

**CITY OF ALAMEDA PUBLIC ART COMMISSION
RESOLUTION**

**APPROVING PUBLIC ART APPLICATION FOR “MUSICIAN,” TO BE INSTALLED AT
1200 PARK STREET**

WHEREAS, an application to install an artwork entitled “Musician” was submitted on February 3, 2026 by developer 1200 Park Street LLC on behalf of artist Demitrius Omphroy pursuant to the City of Alameda’s Public Art Ordinance (Alameda Municipal Code Section 30-98); and

WHEREAS, the proposal was reviewed for compliance with the requirements of the Public Art Ordinance by Base Reuse and Economic Development Department staff; and

WHEREAS, the proposed artwork is located on a garage door of the 2407 San Jose Avenue building of Park Station; and

WHEREAS, Base Reuse and Economic Development Department staff found the revised application to be in compliance the Public Art Ordinance; and

WHEREAS, the Public Art Commission has been advised that, subject to meeting City standards and requirements, the proposed use would conform to the Public Art Ordinance; and

WHEREAS, the Public Art Commission held a public meeting on this application on March 18, 2026, and has examined all pertinent submittals and documents:

NOW THEREFORE be it resolved that the Public Art Commission has made the following findings regarding the application:

The artist has demonstrated qualifications to complete the proposed on-site artwork with the highest professional standards. Mr. Omphroy’s artist resume is extensive and includes artwork of a similar design and scale. Staff finds that Mr. Omphroy has the experience and qualifications required to complete the proposed artwork to the highest professional standards.

There is sufficient public visibility and accessibility to the on-site artwork, and the proposed on-site artwork is compatible with and harmonious with the development project and surrounding environment. The proposed artwork is painted on the south side of the Park Station property on a roll up garage door on the 2407 San Jose Avenue building. Of note, the garage door is opened periodically during deliveries and evening removal of waste, thus concealing the mural when open. The proposed mural is 7 feet wide by 8 feet high. While the garage door remains closed, the proposed artwork has ample visibility for motorists, passing pedestrians, and bicyclists. Staff finds the proposed artwork compatible with the surrounding environment.

The proposed on-site artwork is durable and cost-effective to maintain using ordinary methods of maintenance. The artwork consists of UV-resistant paints and protective sealants appropriate for coastal Bay Area conditions which allows for ordinary methods of maintenance. On-going dusting of the entire mural surface with a soft, dry microfiber cloth or feather duster coupled with annual cleaning with a mild soap solution are the primary requirements. The proposed artwork has an expected lifetime of 15 years. The ownership of this artwork would remain with the developer, 1200 Park Street LLC and they would perform regular maintenance, which would be cost-effective using ordinary methods.

The budget for the proposed on-site artwork and any in-lieu fees proposed by the applicant is equivalent to or exceeds the required program allocation. The job valuation for the Park Station tenant improvements is \$1,200,000, making the 1% Public Art Requirement \$12,000. The proposed artwork is valued at \$8,000 which does not satisfy 100% of 1200 Park Street LLC's Public Art Requirement. 1200 Park Street LLC will deposit the remaining \$4,000 into the Public Art Fund to satisfy the full \$12,000 Public Art Requirement for the tenant improvements at 1200 Park Street.

BE IT FURTHER RESOLVED that the Public Art Commission finds that in accordance with the California Environmental Quality Act, this action is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15303 (New Construction of Small Structures), which exempts the new construction of small structures from environmental review. On a separate and independent basis, the installation of the proposed public art is exempt under Section 15061(b)(3), where it can be seen with certainty that the proposal does not have the potential to have a significant effect on the environment; and

BE IT FURTHER RESOLVED that the Public Art Commission hereby approves the Musician Public Art Application pursuant to Alameda Municipal Code Section 30-98, subject to the conditions listed below:

1. The final art installation shall be in substantial compliance with the public art submittal, prepared by developer 1200 Park Street LLC on behalf of artist Demitrius Omphroy, a painted mural depicting a musician rendered in bold, simplified forms and vibrant colors.
2. Separate Permits Required: The applicant shall be responsible for obtaining all necessary building and/or encroachment permits for the installation of the public art. The plans submitted for building permits shall be in substantial compliance with the public art proposal prepared by developer 1200 Park Street LLC on behalf of artist Demitrius Omphroy and received on February 3, 2026.
3. Notice of Ceremonies: The applicant shall notify the Base Reuse and Economic Development Department regarding any unveiling or dedication ceremonies for the public art project. An unveiling or dedication is strictly optional. In the event the

applicant chooses to conduct an unveiling or dedication, City staff shall provide the applicant with an invitation list of City Council members, Public Art Commission members and other appropriate guests. City staff shall work with the applicant to promote press opportunities and public interest in the public art project.

4. Final Budget Reconciliation: Upon final installation of the art, and prior to issuance of the final certificate of occupancy for the development project, the applicant shall provide City staff copies of final receipts to be reconciled with the approved public art budget. The applicant shall pay any unused amount in the budget as a monetary contribution into the Public Art Fund. Such payment shall be made prior to issuance of the final certificate of occupancy for the development project.
5. Maintenance: The property owner is responsible for maintaining the art installation, including repairs and accessibility, should it be damaged, destroyed, or become inaccessible. The property owner shall maintain, or cause to be maintained, in good condition the Public Art continuously after its installation and shall perform necessary repairs and maintenance in compliance with the final Maintenance Plan to the satisfaction of the City.
6. Removal: The permanent removal of public art requires approval by the Public Art Commission. Should the applicant wish to remove the subject art, the City must be notified in advance by way of submitting a Public Art Application and payment of processing fees required by the City. The applicant shall replace the Public Art with public art of equal or greater value, as defined by the Public Art Ordinance.
7. Identification signage: Applicant shall be required to obtain approval from the Base Reuse and Economic Development Department for identification signage that shall be developed in compliance with the Public Art Identification Signage Guidelines. The identification signage shall contain the following components:
 - a. The title of the public art,
 - b. Artist's name
 - c. Date completed
 - d. The logo of the City of Alameda
 - e. The text "Alameda Public Art Program"
 - f. Optional: 30 to 50 word descriptive narrative
8. Hold Harmless: Applicant, and its successors in interest, shall defend, indemnify, and hold harmless the City of Alameda, including its City Council, boards, commission, agents, officers, and employees, from and against any claim, action, proceeding, costs, and expenses whatsoever, including reasonable attorney's fees and costs of litigation, arising from or in any manner connected the City's review and determination of this Public Art Application. The City of Alameda shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense.
9. Appeal. The decision of the Public Art Commission shall be final unless appealed to

the City Council, in writing and within ten (10) days of the decision by completing and submitting an appeal form paying the required fee.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Public Art Commission of the City of Alameda during the special meeting of the Public Art Commission on the 18th day of March, 2026 by the following vote to wit:

AYES:

NOES:

ABSENT:

ATTEST:

Jackie Keliiaa, Secretary
Public Art Commission

* * * * *