



**City of Kingston
Report to Council
Report Number 20-118**

To:	Mayor and Members of Council
From:	Peter Huigenbos, Commissioner, Business, Environment & Projects
Resource Staff:	Colin Wiginton, Cultural Director, Cultural Services
Date of Meeting:	June 2, 2020
Subject:	Update, Legal Wall Pilot Project

Council Strategic Plan Alignment:

Theme: 5. Foster healthy citizens and vibrant spaces

Goal: 5.2 Examine the feasibility of developing an arts walk.

Executive Summary:

The purpose of this report is to provide Council with an update related to the Legal Wall Pilot Project approved by Council in March 2019, implemented on July 1, 2019 and that concluded on April 30, 2020. The Pilot Project established the Rideaucrest retaining wall adjacent to Douglas Fluhrer Park as a legal wall for use by the community to create street art and murals. Staff were directed to report back to Council in Q2 2020 and this report is being brought forward to share the results of the Pilot Project and to request Council's approval to make the Legal Wall permanent through an amendment to the Property Standards By-Law Number 2005-100, Section 4.17.

The Legal Wall Pilot Project has been received without incident and it is estimated that approximately 30 new murals have been created over a ten-month period. During that period, there have been no major issues of concerns related to waste or environmental damage and there has been no evidence that the Legal Wall has been vandalized or used inappropriately. Staff encountered only two minor issues during the course of the Pilot Project, but those issues were dealt with quickly and in collaboration with other City departments. No public complaints have been received to date either. Staff have also learned from the success of the Pilot Project and are looking to develop new initiatives designed to foster the creation of street art and murals as a component of the City of Kingston's Public Art Program.

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The Legal Wall Pilot Project responds to components of the City of Kingston's Public Art Master Plan approved by Council in 2014 and also aligns with Council's Strategic Priorities for 2019-2022 to foster healthy citizens and vibrant spaces through the development of an Arts Walk that will leverage public art installations located along Kingston's waterfront from Douglas Fluhrer Park, which includes the Legal Wall, to Lake Ontario Park.

At this time, staff are recommending that the Legal Wall be made permanent. However, this report also acknowledges the Pilot Project was established prior to the emergence of COVID-19 and the Legal Wall has not been available for use under the restrictions imposed by the Province of Ontario. Pending Council approval, the Legal Wall will be made available when the City and local Public Health officials can implement measures to resume in alignment with the latest Provincial orders.

Recommendation:

That Council approve the established Rideaucrest retaining wall adjacent to Douglas Fluhrer Park as a Legal Wall for use by the community to create street art and murals; and

That Property Standards By-Law Number 2005-100 be amended, as outlined in Exhibit A to Report Number 20-118, to allow the Rideaucrest retaining wall located adjacent to Douglas Fluhrer Park to be established as a permanent Legal Wall for street art and murals.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Peter Huigenbos,
Commissioner, Business,
Environment & Projects**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Paige Agnew, Commissioner, Community Services

Brad Joyce, Acting Commissioner, Corporate Services

Not required

Jim Keech, President & CEO, Utilities Kingston

Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer

Not required

Sheila Kidd, Commissioner, Transportation & Public Works

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Options/Discussion:

At Council's regularly scheduled meeting on June 6, 2017, Council passed a motion that directed staff to look at the implications of establishing a legal wall for street art and murals utilizing the Rideaucrest retaining wall located adjacent to Douglas Fluhrer Park. This direction came about as a result of interest expressed by the community and, more specifically, as a result of interest expressed by representatives from the Friends of Kingston Inner Harbour who successfully organized two events in 2014 and 2017 that used the Rideaucrest retaining wall as a place where local artists could work with the community to create a series of murals.

In February 2019, staff brought forward [Report Number ARCP-19-003](#) to the Arts, Recreation and Community Policies Committee (ARCP) that recommended establishing a ten-month long pilot project to create a legal wall for street art and murals utilizing the Rideaucrest retaining wall. At the time, staff identified that the establishment of a legal wall aligned with the City of Kingston's Public Art Master Plan, as approved, that describes temporary forms of public art, including street art, as one of five main areas of focus to be supported as part of the implementation of a public art program in Kingston. The report also provided additional background information about street art and its significance and proposed how the Pilot Project would be developed and managed. Staff also referenced potential future plans to develop a stand-alone Street Art Plan that could be appended to the Public Art Master Plan itself.

Council subsequently approved the establishment of a Legal Wall Pilot Project in March 2019 and, at the same time, Council approved a temporary exemption to Property Standards By-Law Number 2005-100, Section 4.17 that prohibits "written slogans and graffiti on the exterior of any building, wall, fence or structure" to allow the pilot project to proceed. Staff then began the work to develop the guidelines needed to govern the use of the Legal Wall for the duration of the ten-month Pilot Project.

At the outset, a significant amount of effort went into communicating the intent of the Legal Wall Pilot Project and additional effort went into establishing a management model for the Legal Wall. This work included meeting with both internal and external stakeholders to consider various issues such as access, materials and content as well as waste management, set up and maintenance, environmental protections, signage and costs. Staff also completed a review of best practices related to similar projects in other municipalities and used that information to develop rules, regulations and procedures for the Pilot Project. The [Guidelines](#), as published, included rules for participation; information about acceptable content, paints and painting; processes to ensure the proper disposal of paints; and information regarding the existence of turtle habitats in the vicinity of the retaining wall.

A communications plan was also developed to help educate staff, stakeholders, the public and artists about the purpose and acceptable use of the Legal Wall. Prior to the launch of the Legal Wall Pilot Project, staff distributed information to area residents via direct mail. A [Project Page](#) was also created and published through the City of Kingston website that included a 'Frequently Asked Questions' (FAQ) section that provided information in summary form regarding the rules for use and the proposed maintenance of the Legal Wall along with the safeguards needed to protect the environment and wildlife around the Rideaucrest retaining wall. Onsite signage was

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also created and installed to provide information about the Pilot Project for artists and the broader community.

The Legal Wall Pilot Project was implemented on July 1, 2019 and concluded on April 30, 2020. Over that ten-month period, staff maintained a regular schedule of check-ins and photo-documented the evolution of the Legal Wall and responded to issues as they arose. The implementation and management of the Legal Wall Pilot Project has gone very well and the Legal Wall itself appears to have been received without incident. It is estimated that approximately 30 new murals have been created and staff have relied on evidence of artist engagement, adherence to the rules and public reception to measure the success of the Pilot Project.

Evaluating the Legal Wall Pilot Project

The nature of street art and legal walls is that they are fluid, ever-changing, transient spaces where artwork gets created and painted over on a regular basis. They exist as a shared community resource that enliven public spaces and attract attention because they are colourful, energetic and engaging in ways that deviate from more familiar forms of public art. They also attract attention because they tend to change over frequently and reference current issues and events with greater spontaneity.

The Rideaucrest retaining wall was an obvious location to implement the Legal Wall Pilot Project because its potential had already been demonstrated by the Friends of Kingston Inner Harbour after having hosted the “On the Wall” events in 2014 and 2017 that featured street art as an example of placemaking at a local level. Through “On the Wall”, the participating artists were given a week to paint sections of the retaining wall and the success of those events led the Friends of Kingston Inner Harbour to request that the retaining wall be established as a legal wall on an on-going basis. The example of “On the Wall” made it clear local artists had an interest in creating large-scale public murals and the community’s support for their work provided an early indicator that the Legal Wall Pilot Project would be well received.

Along with artist engagement and community interest, adherence to the [Guidelines](#) developed as part of the Legal Wall Pilot Project also helped to demonstrate the success of the project. From the outset, staff have managed and monitored the Pilot Project with input and support from other City departments. Staff have checked on the Legal Wall and the surrounding areas according to a regular schedule and the evolution of the Legal Wall has been documented and issues have been responded to as they arose. No major issues emerged in relation to the Legal Wall in terms of its use, waste or vandalism and the artists who have used the Legal Wall have demonstrated care in maintaining the area around the retaining wall.

Since July 2019, only two minor issues have arisen related to the Legal Wall that includes the removal of the onsite signage vinyl and the brief appearance of inappropriate language on the Legal Wall. Staff quickly responded in both instances by reinstalling the onsite signage and adding a protective cover to reduce the future possibility of its removal, and the issue with inappropriate language was resolved when it was covered up by work created by another artist, a fact that speaks to how legal walls tend to be regulated by the users who gravitate around such community resources.

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As previously stated, it is estimated that approximately 30 new murals have been created since the Pilot Project began. Many of the new murals have been documented by staff and selected examples are highlighted in Exhibit B. These images help demonstrate how the use of the Legal Wall has changed as artists have experimented with various forms of street art to develop their skills, abilities and identities. It is also interesting to note how the imagery has evolved from the kind of murals created in the context of “Off the Wall” that tended to be more representational to the emergence of an aesthetic that is much more urban, abstract and colourful and that is more representative of what is considered street art.

The fact that the Legal Wall has continued to attract the creation of new works is one measure of its success as is the fact that the Pilot Project progressed with little incident and without the need for staff intervention. Artist engagement remains one of the primary measures of success, as is the adherence to the project [Guidelines](#), as well as public opinion and media coverage. When the program launched, local media news outlets, including the Kingstonist and Global News, ran coverage on the Pilot Project and spoke positively to the opportunity the City is providing to local artists through the establishment of this artistic platform. Additionally, the Legal Wall Pilot Project here in Kingston has been of interest to other municipalities across Ontario, including the City of Toronto’s StreetARToronto program that brings street art to Toronto’s streets and public spaces, and the City of Mississauga’s Public Art Program. Staff heard from both municipalities as they were planning to create legal walls in their own cities and were interested in learning more about how the Legal Wall Pilot Project in Kingston was managed.

Making the Legal Wall Pilot Project Permanent

At this time, staff are recommending the Legal Wall be made permanent based on the success of the ten-month Pilot Project. To all intents and purposes, it appears to have been well received based on the level of artist engagement, the adherence to the rules and the lack of vandalism as well as in terms of public reception. The Pilot Project has worked well and, as a result, staff are proposing it be made permanent based on the [Guidelines](#) as established and with staff continuing to monitor its use on an on-going basis.

To establish the Legal Wall as a permanent public art platform, staff are seeking Council approval to amend Section 4.17 of Property Standards By-Law Number 2005-100. The proposed amendment is outlined in Exhibit A and reads as follows:

Graffiti

- 4.17 Written slogans and graffiti on the exterior of any building, wall, fence or structure shall be prohibited, including painted or chalked titles or messages with the exception of the Street Art Wall that uses the Rideaucrest retaining wall adjacent to Douglas Fluhrer Park as a designated legal wall in conjunction with the City of Kingston’s Public Art Policy.

Pending Council approval, staff will move toward making the Legal Wall a permanent fixture of the City of Kingston’s Public Art Program and as a feature for public enjoyment along Kingston’s waterfront. For the time being, however, the Legal Wall is not available for use given COVID-19 and the restrictions imposed by the Province of Ontario to limit public gatherings to five people

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or less. Access was shut down in response to the State of Emergency that was declared, on-site signage was installed, and staff have been monitoring activity in and around the retaining wall on a regular basis. Now that restrictions on outdoor recreation amenities are starting to be lifted by the Province, the Legal Wall can be made available once the City and local Public Health officials can implement measures to resume in alignment with Provincial orders. Once that happens, staff will update on-site signage and communications related to the Legal Wall letting the public know restrictions have been lifted and the Legal Wall can once again be used.

Next Steps, Street Art and Mural Programs

[Report Number ARCP-19-003](#) identified staff would report back regarding the outcomes of the Legal Wall Pilot project as well as regarding other possible next steps. At the time, those possible next steps included the development of an Integrated Street Art Plan as an appendix to the existing Public Art Master Plan. What has emerged since that time is increased interest on the part of artists, the community and businesses in temporary public art and murals more specifically. Such undertakings are opportunities to enhance public spaces, neighbourhoods and buildings, and as ways to engage artists to activate streetscapes and neighbourhoods and to enliven public spaces.

In response, staff are looking at ways to develop programs that respond to the increased interest that has emerged and that reflects best practices being used in other municipalities. The intent now is to focus on the creation of street art and murals as an integral part of the existing Public Art Program rather than developing a separate Street Art Program. The Public Art Program already identifies Temporary Public Art, Street Art and Public Art Platforms as an area of focus so staff will report back to Council regarding its progress in relation to public art through an Information Report to be submitted in 2021.

Along with the Legal Wall Pilot Project, other examples of street art and murals that have emerged include a residential development located at 168 Division Street that was approved to include a large-scale mural as a community benefit under Section 37 of the Ontario Planning Act through [Report Number PC-19-042](#). Community and artist-initiated street art and murals also exist in and around Kingston in various locations and as part of the development of new street art and mural programs. Staff will also be reviewing how to evolve processes that would encourage more community and artist-initiated street art and murals to be created in Kingston. Interesting examples exist in other municipalities that have been included for reference (Exhibit C).

Also, connected to the Legal Wall, is Council's direction to staff to examine the feasibility of developing an Arts Walk as part of its Strategic Priorities 2019-2022 that highlight a desire to foster healthy citizens and vibrant spaces. Integral to developing an Arts Walk is the ability to leverage public art installations located along Kingston's waterfront from Douglas Fluhrer Park to Lake Ontario Park. The Legal Wall falls within that scope as do other concurrent projects (i.e. Alderville First Nations Commemorations Project) and staff plan to report back to Council regarding the development of an Arts Walk in more detail in Q4 2020.

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Existing Policy/By-Law:

Section 4.17 of Property Standards By-Law Number 2005-100, which states “Written slogans and graffiti on the exterior of any building, wall, fence or structure shall be prohibited, including painted or chalked titles or messages.”

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

Budget to support the on-going implementation of the Legal Wall is anticipated to total approximately \$2,000 per year, which has been included and approved as part of the annual Operating budget for the Cultural Services Department in 2020. Additional budget to support the development and expansion of a street art and mural program as part of the Public Art Program has also been included as part of the Cultural Services Department’s Operating budget.

Contacts:

Colin Wiginton, Cultural Director 613-546-4291 extension 1357

Other City of Kingston Staff Consulted:

Danika Lochhead, Manager, Arts and Sector Development, Cultural Services

Heather Roberts, Director, Solid Waste Services

Troy Stubinski, Operations Manager, Public Works Services

Neal Unsworth, Manager, Parks Development, Engineering Services

Dan Hazell, Supervisor, Licensing & Enforcement, Building & Enforcement

Exhibits:

Exhibit A Proposed Amendment to Property Standards By-Law Number 2005-100, Section 4.17

Exhibit B Legal Wall Pilot Project, Examples of New Murals

Exhibit C Examples of Street Art and Murals from Other Municipalities

By-Law Number 2020-XXX

**A By-Law to Amend By-Law Number 2005-100, A By-Law for
Prescribing Standards for the Maintenance and Occupancy of Property
within the City of Kingston**

Passed: [Meeting Date]

The Council of The Corporation of the City of Kingston enacts as follows:

1. By-Law Number 2005-100 of the Corporation of the City of Kingston entitled “A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston”, as amended, is hereby further amended as follows:

- 1.1 Section 4.17 “Graffiti” is hereby amended by adding the following thereto:

“with the exception of the Street Art Wall that uses the Rideaucrest retaining wall adjacent to Douglas Fluhrer Park as a designated legal wall in conjunction with the City of Kingston’s Public Art Policy.”

2. This by-law shall come into force and take effect upon the date of its passing.

Given First and Second Readings [Meeting Date]

Given Third Reading and Passed [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor

Legal Wall Pilot Project - Examples of New Murals









Examples of Street Art and Murals from Other Municipalities



[StART Support Mural Program, Toronto](#)



[StART Concrete Barrier Art Program, Toronto](#)



[StART Road Murals Program, Toronto](#)



[Enhanced Hoard, City of Calgary](#)



[Paint it Up!, City of Ottawa](#)



[Legal Wall for Street Art, Hamilton](#)



[Mural Festival, Montreal](#)



[Mural Program, Take Pride Winnipeg!, Winnipeg](#)