

To: Community Services Committee

From: Ron Diskey, Commissioner,  
Community Services Department

Report Number: CS-17-43

Date of Report: May 5, 2017

Date of Meeting: May 11, 2017

Subject: Proposed Urban Art Park/Safe Graffiti Space at Donevan  
Recreation Complex

File: F-4280

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## **1.0 Purpose**

The purpose of this report is to provide a response to Council direction CS-16-43 regarding the opportunity to create a safe graffiti space in Oshawa.

Attachment 1 is a proposed by-law to amend the Property Standards By-law, the Nuisance By-law and the Parks and Facilities By-law.

## **2.0 Recommendation**

That the Community Services Committee recommend to City Council:

1. That Donevan Recreation Complex be approved as the desired location for the first Urban Art Park/Safe Graffiti wall in Oshawa.
2. That the Property Standards By-law, Nuisance By-law and Parks and Facilities By-law be amended in the form of amending by-law comprising Attachment 1 to Report CS-17-43.
3. That Recreation & Culture Services and Corporate Services staff meet with the business and property owners at 149 Simcoe St S (Living Room Community Art Studio) and 50 Bond St E (The Paint Factory) to explore feasibility of exempting these locations from the above-mentioned by-laws.
4. That staff from across the corporation work together to develop a comprehensive approach to addressing graffiti across the city and explore additional projects that support an overall graffiti management plan.

### **3.0 Executive Summary**

At its meeting of June 2016, Oshawa City Council approved CS-16-53:

“That staff review the opportunity with the Robert McLaughlin Gallery and the Living Room Community Art Studio to create a safe graffiti space using the east side of Kinsmen Stadium or any other spaces that staff see as appropriate and report back to the Community Services Committee.”

Recreation & Culture Services staff have met with internal and external stakeholders to determine the feasibility of creating a safe graffiti space in Oshawa through the consideration of location, educational opportunities, set up and maintenance, marketing, and programming costs.

Staff have also conducted a best practices review of successful safe graffiti spaces in other municipalities.

Based on the investigation, staff recommend that Donevan Recreation Complex be the selected site for the first authorized graffiti space in Oshawa. It is contemplated that the program will be monitored and evaluated, with the intention of determining other locations within the City for an Urban Art Park or safe graffiti space.

Additionally, staff recommend undertaking a comprehensive approach to graffiti management that includes working with local stakeholders, the urban arts community and graffiti artists, Durham Regional Police Services (D.R.P.S.) as well as internal departments to create a multifaceted approach to addressing graffiti throughout the city.

### **4.0 Input From Other Sources**

- Community Services Operations
- Legal Services has drafted the amending by-law comprising Attachment 1 to this report
- Municipal Law Enforcement and Licensing Services (M.L.E.L.S.)
- Planning Services
- Living Room Community Art Studio
- U.A.S.C Graffiti School (Urban Arts for Social Change)
- The Paint Factory
- Robert McLaughlin Gallery
- Local Graffiti artists and youth workers
- Other Municipalities (City of Ottawa, City of Pickering, City of Toronto)

### **5.0 Analysis**

#### **5.1 Other Municipal Urban Art Programs: Ottawa, Toronto and Pickering**

City staff consulted with staff at the City of Ottawa, City of Pickering and City of Toronto.

Ottawa currently has three legal graffiti locations of which two are located near recreation complexes. Ottawa hosts an annual public event in collaboration with a local urban arts group. When graffiti is seen within the “zero tolerance zones”, which are areas outside of the defined legal space, the City initiates removal. In addition to the graffiti walls, the City of Ottawa has funding partnerships which support an overarching graffiti management plan which includes working with the local BIA, Crime Prevention Unit, and youth.

Pickering also has a legal graffiti space located within a park adjacent to a recreation complex and skateboard park (Diana Princess of Wales Park). Similarly to Ottawa, Pickering hosts numerous special events in the space including skateboard competitions, hip hop events and graffiti days.

The City of Toronto has a comprehensive approach to graffiti management via its StreetARToronto program that includes partnerships programs, mural programs, underpass programs, and traffic control box programs. Each program offers unique opportunities to develop and increase the awareness of street art as well as opportunities to work in partnership with local businesses and residents.

## **5.2 Culture Counts and Urban Arts**

The proposed Urban Art Park/Safe Graffiti Space at Donevan Recreation Complex supports the strategic direction to “create vibrant places and spaces” and the action item to “maximize the use of civic spaces for arts, culture and heritage events and showcases”.

The proposed Urban Art Park will also provide access and opportunities for artists as well as promote inclusion and awareness of urban art. It is recognized that graffiti tagging is the illegal defacing of buildings and infrastructure where gang related symbols, hate crime and offensive drawings have been marked on private and/or public property without permission. Urban art, or street art, is created out of permission based arrangements and/or is commissioned artwork.

## **5.3 Consultation, Site Selection and Use of Space**

Recreation & Culture Services staff met with external stakeholders in the Fall of 2016 to discuss the needs and considerations for a safe graffiti space in Oshawa. Multiple locations were considered, including Kinsmen Stadium.

It was determined that as a Phase 1 approach to Urban Art, the location needed to provide the ability for staff to monitor the urban art and also to provide a space for programming or events.

Kinsmen Stadium is not recommended as a location at this time due to a number of factors. Parks staff have been caring for ivy that grows along the majority of the wall with the intention for the entire wall to be covered with this natural vegetation. The space along the wall currently without this vegetation has limited lighting and could be a safety hazard along the creek. Moreover, the space has limitations to hold events and workshops.

Donevan Recreation Complex is proposed to be the selected site due to a number of factors including its proximity to a supervised recreation complex that will allow for periodic

and passive monitoring of the space by staff and the quick removal of offensive graffiti tagging. Donevan Recreation Complex is also desirable due to its close proximity to amenities including accessible washrooms, parking and transit and it has exterior building lighting and adjacent lighting from the parking lot. Additionally, with the skateboard park and surrounding park area connected to the facility, it is an ideal location to host events and workshops.

#### **5.4 Proposed Operation and Launch of the Urban Art Park/Graffiti Wall at Donevan Recreation Complex**

The proposed first location for the Urban Art Park/Graffiti Wall is at Donevan Recreation Complex, adjacent to the skateboard park. Boards would be installed on the south facing wall of Donevan Recreation Complex in early summer 2017 to accommodate the urban art.

It is contemplated that staff will not paint over designs and artwork unless designs are determined to be gang related, offensive or are evidence of hate crime tags. In instances where gang tags, offensive drawings or hate crime are evident City staff will work with D.R.P.S. and remove the tags.

Recreation and Culture Services staff will launch the space through an event, in collaboration with local stakeholders, celebrating the space to include performances and showcases by urban artists including live demonstrations by graffiti artists and D.J. sets and/ or other live music. This event could become an annual event.

Staff will also initiate educational programs, facilitated by professional graffiti artists and youth workers, relating to urban arts. This may include programs such as after school drop-ins and multi-week sessions on graffiti arts mentorship and leadership.

City staff will develop the necessary educational material (print, website, social media) to communicate the purpose of the space. Additionally, City staff will create appropriate procedures to ensure the space is maintained and safe for all who use it.

Staff will evaluate the success of the Urban Art Park over the summer months of 2017.

#### **5.5 Existing By-Laws**

Attachment 1 is a proposed by-law to amend the Property Standards By-law, the Nuisance By-law and the Parks and Facilities By-law to clarify that none of those by-laws applies to prevent artwork, including graffiti, that is authorized pursuant to a program administered by the City's Community Services Department

#### **5.6 Next Steps**

Upon approval of this report, staff will initiate the development of the graffiti wall at Donevan Recreation Complex and work to create a launch event.

In addition to the creation of a legal and free space at Donevan Recreation Complex, City staff will continue to explore other opportunities to work with the community to improve our

public spaces and eradicate graffiti through commissioned public art projects, partnerships and other graffiti management plan initiatives.

City staff recognize other graffiti spaces that are emerging in the downtown core including graffiti walls at The Paint Factory and a desired location at the Living Room Community Art Studio. These spaces are providing the urban artistic community with additional opportunities to grow their craft. These organizations are working to solve the issue of graffiti in the downtown core by working with local graffiti artists. City staff will consult with the property and business owners located at 149 Simcoe St S (Living Room Community Art Studio) and 50 Bond St E (The Paint Factory) to investigate the feasibility of exempting these spaces from the Property Standards and Nuisance by-law.

## **6.0 Financial Implications**

The costs associated with the development of the authorized urban art park/graffiti space at Donevan Recreation Complex can be accommodated through the 2017 Community Services Operating budget.

## **7.0 Relationship to the Oshawa Strategic Plan**

This report addresses the Oshawa Strategic Plan by responding to the goal of “Cultural Vitality”, with the theme of “Enrich our Community Through Culture” by expressing a commitment and desire to connect and engage with the community and by creating a space urban artists to showcase their art.



Julie MacIsaac, Director, Recreation and Culture,  
Recreation and Culture Services



Ron Diskey, Commissioner,  
Community Services Department



**By-law -2017  
of The Corporation of the City of Oshawa**

Being a By-law to further amend the Nuisance By-law, Parks and Facilities By-law and Property Standards By-law.

NOW THEREFORE the Council of The Corporation of the City of Oshawa enacts as follows:

1. Nuisance By-law 65-2009, as amended, is further amended by adding a new subsection 2.2 as follows:

“The Nuisance described in clause 2.1(g)(viii) of this By-law does not include artwork, including graffiti, that is authorized pursuant to a program administered by the City’s Community Services Department.”

2. Parks and Facilities By-law 83-2000, as amended, is further amended by adding a new subsection 5.05.1

“The defacing of property described in paragraph 5.05(b) of this By-law does not include artwork, including graffiti, that is authorized pursuant to a program administered by the CITY’s Community Services Department.”

3. Property Standards By-law 1-2002, as amended, is further amended by adding a new subsection 5.3.2.1 as follows:

“The graffiti and defacements referenced in subsection 5.3.2 of this By-law does not include artwork, including graffiti, that is authorized pursuant to a program administered by the City’s Community Services Department.”

By-law passed this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Mayor

\_\_\_\_\_  
City Clerk