



CITY OF POMONA COUNCIL REPORT

April 1, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Anita D. Gutierrez, AICP, Acting Director of Development Services

SUBJECT: APPROVAL OF A REVOCABLE LICENSE FOR A COMMUNITY MURAL (MURAL PERMIT NO. 11316-2019) LOCATED ON CITY OWNED PROPERTY LOCATED AT POMONA CITY HALL – COUNCIL DISTRICT 2.

RECOMMENDATION: It is recommended that the City Council adopt the following resolution:

RESOLUTION NO. 2019-39 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND ADMINISTER A REVOCABLE LICENSE AGREEMENT WITH THE DA CENTER FOR THE ARTS.

EXECUTIVE SUMMARY: The City Council will consider a resolution approving a revocable license agreement to allow the use of City property for a mural (Attachment No. 1). The proposed mural is to be located on the garden wall (Attachment No. 2) in the front lower level elevation of Pomona City Hall, 505 South Garey Avenue. The approval by City Council authorizing the City Manager to execute and administer the license agreement (Attachment No. 3) will ultimately allow for the utilization of City property for the placement and display of public art.

FISCAL IMPACT: There will be no impact to the General Fund. All costs associated with the creation, installation and maintenance of the mural shall be the responsibility of the Artist/Applicant.

PREVIOUS RELATED ACTION: The proposed mural is a piece of public art to be located on a garden wall on the North side of Pomona City Hall within the Civic Center Plaza, which is a designated park; and as such, it required the review and consideration of the following Commissions prior to City Council consideration:

Cultural Arts Commission: The mural is defined as public art and pursuant to Section .5809-25(G)(2/3), public art shall be considered by an advisory committee of the commission, followed by a public hearing with the Cultural Arts Commission for approval. On February 25, 2019, the Cultural Arts Commission Citizens Advisory Committee reviewed and recommended Cultural Arts Commission approval of the subject community mural, Mural Permit No. 11316-2019. The Cultural Arts Commission then analyzed all aspects of the proposed mural including the aesthetic qualities, scale, material, content, social and physical environment, and general durability (Attachment No. 4). Overall, the discussion of the Commission was positive with Chairperson Swodeck, commenting that the mural is a placemaking opportunity as it is located on the garden wall. The Commission expressed interest in seeing a gradient of blue for the background of the mural if possible, but did not want to create obstacle for the applicant and left it to their discretion. The Commission approved Mural Permit No. 11316-2019 on a 7-0 vote with the recommendation that the applicant modify the proposed background to include a type of gradient blue if possible (Attachment No. 5).

Historic Preservation Commission: Due to the inherent historical nature of Pomona City Hall, staff determined it prudent to bring the proposed mural as a discussion item before the Historic Preservation Commission. On March 6, 2019, the Historic Preservation Commission, reviewed and discussed the proposed community mural and recommended approval with the suggestion that the background of the proposed mural be modified from blue to an earth tone color, similar to that of the garden wall. There was discussion regarding location of the mural, and whether this was the appropriate location and size of mural for the Civic Center Plaza. The applicant, Margaret Aichele, discussed the benefits of public art and stated that the mural had the ability to catalyze additional displays of public art in Pomona. The Commission voted 4-3 to recommend approval of the mural to the City Council, with Commissioners Gallivan, Gomez, and Kercheval voting no. Commissioners Gallivan and Gomez expressed concern about any potential impact to the historical status of City Hall placing a mural on it would have and Commissioner Kercheval expressed interest in seeing a bigger mural instead. In addition, the Commission discussed the possibility of adding Pomona City Hall and Civic Center Plaza as a locally designated landmark.

Parks and Recreation Commission: Following the input of the Historic Preservation Commission, the mural was heard by the Parks and Recreation Commission to allow for the placement of public art at a City of Pomona designated park, Civic Center Plaza. On March 21, 2019, the Parks and Recreation Commission reviewed and discussed the proposed community mural. During the discussion, several Commissioners questioned the placement of the mural indicating that it seemed like “hidden” location. Commissioner Pavon stated that many youth frequent the area of the proposed mural and that it would be seen despite being in a less obvious location. Members of the Community spoke in support of the project adding that artwork itself added to the historical intent of the Plaza because the artwork represented a message of community building, a central aspect of Welton Becket’s original design for Civic Center Plaza. The Commission voted to approve Mural Permit No. 11316-2019 on a 5-1-1 vote with Commissioner Ayala abstaining and Commissioner Cordova voting no.

ENVIRONMENTAL IMPACT: Section 15301 of the California Environmental Quality Act guidelines exempts projects consisting of permitting, leasing, licensing, or minor alterations of existing public or private structures, involving negligible or no expansion of use. Accordingly, Mural Permit No. 11316-2019 (MURAL 11316-2019) is categorically exempt in that it does not

involve the expansion of use. Additionally, City Council's action of approval of a license agreement is also exempt under Section 15301 of the California Environmental Quality Act guidelines as the action is limited to a license agreement with no foreseeable impacts to the environment.

DISCUSSION: The proposed mural has received affirmative recommendations by the three relevant City Commissions (Cultural Arts, Historic Preservation and Parks and Recreation). There were three main areas of discussion that arose at the Commission meetings, a summary and analysis is provided below:

- 1) **The background color of the mural**, both the Cultural Arts and Historic Preservation Commissions indicated interest in a potential change of the background color of the mural.

The applicant and artist expressed that they are open to changing the background color of the mural to include a blue gradient for variation or a complete color change to be an earth tone color. Staff does support the recommendation of the Cultural Arts Commission for a blue gradient background, as it closely resembles the original vision of the Girl Scout Gold Award Project.

In addition, the City Council has the option to support the condition placed by the Historic Preservation Commission with the provided alternative action below.

- 2) **The location of the mural**, the Historic Preservation Commission expressed concern that a more visible space would be more appropriate for the mural.

Staff does agree that there are certainly more visible public spaces available, however approving this mural does not preclude additional or larger murals in the future. The intent of the location, as stated by the applicant, is that the proposed mural serve as a starting point and catalyst to the display of additional public art in Pomona. Additionally, the mural would provide the following common benefits to the community:

1. Provide community gathering places.
2. Provide public access to art.
3. Provide and encourage an environment for artistic creativity.
4. Contribute to the civic pride of Pomona citizens.
5. Encourage participation by all socioeconomic and ethnic groups in the public art process.

- 3) **The potential impact to a historical designation.** Currently, Pomona City Hall and Civic Center Plaza are not Nationally or Locally Designated Historic Landmarks. However, the Historic Preservation Commission has expressed their intent to move forward with an open application in the coming future.

Due to the reservations raised regarding the historic nature of Pomona City Hall, Planning Division staff has acknowledged and included in the license agreement, that

should the mural be a hindrance to any future Historic Landmark Designation the license may be revoked and the mural will be required to be removed by the licensee.

In conclusion, the mural was positively received by the Commissions and members of the public; and the areas of potential concern have been addressed as described above; therefore, staff recommends the City Council approve Resolution 2019-39 as conditioned.

ALTERNATIVE:

The City Council has the following alternative:

- 1) Approve Resolution 2019-39, with the condition provided by the Historic Preservation Commission to modify the original proposal to reflect an earth tone background.

Prepared by:

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Acting Development Services Director

ATTACHMENT(S):

- Attachment No. 1 – Resolution No. 2019-39
- Attachment No. 2 – Vicinity Map of Garden Wall Location
- Attachment No. 3 – Revocable License For Installation Of A Mural
- Attachment No. 4 – Cultural Arts Commission Agenda Packet, February 25, 2019
- Attachment No. 5 – Mural Representation