



DATE: September 9, 2020

TO: Cultural Arts Commission

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

SUBJECT: **Establishment of Temporary Art Pilot Program and Disbursement of \$30,000.00 for Placement of Public Art in Public Rights-of-Way in Association with Activate Pomona Pilot Program**

STAFF RECOMMENDATION

Staff recommends the Cultural Arts Commission establish a Temporary Art Pilot Program, authorize the disbursement of \$30,000.00 for placement of public art in the public rights-of-way in association with Activate Pomona, and recommend City Manager execute agreements as needed with artists and non-profit organizations identified on the Artist Shortlist to fulfill the scope of the program.

BACKGROUND

On June 15, 2020, the City Council of the City of Pomona established the Activate Pomona Pilot Program ("AP") to aid in Pomona's recovery from the impact of novel coronavirus disease ("COVID-19"). COVID-19 has also negatively impacted the Pomona artist community, including individual artists, cooperatives, galleries, institutions, and other arts-related uses.

As part of AP, the Development Services Department ("DSD") has sought innovative strategies to encourage local businesses and artists to meaningfully recover during COVID-19. This has included the exploration of street closures, the use of on-street parking (also known as parklets), the closure of alleys, sidewalk dining, the placement of temporary art on vacant parcels and City-owned parking lots, and other projects.

Of particular interest among these projects is the upcoming closure of Second Street in Downtown Pomona, and the interest among many business owners to create parklets outside their businesses to facilitate expansion of services. The Public Works Department ("PW") conducted a series of site visits with DSD to determine the feasibility of these requests. PW has established a set of guidelines to allow the temporary placement of parklets and the temporary closure of Second Street (Attachment No. 1). These guidelines include the use of concrete or plastic water-filled barriers, also known as "K-Rails," to ensure that vehicular traffic would not create a risk to any activities occurring within the parklet or within the area

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of a street closure. K-Rails are designed to withstand the impact from a vehicle collision, and are critical to ensuring the viability, safety and success of any activation of the public rights-of-way. However, the use of K-Rails lends itself to an aesthetic and environment that is more reflective of construction or temporary traffic safety controls, and can diminish the character of a business district or streetscape. The same limitations exist for the hundreds of City-owned utility boxes at intersections citywide.

To this end, DSD and PW have partnered to explore the feasibility of enabling the use of K-Rails and City-owned utility boxes as permanent displays of temporary or permanent local art, funded through the Public Art Fund, which was established as part of the Art in Public Places Program (“AIPP”). This would achieve the goals of supporting local artist recovery during COVID-19, establishing a pathway to fund temporary art using Public Art Fund dollars, and improving the aesthetic of future parklets and street closures citywide. DSD and PW have recently secured grant dollars from San Gabriel Valley Council of Governments for the purchase of K-Rails, sourced for repurposed Metro Los Angeles grant dollars awarded to Active San Gabriel Valley. This match will increase the probability of artist recovery.

ESTABLISHING A TEMPORARY ART PILOT PROGRAM

The scope of the Temporary Art Pilot Program (“TAPP”) would enable the use of the Public Art Fund to invest in the placement of temporary or permanent artwork or works of art on K-Rails or City-owned utility boxes.

Defining “Permanent Display” & “Public Artwork”

The use of K-Rails and City-owned utility boxes can qualify by definition as “public art,” which the AIPP Manual defines as a “permanent display” that is “specifically designed to be located on a site where it would be accessible to public view on public property within the City of Pomona.” Inherent in the design of K-Rails and utility boxes is their visibility and placement in the public rights-of-way, making them unique but ideal candidates to be turned into permanent displays of public art.

Proposed public art on such permanent displays qualifies as “artwork or work of art” as defined in the AIPP Manual, which allows for works that may be temporary or permanent in nature and that will be installed in public view. It is important to address a long-standing inconsistency within the AIPP Manual with respect to “temporary” art. Part I, Section IV.A of the AIPP Manual states that “public artwork is limited to permanent visual works of art,” while the definition itself in Part I, Section III explicitly allows for “temporary” artwork. This inconsistency may be the result of the statement being intended to distinguish visual art from performance art, and further that “temporary artwork” is not permitted for projects on “private development,” however an interpretation is recommended through a finding (Attachment No. 1) to ensure consistency with Manual provisions.

Moreover, the provisions of Original Artwork Murals (Section .5809-25 of Pomona Zoning Ordinance), which requires an Original Artwork Mural Permit, is not applicable to TAPP, as it exempts “murals that are funded by in-lieu contributions.” As such, provisions for five-year maintenance are not applicable.

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Authority to Invest Public Art Fund in TAPP

The use of Public Art Fund dollars towards TAPP is authorized under Section IV.B of the AIPP Manual, which authorizes investments that are for “other purposes consistent with Manual provisions.” Investing in public art that will be permanently displayed in the City’s rights-of-way maintains consistency with the Manual and the intent of the AIPP.

Establishing an Administrative Process

To facilitate such investments, a new administrative process is required that has not been explicitly identified in the AIPP. In the existing Manual, a Conceptual Design and Final Design process have been established for using Public Art Fund dollars to fund public art. This process, however, is intended for permanent or large-scale works of art, or for projects that involve private property ownership or the use of City-owned facilities that may necessitate special licensing or other requirements. A new administrative process has been tested under the AP pilot program for the issuance of temporary permits for temporary art. Under this process, a conceptual rendering of the proposed artwork is submitted to the City, which is then sent to the CAC for 48-hour review. If a CAC Commissioner objects to the proposed concept, they may call up the item at a special meeting. If no objections are received, the City may approve the request. In the two months since its implementation, DSD has not received complaints about the administrative process. This is the process we are recommending for TAPP.

Selecting Artists for and Organizations for TAPP Execution

The goals of TAPP are to streamline the permitting process of temporary or unique public art, and enable the Public Art Fund to invest in such activities. Most importantly, though, is the funding of local artists during COVID-19. In 2019, the CAC established an Artist Shortlist to streamline the process of artist selection for Public Art Fund projects. Included on this list are over 20 individual arts and two Pomona-based non-profits: the dA Center for the Arts and the American Museum of Ceramic Art. All individual artists and organizations institutions have been approved by the CAC for having qualifications and capacity to execute public art citywide. This enables the City to immediately cast a wide net to solicit local artists for TAPP projects.

Budget Considerations

The City has procured the following K-rails:

Table 1. Breakdown of K-Rail for TAPP

Type	Square Footage (SF)	Cost/SF	Quantity	Total
Concrete K-Rail (10')	28 SF	\$20/SF	10	\$5,600.00
Concrete K-Rail (20')	56 SF	\$20/SF	4	\$4,480.00
Water-Filled K-Rail (6')	24 SF	\$20/SF	30	\$14,400.00
TOTAL				\$24,480

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Based on recent CAC approvals, a \$20/square foot rate has been used as a metric to determine a fair budget for proposed artwork. Staff further recommends up to a 20 percent Supervising Artist stipend for the involvement of either of the two non-profit organizations on the Artist Shortlist to help execute the program, which is consistent with the 20 percent eligible expenditure provision for the installation of public artwork on private property, as noted in Part II, Section IV.2 of the AIPP Manual, and further recommends an appropriate level of stipends to individual artists working on the artwork. As the City has procured approximately 10 10-foot barricades, 4 20-foot barricades, and 30 6-foot barricades, an estimated \$30,000.00 would sufficiently cover the cost of artist stipend, supervising artist stipend, materials, transportation, and supplies.

Invitational Method for Future TAPP Initiatives

The AIPP Manual identifies an “Invitational Competition” as a method for artist selection. Such a process is appropriate when a “team-based” approach to public art is desired, as is the case for multiple artists executing public art on the permanent displays of K-Rails or City-owned utility boxes. It is also the preferred method when there are severe schedule restrictions, as is the case with COVID-19 recovery or for time-sensitive temporary art or demonstrations. While the use of this method is not necessary at this time, since an Artist Shortlist has already been established along with a recommended administrative process for approval, this process can be beneficial for future TAPP initiatives such as utility box painting or youth-focused initiatives.

CONSISTENCY WITH CAC 2020-2025 ACTION PLAN

TAPP is consistent with the CAC 2020-2025 Action Plan, adopted on August 24, 2020, namely:

Goal 1: “In-lieu fee dollars are invested in a wide-range of public art across all mediums and target audiences in all areas of the City.”

Goal 2: “The process to pursue permitted public art in the City of Pomona is clear, simple, and efficient”

Action 2.1: “Establish a Temporary Art Permit that is ministerial (over-the-counter) with a 48-hour Commission appeals process upon application.”

Action 2.5: “Identify thresholds for small-scale projects where insurance would not be required (e.g. utility box painting)”

Goal 3: “All arts-related decisions made by the City represent fairness and equity and include a diverse range of perspectives.”

Action 5.3: “Establish ongoing relationships with non-profit organizations and other stakeholder groups whose mission is to support Pomona’s youth, and find opportunities for collaboration to increase the capacity to benefit Pomona’s youth.

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Action 5.4: “Identify creative strategies to use the existing AIPP regulations to fund youth-targeted public art initiatives, and identify strategies to improve the AIPP regulations to better facilitate such initiatives.”

CONCLUSION

TAPP provides an immediate opportunity for the CAC to initiate relief for approximately 25-40 Pomona artists and two Pomona-based non-profit arts organizations impacted by COVID-19, while also establishing a pathway for Public Art Fund investments in temporary art, and for the aesthetic improvements of City rights-of-way. Furthermore, in collaboration with AP, TAPP can be a useful and instructive model for eliminating hurdles towards the steady investment of dollars into public art citywide.

ATTACHMENTS:

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| Attachment No. 1 | Temporary Parklet Guidelines |
| Attachment No. 2 | CAC Resolution No. 2020-XX |
| Attachment No. 3 | Exhibit A: Program Scope |
| Attachment No. 4 | Exhibit B: Standard Artist Agreement Template |