



CITY OF POMONA

COUNCIL REPORT

January 6, 2020

To: Honorable Mayor and Members of the City Council

From: Anita D. Gutierrez, Development Services Director

Submitted By: Linda Lowry, City Manager

SUBJECT: APPEAL OF APPROVED MURAL PERMIT NO. 12295-2019, CAC RESOLUTION 19-007.

RECOMMENDATION:

It is recommended that the City Council adopt the following resolution (Attachment No. 1):

RESOLUTION NO. 2020-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, APPROVING A MURAL PERMIT (MURAL 12295-2019) TO ALLOW THE INSTALLATION OF A COMMUNITY-EXECUTED PAINTED MURAL AT A PROPERTY LOCATED AT 450 WEST GRAND AVENUE, ALSO KNOWN AS TONY CERDA PARK (APN: 8343-004-902, 8343-004-900).

EXECUTIVE SUMMARY:

The matter before the City Council is an appeal of Mural Permit No. 12295-2019, approved by the Cultural Arts Commission (CAC) on December 9, 2019. The Council can support the findings of the CAC which approved the mural with conditions, amend the conditions of approval, or find that the mural should be removed immediately.

FISCAL IMPACT:

There will be no impact to the General Fund.

PUBLIC NOTICING REQUIREMENTS:

Pursuant to Section .5809-25, of the City of Pomona Zoning Ordinance (Public Art), a notice of public hearing is required to be sent to the applicant and mailed to all owners of property located directly adjacent to and directly across the street from the subject site, at least ten days prior to the date of the public hearing. A notice was sent to the applicant and adjacent property owners on December 19, 2019 (Attachment No. 2).

PREVIOUS RELATED ACTION:

On November 21, 2019, the Parks and Recreation Commission considered whether a mural would be allowed on the wall face of the performance stage at Tony Cerda Park. The Commission voted to approve a mural be allowed to be located on performance stage at Tony Cerda Park on a 3-1-1-0 vote, 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. On December 9, 2019 the Cultural Arts Commission Citizen's Advisory Committee (CACCAC), voted on 7-0-0-0 vote to refer the mural permit request to the Cultural Arts Commission (CAC) for consideration without a recommendation for approval or denial. Subsequent to the CACCAC, also on December 9, 2019 the Cultural Arts Commission, after holding a public hearing (Attachment No. 3) and hearing testimony, voted on a 6-0-0-1 vote with Commissioner Leon being absent to allow the mural to remain for up to 12 months. The CAC also approved a recommendation to form an Ad Hoc Committee to work with community members on a new mural design and invite the original participants to be involved in a replacement mural. The vote on this motion was 6-0-0-1 with Commissioner Leon being absent.

DISCUSSION:

On November 12, 2019, the applicant (Catalina Goytia) submitted a request to retroactively approve an existing community-executed mural on the wall face of the performance stage wall at Tony Cerda Park, located at 450 West Grand Avenue (Attachments No. 4 and 5). The existing mural 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 No. 6).

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

The mural is a piece of public art located within Tony Cerda Park, which is a city-designated park; and as such, it requires the review and consideration of the following bodies:

- Parks & Recreation Commission, for park utilization and placement.
- Cultural Arts Commission Citizens Advisory Committee, for the public art piece.
- Cultural Arts Commission, for the public art piece.

On December 9, 2019 the CAC, after holding a public hearing and hearing testimony, voted to allow the mural to remain for up to 12 months and recommended the formation of an Ad Hoc Committee to work with community members on a new mural design and invite the original participants to be involved in a replacement mural. Commissioners discussed concerns with requiring removal of the mural following a six-month period without a replacement mural, instead approving a twelve-month period to provide a sufficient amount time for a new mural concept to be created with input from the Ad Hoc Committee prior to removal of the existing mural.

On December 10, 2019, Councilmember Ontiveros-Cole appealed the Cultural Arts Commission approval of Mural Permit No. 12295-2019 to the City Council based on concerns with the length of time that the mural may remain in place.

ALTERNATIVES:

The City Council has the following alternatives:

- 1) Based upon the facts and public testimony presented at the public hearing, the City Council may consider approving Mural Permit No. 12295-2019 with changes to the attached resolution conditions of approval to allow the mural to remain up to six months from the date of installation (August 9, 2019).
- 2) Based upon the facts and public testimony presented at the public hearing, the City Council may consider denying Mural Permit No. 12295-2019 and require the immediate removal of the subject mural by the applicant.

Prepared by:

Anita D. Gutierrez, AICP
Development Services Director

ATTACHMENTS:

Attachment No. 1 – Draft City Council Resolution No. 2020-008
Attachment No. 2 – Public Hearing Notice
Attachment No. 3 – Cultural Arts Commission Staff Report
Attachment No. 4 – Mural Application
Attachment No. 5 – Applicant’s Narrative
Attachment No. 6 – Site Photographs