

CAC RESOLUTION NO. 26-X

A RESOLUTION OF THE CULTURAL ARTS COMMISSION OF THE CITY OF POMONA, CALIFORNIA APPROVING MURAL PERMIT (MURAL 000053-2026) TO ALLOW THE INSTALLATION OF A PAINTED MURAL BY ARTIST DANA BURLINGAME AT A PROPERTY LOCATED AT 665 WEST SECOND STREET, ASSESSOR'S PARCEL NUMBER 8341-002-019

WHEREAS, the applicant, Victor Rosiles-Tessier, has submitted an application for a Mural Permit (MURAL 000053-2026) to allow the installation of a painted mural by artist Dana Burlingame at a property located at 665 West Second Street, Assessor's Parcel Number 8341-002-019;

WHEREAS, the proposed mural will be located on the secondary public-facing façade of an existing building, as the primary façade is facing Rebecca Street;

WHEREAS, as the formal independent Advisory Committee of the Cultural Arts Commission was dissolved, Section 132.1-2 of the Pomona Zoning Ordinance is not applicable to this application;

WHEREAS, the Cultural Arts Commission of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on February 23, 2026 concerning the requested Mural Permit (MURAL 000053-2026); and

WHEREAS, the Cultural Arts Commission has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Cultural Arts Commission of the City of Pomona, California:

SECTION 1. Pursuant to the provisions of the California Environmental Quality Act (CEQA-Public Resources Code, Section 21084 et. Seq.), the guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. In compliance with Article 19, Section 15301, (Class 1 – Existing Facilities), the proposed project described above hereby meets the guidelines for a Categorical Exemption. Therefore, no further environmental review is required.

SECTION 2. If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

SECTION 3. Based upon careful consideration of all pertinent testimony and the staff report offered in the case as presented at the public hearing, the Cultural Art Commission finds that:

1. *The mural meets all of the Development Standards listed in Sec. 1310. E [Reserved] and is*

consistent with all of the Guidelines listed in Sec. 1320.G. Guidelines for Original Artwork Murals

The proposed original artwork meets the standards set forth in the Pomona Zoning Ordinance as it demonstrated high aesthetic qualities in the use of paint that is durable, originality in that the work is not a replica or duplicative of other original artworks in the neighborhood, and artistic excellence in that the artist is a qualified professional with a portfolio of past work, and is of an appropriate scale, material, form, content and value relative to the immediate social and physical environment as it enhances a secondary façade of an existing building, is painted to be durable, permanent, and protected from vandalism with anti-graffiti coating measures, does not possess any unsafe features or conditions that would negatively affect public safety, and would not be disruptive of traffic along Second Street or create an unsafe condition or distraction to motorists and pedestrians as it is plainly placed on the secondary façade of a building without any protrusions into the public right of way or interactive elements or lighting which create unique distractions along that stretch of the public street beyond the typical architectural variety of the block.

- 2. The artist, or artist team, is capable of completing the work in accordance with the plans and specifications.*

The artist, Dana Burlingame, is qualified and capable of completing the work as proposed in the plans and specifications and has a portfolio demonstrating ability to complete similar works in a timely and professional and accurate manner.

- 3. The information contained in the application regarding the durability and maintenance requirements of the mural is accurate.*

Staff and the Cultural Arts Commission have reviewed the maintenance and specifications of the proposed artwork and have determined that it accurately depicts the proper maintenance and care of the work, and would be coated with anti-graffiti coating to ensure longevity beyond five years.

- 4. The proposed materials to be used and the manner of application will not require excessive maintenance and repair costs by the owner.*

The proposed artwork would not require excessive maintenance beyond typical maintenance and repair involved with a painted mural and would have an anti-graffiti coating to ensure safe and easy cleaning and maintenance in the event of vandalism.

SECTION 4. The Cultural Arts Commission hereby approves Mural Permit (MURAL

000053-2026) subject to compliance with all applicable laws and ordinances of the City:

1. The subject property shall be developed and/or used in a manner consistent with the project plans reviewed and approved by the Cultural Arts Commission on February 23, 2026. Any major modifications to the approved project plans shall be reviewed and approved by the Cultural Arts Commission as part of a modification to the approved plans. Any minor modifications that do not affect the overall intent of the approved project, may be reviewed and approved by the Art in Public Places Program Manager.
2. This approval shall lapse and become void if the privilege authorized is not utilized within one year from the date of this approval (February 23, 2027). The Art in Public Places Program Manager may extend this period for one year upon receipt of an application for a Time Extension request submitted by the applicant at least thirty days before the expiration date of this approval.
3. The project is subject to a twenty day appeal period. Written appeals may be filed by the applicant with the City Clerk within twenty days of the decision of the Commission. The City Council shall only review applications that have been denied by the Commission.
4. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, law suits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to arbitrations, mediations, and other such procedures), (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the any action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such Actions are brought under the California Environmental Quality Act, the Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.
5. In case of a violation of any of the conditions of approval and/or City law, the applicant will be issued a Notice of Correction. If said violation is not remedied within a reasonable

period of time and/or a subsequent violations of the conditions of approval and/or City law occurs within ninety (90) days of any Notice of Correction, the applicant shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval and/or City law.

6. The mural shall remain in place without alteration for a minimum of five years from the date the mural is completed. The applicant shall certify in the permit application that the applicant agrees to maintain the mural in place for a minimum period of five years without alterations.
7. The mural shall not extend more than six inches from the plane of the wall to which it is attached.
8. The applicant is responsible for ensuring that a permitted Original Artwork Mural is maintained in good condition and fully repaired in the case of vandalism or accidental destruction.
9. Failure to maintain the Original Artwork Mural is declared to be a public nuisance, and may be summarily abated or repaired by the City. In the event the applicant fails to maintain the mural, upon reasonable notice, the City may perform all necessary repairs or maintenance to the mural or secure insurance, and all costs incurred by the City shall be the responsibility of the applicant.
10. Any future substantial changes in the approved plans, except as allowed for by the following conditions, shall require a modification to the Mural Permit (MURAL 000053-2026)

SECTION 6. The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

APPROVED AND ADOPTED THIS 23RD DAY OF FEBRUARY, 2026

CHRISTIAN ORNELAS
CULTURAL ARTS COMMISSION CHAIRPERSON

ATTEST:

CAC Resolution No. 26-
Mural Permit (MURAL 000053-2026)
665 West Second Street
Page 5 of 5

JOCELYN AYALA
CULTURAL ARTS COMMISSION SECRETARY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF POMONA)

AYES:
NOES:
ABSTAIN:
ABSENT:

Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by California Code of Civil Procedure Section 1094.6.