

Legal Graffiti Wall Pilot Project Report

Presented To:	Planning Committee
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Type:	Managers' Reports
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Recommended by:	General Manager of Growth and Infrastructure
File Number:	PA-2021-03-00

Report Summary

This report provides recommendations regarding the Legal Graffiti Wall Pilot Project.

Resolutions

Resolution 1:

THAT The City of Greater Sudbury directs staff to prepare an amendment to the Property Standards By-law to incorporate a Legal Graffiti Wall Framework, as outlined in the report entitled "Legal Graffiti Wall Pilot Project Report", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of September 13, 2021.

Resolution 2:

THAT The City of Greater Sudbury directs staff to develop a permitting process for Legal Graffiti Walls, as outlined in the report entitled "Legal Graffiti Wall Pilot Project Report", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting of September 13, 2021.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

Creating a permanent Legal Graffiti Wall program would align with the 7th Strategic Objective of Council's 2019-2027 Strategic Plan, "Strengthening Community Vibrancy." Specifically, Goal 7.3 seeks to strengthen the framework of programs that support the artistic, cultural and creative expression of local citizens and groups.

This report refers to operational matters and has no direct connection to the Community Energy & Emissions Plan.

Financial Implications

There are no financial implications associated with this report at this time.

Background

The following motion was passed at the July 10, 2018 Council Meeting:

“CC2018-188 (McIntosh/Landry-Altman):

WHEREAS public art enhances public spaces, architecture and landscapes;

AND WHEREAS City Council directed staff to prepare a public art policy by September of 2018;

AND WHEREAS Legal Graffiti Walls help build local capacity and provide an effective means of graffiti abatement and should be contemplated as part of the proposed public art policy;

AND WHEREAS Up Here, which is an urban art and music festival that combines the live creation of large scale murals with musical performances, is preparing its fourth annual festival program for August 17th, 18th and 19th, 2018;

AND WHEREAS as part of its festival program, Up Here will be holding a graffiti workshop and would like to have a legal graffiti wall at 71 Cedar Street, with permission from the building owner, and is hoping to have that wall recognized as a legal graffiti wall for any graffiti artist during and after the festival;

AND WHEREAS Section 3.03 (2) of By-law 2011-277, a By-law to Prescribe Standards for the Maintenance and Occupancy of all Property, stipulates that “Exterior Walls-Surfaces-Cladding-Masonry – 2. Markings, stains, smoke damage or other defacements appearing on any exterior surface shall be restored, resurfaced and co-ordinate to the exterior finish of the building or structure.”

THEREFORE BE IT RESOLVED that the City of Greater Sudbury directs staff to prepare an amendment to by-law 2011-277 to exempt the portion of the southern wall at 71 Cedar Street, fronting on Old City Hall Lane, from the graffiti removal requirement under section 3.03(2), commencing August 15th as part of a pilot program for the Legal Graffiti wall component of a public art strategy, and that the amended by-law be presented at the August 14th, 2018 Council meeting;

AND BE IT FURTHER RESOLVED that the City of Greater Sudbury directs staff to present options to enable/permit future legal graffiti walls as part of the public art policy report in September of 2018, and that the wall at 71 Cedar Street be subject to the final approved policy.” (See Page 7 of Reference 1).

By-law 2018-142 was passed on August 14, 2018 (See Reference 2). It amended the By-law of the City of Greater Sudbury to Prescribe Standards for the Maintenance and Occupancy of All Property (the “Property Standards By-law”) to exempt 71 Cedar streets from the graffiti clean-up provisions of the by-law.

Findings

71 Cedar

The owner of 71 Cedar noted a positive experience with the pilot project, with no complaints from the neighbouring properties. The owner expressed that he wished to be notified when artists were proposing to paint the wall, as there has been some incidents around graffiti and vandalization of the property.

Up Here

The above-noted amendment to the Property Standards By-law was prompted by a request from the Up Here Festival to add a legal graffiti wall element to their 2018 edition of the festival. Up Here notes the overall

experience as positive, recommends regular seasonal painting schedule, and the need for more legal graffiti walls downtown and throughout the community.

Up Here has seen a noticeable decrease in graffiti and tagging on existing murals downtown since the start of the pilot program. The program has had a positive impact on their regular mural maintenance.

Up Here recommends a consistent seasonal repainting schedule (e.g. three times a year) to ensure the success of the legal graffiti wall. This ensures the general cleanliness of the wall and surrounding areas and ensures that wall boundaries are respected. Up Here notes that artists tend to prefer areas that are blank surfaces. Graffiti spill over to other walls sometime happens when there is no space left to paint on the legal graffiti wall. To this end, some artists bought white paint and supplies to repaint large areas of the wall themselves. A regular repainting schedule would clarify confusion, communication and expectations around the legal graffiti wall.

Local artists have reached out to Up Here expressing gratitude and appreciation for the fact that they now have a legal space to practice. Up Here has observed that the graffiti wall has, in some cases, spilled over its designated boundaries. The festival believes that this serves as proof of the need for more walls downtown, but also in other areas across the City.

Greater Sudbury Police Service

The Greater Sudbury Police Service (GSPS) had service calls in the early days of the pilot project. Information was shared with GSPS in the Fall of 2018. Since then, there have been no additional complaints about the wall, and internally, the GSPS are no longer dispatched to this wall given its legal status.

However, GSPS has commented that mischief graffiti still happens within Downtown and elsewhere in the community. Should the pilot project become permanent, staff would recommend regular updates with GSPS on legal graffiti walls, a more regular repainting schedule, and a consistent application of the legal graffiti wall stencil (See Attachment A).

GSPS has indicated support in the circulation and review of future legal graffiti walls. Regular communication with GSPS and other community partners is key to the success of the legal graffiti wall program.

Filming

Matters of copyright came up during a recent location shoot in downtown Sudbury. In order to protect against copyright concerns, the film production team decided to repaint the wall and create its own graffiti.

Funding

In the Public Art Implementation Plan Report of November 2019, staff noted the following:

"The City currently has no committed funds for legal graffiti walls. Staff recommends establishing a cap on the number of public legal graffiti walls as well as a service standard (e.g. repainting three times a year) as part of a budget request for the public art program (see Service Level 2). In the meantime, should a private landowner request a legal graffiti wall, staff recommends that the maintenance costs be the responsibility of the applicant. This would be formalized as part of the Public Art Handbook forms and agreements" (See Reference 3).

The lack of dedicated funding for repainting has led to an inconsistent implementation of the legal graffiti wall pilot project, and likely contributed to miscommunication and confusion around the program. As noted above, community members have taken on the repainting themselves. Up Here has recently made efforts to repaint the wall for the upcoming season at the request of some artists. Up Here has noted that they would be open to taking on the repainting responsibility more formerly if the City does not adopt a standard.

A business case for public art funding has been included in the 2022 Budget process for Council's consideration. If approved, this money could be a funding source for the regular repainting of approval graffiti walls.

By-law and Process

City staff recommends a Legal Wall Application Process under two separate streams. The first stream would be for proposed legal graffiti walls. It would require information such as the location and pictures of the proposed wall, the proposed maintenance and funding source for the legal graffiti wall. It would also ask questions related to copyright matters.

The second stream would be for the legalization of existing graffiti walls. Currently, if an owner finds graffiti on their property, or receives a Notice of Violation from By-Law Enforcement, it is the responsibility of the property owner to remove it. The owner can either do remove the graffiti themselves or hire someone to do it for them. However, under a new process, they could also apply to have the Graffiti regularized.

The City would then review the graffiti in consultation with the Public Art Advisory Panel (PAAP). The PAAP would review the matter, having regard to the Public Art Policy, and would then provide advice to the Director of Land Use Planning as to whether the markings should be prohibited as graffiti vandalism, or whether the markings are graffiti art or an art mural. The graffiti art or art mural may then be registered in the Public Art Inventory, where established.

Staff recommends that an amendment to the City's Property Standards By-law be prepared for Council's consideration, as neither of these streams are contemplated by the By-law.

Summary and Recommendations

This report presented the findings and recommendations emanating from the Legal Graffiti Wall Pilot Project. There continues to be interest in the pilot program, whether it be for the repainting of the existing graffiti wall, or requests to add new walls to the roster.

Staff recommends the preparation of an amendment to the property standards by-law to establish the legal framework for a legal graffiti wall program. Should this be implemented, staff would recommend a new application process for these legal graffiti walls.

Per Council direction in 2019, a business case for the public art program has been included in the Budget 2022 Process for Council's consideration. Should the request be approved, the money could be used as a funding source for the regular repainting of legal graffiti walls.

Resources Cited

1. July 10, 2018 Council Motion
<https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=30845>
2. By-law 2018-142
<https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=4993>
3. "Elements of a Public Art Implementation Plan", report presented at the November 19, 2019 Finance and Administration Committee
<https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=4993>