site.

But on March 26, 2007, Ms. Loudon says the plan changed. She received a call from Yahoo's senior facility manager, who she says told her that Terry Semel, then Yahoo's chairman and CEO, was unhappy with the work and wanted it removed.

Mr. Semel sits on the board of the Los Angeles County Museum of Art and was recently a board member of New York's Solomon R. Guggenheim Museum. He declined to comment.

In a phone conversation the next day, Ms. Loudon's dealer, Oliver Kamm, says he and a Yahoo senior facilities manager agreed that Ms. Loudon's clumps could stay. He says they discussed flying her to California to survey the damage and paying her \$60,000 to repair damaged wires. But, according to Mr. Kamm, the facilities manager said that Yahoo intended to tear out the sedge, having already ordered \$40,000 worth of lawn grass as a replacement.



Two days later, Mr. Kamm says, the facilities manager sent an email suggesting

Ms. Louden not book her flight.

Yahoo tore up the lawn. On April 24, Yahoo's legal director, Tad Ravazzini, emailed Ms. Louden's dealer and her lawyer photographs of what they called the "improved site," which showed closely mowed green grass where the sedge had been, plus a new border of perennial flowers. "I am confident these photos will assuage Sharon's concern," Mr. Ravazzini wrote.

The artist howled. Mr. Kamm, the dealer, called his lawyer.

The attorney reminded Yahoo that Sunnyvale had approved the installation in part because the grass mimicked the wetlands behind Yahoo. "What remains of the work," lawyer John Cahill wrote on April 30, "mimics nothing so much as a miniature golf course or the median of a shopping mall's parking lot."



Sharon Louden

In early May, Ms. Louden flew to California. She says she was "devastated" at the sight of her remaining wiry patches standing like corn stalks on a silky lawn.

In a May 14 letter, Mr. Cahill accused Yahoo of breaching its agreement with the artist and violating a number of laws. The lawyer invoked the little-known Visual Artists Rights Act of 1990, which aims to prevent intentional modification of public artwork without the artist's permission.

Before this act, many courts had ruled that owners were within their rights to repaint or remove public works by the likes of Alexander Calder, Diego Rivera and Isamu Noguchi. Congress passed the law after the federal government was criticized for using welding torches to remove a 120-foot-long Richard Serra sculpture from Manhattan's Federal Plaza. (The job was done in the middle of the night.)

Yahoo says it is satisfied with its new-look lawn. In a May 21 letter to the artist's attorney, Mr. Ravazzini wrote that the company had been "willing to dedicate reasonable resources" to working with Ms. Louden to improve the site. But the artists' legal threats "handcuffed" the company, he says.

By summer, talks stalled. Ms. Louden says she tried to appeal to Jerry Yang, the Yahoo co-founder who succeeded Mr. Semel as CEO in June, by calling the company directory and leaving Mr. Yang a voice mail. In it, she says, she suggested cutting out the lawyers and finding a way to fix her piece. She says her call was not returned.



Mr. Yang declined to be interviewed. In a statement, Yahoo said it is committed to preserving both its art and its relationships with artists. "Given that Yahoo is a culture of innovation and creativity, we are very supportive of local artists and appreciate the opportunity to display various artworks on our property," it said.

Elsewhere in Sunnyvale, more public art is going up. A new Lowe's store satisfied its quota by installing a giant concrete-and-slate wall mural depicting the history of the tool. At Moffett Towers, an office development now being built, artist Cliff Garten has a \$2 million commission to add works including "The Great Ellipse," a 200-foot-long berm of earth that he's covering in a floppy grass called *Festuca rubra*. Says Mr. Garten: "They know what they're buying -- a sculpture."

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