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# CITY OF POMONA

## CULTURAL ARTS COMMISSION

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**DATE:** December 9, 2019

**TO:** Cultural Arts Commission (CAC)

**FROM:** Anita D. Gutierrez, AICP, Development Services Director

**SUBJECT:** Mural Permit No. 12295-2019, Tony Cerda Park  
450 West Grand (APN: 8343-004-902)

### STAFF RECOMMENDATION

Staff recommends that the CAC approve Mural Permit No. 12295-2019 (MURAL-12295-2019) to allow the proposed community-executed mural to remain for a period of six months from installation date, subject to conditions (Attachment 1).

### ALTERNATIVE

The Cultural Arts Commission has the following alternatives should the Commission make the appropriate findings:

1. Make changes to the attached resolution and adopt it denying Mural Permit No. 12295-2019 (MURAL 12295-2019) and require the immediate removal of the subject mural by the applicant.
2. Make changes to the attached resolution and adopt it approving Mural Permit No. 12295-2019 (MURAL 12295-2019), with conditions requiring alterations be made to the existing subject mural.

### PROJECT/APPLICANT INFORMATION

**Project Location:** 450 W Grand Avenue  
**APN Information:** 8343-004-902  
**Project Applicant:** Catalina Goytia  
**Property Owners:** City of Pomona  
**City Council District:** District #2  
**Historic/CBD:** Not Applicable  
**General Plan:** Open Space

### PROJECT DESCRIPTION & BACKGROUND

On November 12, 2019, the applicant submitted a request to retroactively approve an existing community-executed mural on the performance stage wall at Tony Cerda Park, located at 450 West

Grand Avenue (Attachment 2). The existing mural was executed on August 9, 2019 and is located on the north elevation of the performance stage wall and is approximately 82.5 linear feet with varying heights of one and a half to four feet (Attachment 3).

The mural was intended to utilize art as a form of community engagement (Attachment 4). The artists involved included Joeded, Johnny Dominguez, Children from Madison Park as well as Pony United Youth Baseball and other local community volunteers.

The proposed mural is a piece of public art located within Tony Cerda Park, which is a designated park; and as such, it required the review and consideration of the Parks & Recreation Commission for park utilization and location. On November 21, 2019, the proposed park utilization and location of the mural was approved 3-1-1-0, with Commissioners Mendez, Marino, and Puschila voting in favor, Commissioner Cordova voting in opposition, Commissioner Ayala abstaining, and two recusals by Commissioners Pavon and Sanchez.

### **Applicable Code Section**

Section .5809-25 of the Zoning Ordinance establishes the purpose and intent, and definition for the installation and application of original artwork murals. Specifically:

Per Section .5809-25(A), *“it is the intent of this section to establish regulations for the installation and application of original artwork murals on private property.”*

Per Section .5809-25(D), an original artwork mural is *“a painting that is applied to and made an integral part of an exterior wall, or tiled artwork applied on exterior building wall, with the property owner’s permission or consent.”*

As the mural is located on public property, it does not meet the intent of the regulations for installation and application, but does meet the definition of an original artwork mural, and is therefore subject to an original artwork mural permit.

### **Compliance**

Pursuant to Section .5809-25, the CAC shall review the application at a public hearing and shall consider the application and either approve, approve with changes or deny the application, based solely upon the purpose and intent of original artwork murals.

1. *The Original Artwork Mural shall be sufficiently durable and will be properly maintained.*

The applicant has agreed to the conditions that they shall maintain the mural for a period of six months from installation date. Following the six month period, the applicant shall be responsible for painting over the mural to match the existing wall. In the event that mural is unrepairable due to weathering, vandalism, or other causes, the applicant shall be responsible for removing the mural within a 24-hr time period.

2. *The Original Artwork Mural shall be located in an appropriate place on the building and constitutes a particular scale of the building façade.*

The proposed mural is located on the performance stage wall and is located in an appropriate place.

3. *The Original Artwork Mural shall not include any unsafe features and shall not pose any unsafe conditions to vehicular or pedestrian traffic.*

The mural does not have any unsafe features or conditions and will not disrupt traffic or create unsafe conditions or distractions.

## CONCLUSION

The proposed mural is consistent with .5809-25 of the Pomona Zoning Ordinance, Original Artwork Murals Purpose & Intent. Therefore, staff recommends that the Cultural Arts Commission approve Mural Permit No. 12295-2019 (MURAL-12295-2019) the proposed community-executed mural to remain for a period of six months from installation date, subject to conditions.

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

Prepared By:  
Alina Barron  
Assistant Planner

## **ATTACHMENTS:**

Attachment 1 – Draft CAC Resolution  
Attachment 2 – Mural Permit Application  
Attachment 3 – Site Photographs  
Attachment 4 – Applicant Narrative & Mural Description