

RESOLUTION PC25-19

RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ART MURAL TO BE PLACED ON THE EXTERIOR OF AN EXISTING THREE-STORY OFFICE BUILDING AT 13201 SAN PABLO AVENUE, APN 526-011-012, AND DETERMINE THAT THE PROPOSAL IS CONSISTENT WITH THE REGULATIONS SET FORTH IN CHAPTER 17.63 OF THE MUNICIPAL CODE, ART IN PUBLIC PLACES

WHEREAS, staff received an application from San Pablo Lytton Casino for review and approval of a public art mosaic mural proposed to be placed on the exterior of an existing office building that is undergoing renovation at 13201 San Pablo Avenue, in the SP-2, Regional Commercial District with Entertainment Overlay, APN 526-011-012, filed under PLAN number PLAN2510-0002; and,

WHEREAS, Chapter 17.63 in the Zoning Ordinance contains the Art in Public Places Ordinance, and the provisions within the ordinance apply to commercial development, including office and retail uses, and all industrial or light industrial uses, and any commercial portions of any new mixed-use development, with building development costs of two hundred thousand dollars or more, as determined by the Building Official; and,

WHEREAS, the office building renovation is required to comply with Chapter 17.63 by providing public art or furnishing an in-lieu fee and the project applicant desires to provide public art in accordance with the art permit process described in Chapter 17.63; and,

WHEREAS, section 17.63.080 of the Municipal Code, states that following consultation with the City's Art Curator, the Planning Commission shall recommend approval of the requested Art Permit to the City Council and shall determine that the proposal of the public art is consistent with the regulations set forth in the Art in Public Places Ordinance included in Chapter 17.63 of the San Pablo Zoning Ordinance; and

WHEREAS, the requested art permit application contains a written statement by the artist describing the art and providing a "to-scale" rendering of the proposed mosaic mural, the artist's resume, and references to the artist's past work, which include the mosaic mural at the San Pablo City Hall; and

WHEREAS, the public art proposal complies with the requirements of Chapter 17.63.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed Art Permit application and recommends its approval to the City Council, based on the following findings:

1. The foregoing recitals are true and correct and are incorporated herein.
2. The proposed public art meets the requirements of Chapter 17.63, including:
 - a. The proposed public art meets the artist qualification criteria and regulations as required by Section 17.63.050C of the Zoning Ordinance as the artist, Debra Koppman, Doctor of Arts, is based in the East Bay and has experience in large-scale mosaic murals similar to the proposed piece, including in San Pablo.
 - b. The proposal complies with the art visibility and location criteria and regulations as required by Section 17.63.050E of the Zoning Ordinance as the mural would be visible from the street and would cover a large area on the side of the building and would be visible to passers-by and the general public.
 - c. The proposal complies with the proportional size criteria and regulations as required by Section 17.63.050F of the Zoning Ordinance as the scale of the mural is appropriate and proportional to the large building wall on which it is to be painted.
 - d. The proposal complies with the criteria and regulations as required by Section 17.63.050G of the Zoning Ordinance, as the proposed mural is not offensive to the public.
3. Approval of the proposed mural is exempt from environmental review under California Environmental Quality Act Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that it will have an impact on the environment since it involves no construction or other activities that could impact the environment in that it involves only the painting and tiling of a structure that has already been approved and for which CEQA review was required.

BE IT FURTHER RESOLVED that the Planning Commission of the City of San Pablo recommends that the City Council approve the Art Permit subject to the conditions of approval contained herein:

1. The Art Permit shall become null and void within one year of the effective date of approval if installation has not yet begun.
2. Any request to change any aspect of the approved mural must be requested in an application to amend the art permit from the City of San Pablo. Minor changes to the mural that do not affect its overall characteristics or compliance with the criteria contained in the ordinance may be approved by the Zoning Administrator in consultation with the Art Curator.
3. The art installation must take place prior to the date of building occupancy. If art installation is impracticable prior to the date of building occupancy, the City Manager may allow building occupancy provided that the applicant has filed with

the city adequate security to guarantee installation of the art. The security may take the form of a bond, letter of credit, cash deposit, or similar security instrument, along with an agreement to install the required art in such amount and form as is acceptable to the City Manager.

4. The property owner shall continuously maintain the public art in good condition after its installation for the life of the approved project and shall perform necessary repairs and maintenance to the satisfaction of the city. Maintenance of the art includes any related landscaping, lighting and the required identification plaque. The repair and maintenance obligations of the property owner shall be contained in a covenant and recorded against the property and shall run with the property
5. Each piece of art shall provide an appropriate identification plaque or monument measuring at least eight inches by eight inches. The plaque shall be made of cast metal and be placed near the art piece. Information is limited to the date, title and artist. Due to its placement on the building well above the street level, the applicant may request alternate means and placement of an identification plaque or monument subject to Zoning Administrator approval.
6. Removal of required art is prohibited without the city's approval. The city may require replacement of the art. Any removal, relocation, or replacement of the public art must be consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other relevant law. To protect against removal of the artwork, the owner shall execute a restrictive covenant in a form acceptable to the city attorney, enforceable by the city, which shall be recorded against the project site and shall run with the land for a period of twenty years from the installation date.
7. Indemnification: Pursuant to Government Code Section 66474.9, the applicant (including any agent thereof) shall defend, indemnify, and hold harmless the City of San Pablo and its agents, officers, or employees from any claim to attack, set aside, void or annul, the City's approval concerning this planning application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the applicant of any such claim, action, or proceeding and cooperate fully in the defense.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct and are included herein by reference as findings.

Adopted this 28th day of October 2025, by the following vote:

AYES:	COMMISSIONERS: Owens, Jackson, Morris, Gurdian
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS: Feliciano
ABSTAIN:	COMMISSIONERS:

ATTEST:

APPROVED:

/s/ Sandra Castaneda Marquez
Sandra Castaneda Marquez, Secretary

/s/ Johana Gurdian
Johana Gurdian, Chair