

Potential Guidelines Regarding Art DRAFT 11/2/2025 mcc

Proposed 3.7 Enduring Artworks (Insert and renumber existing 3.7 to 3.10)

3.7.1 Enduring artworks (works) shall be installed in a manner that does not damage, significantly detract from, hide, or alter the character-defining features of significant architectural elements or impede established uses. Such works should not appear to be actual architectural components (such as columns or window openings). Enduring artworks should not significantly obscure or otherwise degrade significant cultural, economic, or historical qualities of architectural components. The cumulative presence of all artworks in an area (such as upper Post Alley, Western Avenue, or the Down Under) should not detract from the area's character defining features or transform the visibility or character of activities and architecture.

3.7.2 Proposals should include the artist(s)' written documentation of design intent; a description of how the artwork complements and does not degrade the character of the Market Historical District; a description of materials, fabrication methods, and other significant aspects of the work; a description of the intended lifespan of the work; a maintenance plan that includes a schedule and responsible parties; a clear definition of the conditions and process for decommissioning; and a list of any other artworks by the artist that are currently in the Market District.

3.7.3 Temporary artworks proposed as part of special events shall be considered under *Section 2.11 Street Use, Street Vendors and Sidewalk Cafes*. Artworks lasting less than 1 year that are not part of a special event application shall be considered as temporary uses under *Section 2.9 Temporary Events* but should typically follow these guidelines (*Section 3.7 Enduring Artwork*).

3.7.4 Maintenance and repair of existing artworks, signs, and market icons (per Section 3.6.4) is encouraged. Proposals to remove enduring artworks, signs or market icons for repair or for other reasons, or to protect them during construction should include a plan including a timeline for their proper inspection, removal, storage, and re-installation. These proposals should include a long-term maintenance plan.

3.7.5 Artworks may include a signature(s) of the artist(s). Signatures should be readily legible and composed as part of the work. Hashtags, QR codes or other digital links may be incorporated if the link primarily provides history or context for the work.

3.7.6 The Market District is a composition of many humble, functional, and distinct parts. In order to maintain the Market's significance in "the culture of the region drawing together a broad spectrum of people." (25.24.040 B), artworks are encouraged from multiple different artists. The Commission may deny an application if it finds that the proposal would dominate an area of the historic district (such as the Hill Climb or a section of Post Alley) through density, number of works by a single artist, size, color, or other features, or if three or more enduring artworks by the artist are currently installed in the District as a whole.

3.7.7 In order to preserve and maintain the character and adaptability of the district, Visual Artist Rights Act rights should be waived by artists for new artworks in the District.

Definitions

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Enduring artwork: Murals, graphics, sculpture, or other artwork that is (a) not primarily commercial, traffic, or wayfinding signage, (b) affixed to a building, pavement, or other built form in the district, and (c) intended to last longer than a year.

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