

created by **In\_Place Planning** in conjunction with **Portland Street Art Alliance** June 10, 2019



#### Created by



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In Partial Fulfillment of the Requirements for the Degree of Master of Urban and Regional Planning (MURP) Nohad A. Toulan School or Urban Studies & Planning College of Urban & Public Affairs, Portland State University

In\_Place Planning is a team of student-planners at Portland State University working toward Master of Urban and Regional Planning degrees. The team formed to exercise and enhance their knowledge of the planning process while completing a capstone project. In\_Place Planning chose this project because of the unique opportunities to work with a non-traditional planning client and to promote creativity and personal expression in public spaces. The planning team is proud to present a plan that is unique in that it casts graffiti in a positive light: possibly the first plan of its kind. This plan was built on the team's commitment to one another and the shared principles of equity, inclusiveness, authentic engagement, storytelling, and creative placemaking.

#### Acknowledgements

This effort would not have been possible without the creative energy, courage, and candor of the graffiti writers and street artists who contributed to this plan and the Portland Street Art Alliance. They collectively shape Portland's graffiti and street art legacy and continuing culture. We are also indebted to the members of the Central Eastside Industrial District community and City of Portland officials, who openly shared their perspectives and enriched our planning process.

In\_Place Planning also wishes to thank the following groups for their contributions to this project and plan:

- Portland Street Art Alliance
- Graffiti and street artists who volunteered for interviews and surveys
- Officials at the City of Portland
- Staff at the Regional Arts and Culture Council
- Faculty at Portland State University
- The Central Eastside Industrial Council
- Business owners, property owners, and property managers in the Central Eastside Industrial District
- Southeast Uplift
- Members of the community experiencing houselessness in the Central Eastside Industrial District
- All those who provided advisory and informational interviews in the Portland metropolitan area and elsewhere

### **ii** Legal Walls PDX

## **Table of Contents**

iv	A Note on Terminology	30	Findings
vi	Summary	34	Recommendations
8	Introduction	<b>64</b>	Next Steps
12	Background	<b>68</b>	Appendix
20	Imagine a Free Wall in Portland	82	Glossary
24	Process	84	Acknowledgments
		86	Works Cited

### A NOTE ON TERMINOLOGY

The terminology used to describe what is commonly known as graffiti is subject to debate, as is the term graffiti itself. Graffiti has different definitions and connotations that vary amongst artists, city staff, property owners, and advocates. This pluralism leads to confusion and consternation when terminology is not used in ways deemed appropriate by a given individual or group.

Within this Legal Walls PDX Plan, there will inevitably be instances in which various audiences take issue with the choice of language. With this in mind, In\_Place Planning aims to be consistent and purposeful with the chosen terms, which reflect language heard through engagement with the artist community. In\_Place Planning recognizes graffiti as an artistic discipline, not a crime. Though some stakeholders feel that all graffiti is, by definition, the product of a criminal act, the planning team rejects this judgement. "Graffiti," as used in this document, is meant to be an umbrella term for multiple forms of personal expression in the public realm, though this plan is focused on a free wall intended for aerosol-based painting.

This plan includes a glossary of terms (page 84) to clarify the meaning of particular language and educate those who are not familiar with the terminology used in the graffiti community.

**iv** Legal Walls PDX





### INTRODUCTION

Due to the negative connotations associated with graffiti, this form of public expression is prohibited in many cities around the world, including Portland, Oregon. Strict public art regulations and a lack of alternatives for urban artists have limited the growth of the graffiti and street art community as well as the public's right to freedom of expression in Portland. Additionally, the illegal status of graffiti often leads to expensive enforcement and abatement efforts and negative interactions between the public and law enforcement.

This planning effort was designed to chart a path toward a more inclusive atmosphere for street art, and specifically graffiti, in Portland, Oregon by planning a legal graffiti wall for public expression in the Central Eastside Industrial District (CEID). This plan proposes legal routes forward, as well as recommendations for implementing, designing, and managing the wall. These alternatives were informed by stakeholder outreach, best practices in other cities, and key advisory interviews. The proposed alternatives are designed to help further the long-term goal of fostering a more inclusive, cohesive, and supportive creative community with more equitable access to creative spaces in the City of Portland.

### GOALS

- Recommend legal pathways to the Portland Street Art Alliance and the City of Portland for the implementation of a legal graffiti wall pilot in the Central Eastside Industrial District.
- 2. Suggest well-informed opportunities for the design, stewardship, and programming of a legal graffiti wall pilot.

### WHAT IS A FREE WALL?

A "free wall" is a wall space that is open to the public for artistic expression, most commonly with paint. Because they are open to anyone, art on free walls is often quickly covered with new graffiti, which showcases frequently updated content. Free walls are often found on the external wall of a building, though free-standing walls may also be constructed for the same purpose. Free walls vary in their management, physical design, and programming from informal, unpermitted walls to highly programmed spaces with clear oversight.

### CONTEXT

Graffiti culture emerged in the United States on the East Coast during the 1960s and quickly spread and evolved. The practice arrived in Portland in the 1980s and began to develop along with the nascent mural and street art scene. However, the promulgation of broken windows theory, shortly thereafter, led to strict graffiti laws, aggressive enforcement, and severe punishment for those who were caught doing illegal graffiti. This theory proposed that an area with signs of decay, like broken windows and graffiti, would attract criminal activity, and it has been a dominant pillar of American law enforcement since the 1970s. This official attitude toward graffiti-style art, coupled with a public controversy regarding corporate advertisers and public murals, led to a host of regulations that still present barriers for those pursuing various forms of public expression in Portland today. These factors fractured local graffiti community and created a culture of secrecy and isolation that still persists, despite the fact that the premise of broken windows theory has been debunked.

Despite the adverse conditions for graffiti and street artists in Portland, public art has helped to define the character of many neighborhoods in the city. The CEID is one such area. This part of the central city was traditionally reserved for industrial purposes but has recently been opened to a broader range of creative and commercial uses. This has led to new development and an ongoing shift in the context of the built environment. For many, street art and graffiti are important elements of the traditional identity of the area and should continue to have a place in the district.

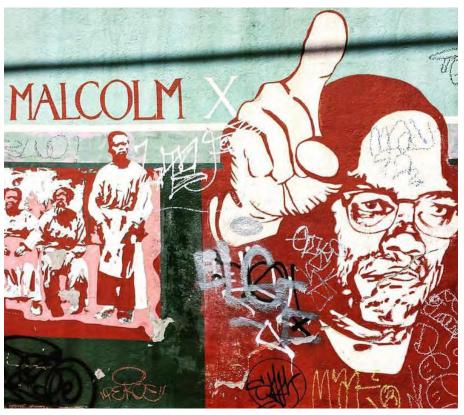


Figure 1: Black Pride Malcolm X Mural by Lewis Harris, painted in 1984, located at NE 17th Ave and NE Alberta St in Portland.

### **2** Legal Walls PDX

### WHY SHOULD PORTLAND HAVE A FREE WALL?

A free wall in Portland would help to reduce the barriers graffiti and street artists face when creating their art. A legal space for graffiti would:

- allow artists to practice and develop their skills without fear of criminal repercussions, making the art community more equitable, inclusive, and safe.
- create a space for artists to network, collaborate, and develop relationships, leading to a stronger public art community and professional development opportunities.

A free wall would also offer benefits to the neighborhood beyond the artist community by:

- contributing to the area's distinctive, street art-infused character.
- fostering positive relationships between the street art and business communities.
- providing an amenity that could attract visitors and new businesses to the area.

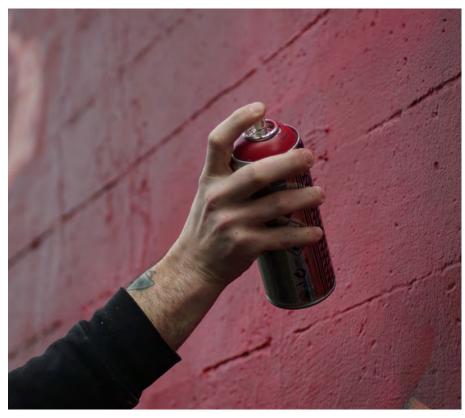


Figure 2: Aerosol is a common medium for graffiti artists.

In order to make well-informed recommendations, the planning team engaged in a thorough research and engagement process, drawing on background literature, case studies of other free walls around the United States, extensive interviews with a variety of stakeholders, and a survey of local graffiti and street artists. This data informed a set of implementation alternatives in four distinct areas:

### LEGAL RECOMMENDATIONS

These alternatives offer policy makers and those wishing to implement a free wall options for a legal framework in which a free wall would be possible in Portland.

#### Alternative 1: Amend the Original Art Murals Permit

*Recommended Action* - Amend section 4.20.010 B to remove the requirement that murals must not be changed for five years or waive this requirement to allow for a legal wall pilot.

#### Alternative 2: Expand the Public Art Murals Program

*Recommended Action* - Continue dialogue with RACC about implementing a legal graffiti wall through the Public Art Murals Program.

### **DESIGN RECOMMENDATIONS**

Recommendations in this section guide the design of a free wall to ensure it will meet the needs of various stakeholders and facilitate effective stewardship.

**Objective 1:** Select a location for a free wall that meets the needs of users and neighbors

**Objective 2:** Provide amenities that will enhance the free wall and the experience of users and visitors

**Objective 3:** Create durable and effective visual communications to help establish norms and expectations for the free wall

**Objective 4:** Create a free wall of adequate size to accommodate intended programming and use

Objective 5: Maintain a flat, smooth surface for artists to paint

### STEWARDSHIP RECOMMENDATIONS

The following stewardship recommendations, tailored to the local context, help ensure that a successful pilot project will maximize the benefits of a free wall, while mitigating difficulties experienced elsewhere.

**Objective 1:** Designate an organization to provide stewardship for the free wall

**Objective 2:** Create a positive, safe and inclusive atmosphere that encourages use and visitation of the free wall

**Objective 3:** Develop norms to guide behavior and set expectations for artists and visitors

**Objective 4:** Minimize the occurrence and impact of hate speech being painted on the free wall

**Objective 5:** Establish a budget and secure ongoing funding for the implementation and operation of a free wall

**Objective 6:** Establish policies for access to the free wall in terms of hours of operation and registration

Objective 7: Establish a waste management plan

### **PROGRAMMING RECOMMENDATIONS**

A set of programming recommendations suggest opportunities to ensure that a free wall will offer equitable opportunities for community and personal development, as well as enhance the sense of place in the project area.

**Objective 1:** Develop youth-oriented programming at the legal wall

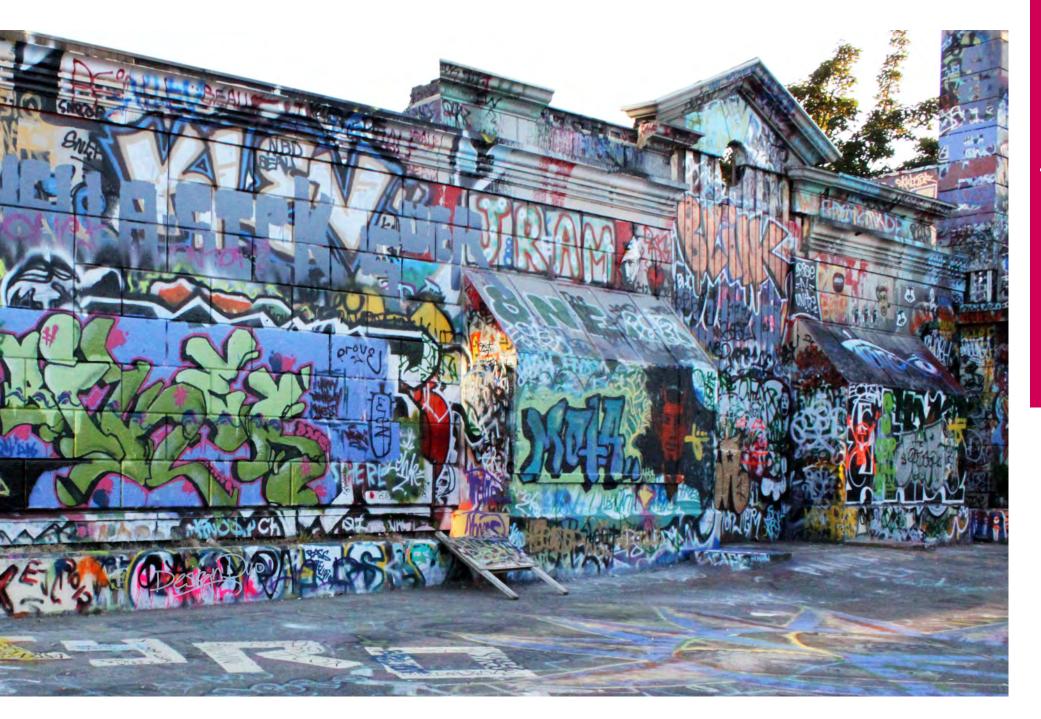
**Objective 2:** Establish partnerships to enhance placemaking opportunities

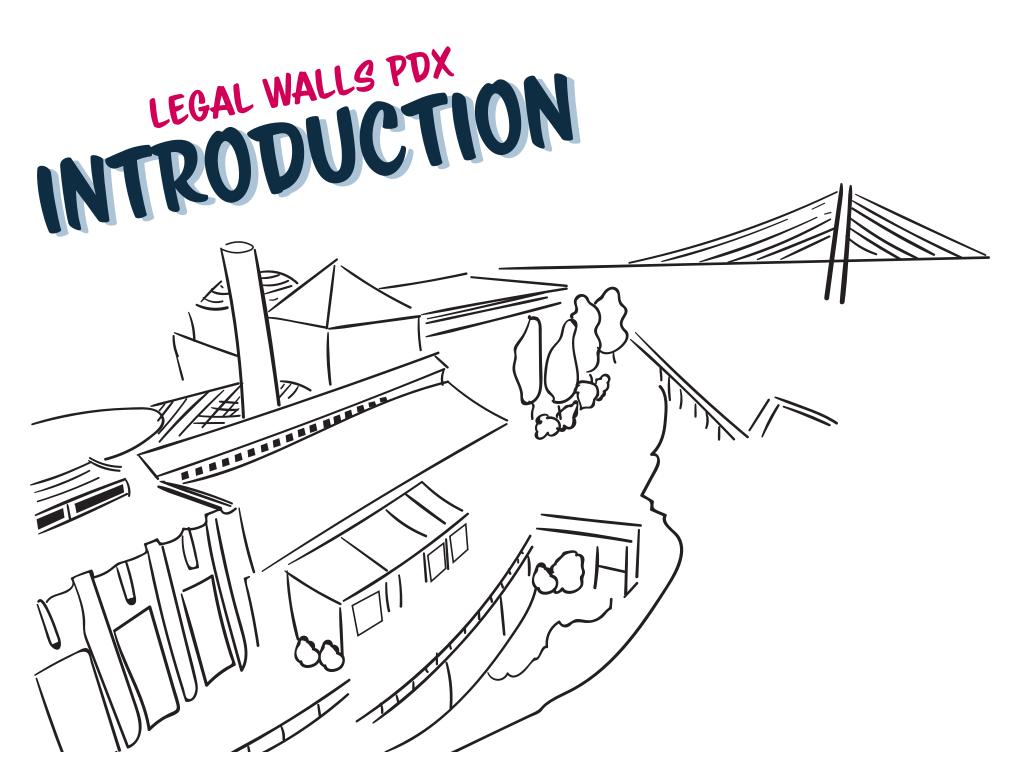
### NEXT STEPS

Due to time constraints, capacity, and project scope, the planning team was not able to follow through with every idea put forward. Opportunities remain for further research and outreach that may help inform the ultimate implementation of a free wall. Site selection will undoubtedly require a thorough vetting process with additional engagement and outreach to residents, the local business community, and the Portland Police Bureau. Once a site is selected, ongoing channels of communication with nearby residents and the business community should be established, and expectations set with the Police Bureau should be specific and clear.



Figure 3: Free wall in Seattle.





**8** Legal Walls PDX

### PROBLEM, PURPOSE, & GOALS

#### THE PROBLEM

Due to the negative connotations associated with graffiti, this form of public expression is prohibited in many cities around the world, including Portland, Oregon. Strict public art regulations and a lack of alternatives for graffiti artists have limited the growth of the public art community as well as restricted the public's right to freedom of expression in Portland. Additionally, the illegal status of graffiti often leads to expensive enforcement and abatement efforts and negative interactions between the public and law enforcement.

#### PLAN PURPOSE

This planning effort was designed to chart a path toward a more inclusive atmosphere for street art, and specifically graffiti, in Portland, Oregon by planning for a legal graffiti wall for public expression in the Central Eastside Industrial District (CEID). This plan proposes alternative policy routes and recommendations for successful design, stewardship, and programming for the wall. These alternatives were informed by stakeholder outreach, best practices in other cities, and key advisory interviews. The proposed alternatives are designed to help further the long-term goal of fostering a more inclusive, cohesive, and supportive creative community with more equitable access to creative spaces in the City of Portland.

### GOAL #2

Suggest well-informed opportunities for the design, stewardship, and programming of a legal wall pilot.

### GOAL #I

Recommend legal pathways to the client and the City of Portland for the implementation of a legal wall pilot in the Central Eastside Industrial District.

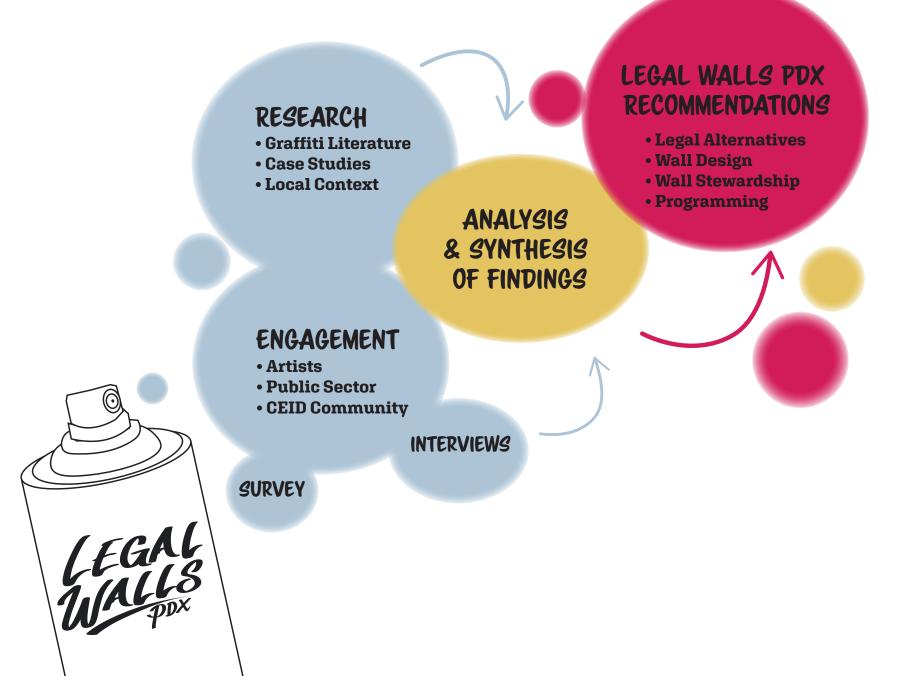
### LOCATION

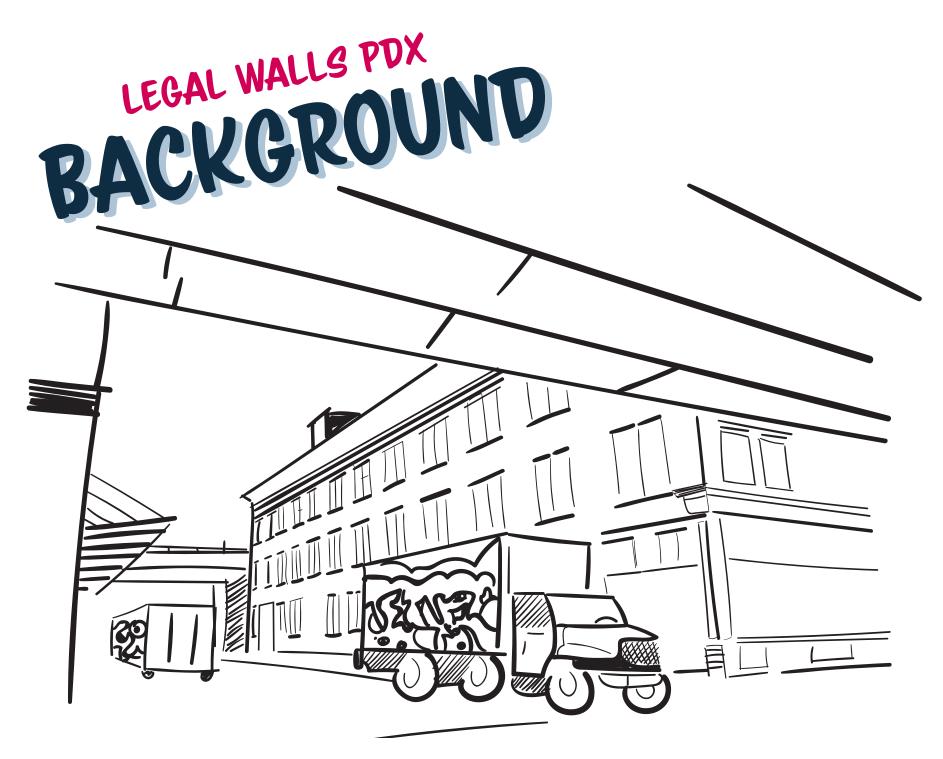
This planning effort focuses on the CEID for several reasons:

- High density of street art and graffiti relative to the rest of Portland
- Established relationships between PSAA and local property owners, managers, and businesses
- Willingness from City of Portland officials to consider new approaches to addressing graffiti
- Ongoing creation of a local improvement and innovation district that actively promotes the arts
- Proximity to street art curated by PSAA, including Taylor Electric rotating walls
- The need to preserve neighborhood character in response to recent land use changes.

### WHAT IS A FREE WALL?

A "free wall" is a physical space activated for artistic expression. As the term suggests, a free wall is open to any member of the public who chooses to express themselves by painting on the wall. Because they are open to anyone, art on free walls is often quickly covered with new graffiti, which showcases frequently updated and rotating content. Artists recognize that their work at a free wall is temporary, but it can be documented via social media. Free walls are often found on the external wall of a building or structure, though freestanding walls may also be constructed for the same purpose. Free walls may be legally sanctioned by a jurisdiction, or exist de-facto, and vary in their intention, stewardship, physical design, and programming.





### GRAFFITI AND STREET ART HISTORY

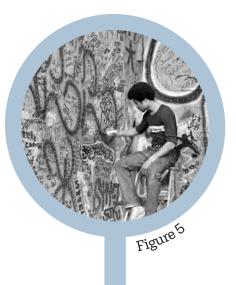


This timeline depicts historical events and periods that have led to the current climate of graffiti and street art in Portland.

Figure 4: Graffiti in Portland's Central Eastside Industrial District, art by CKOS and Asinine.

The modern graffiti movement emerges on the East Coast of the United States among young, low-income immigrants and people of color.<sup>1,2</sup>

Graffiti artists from Southern California introduce aerosol art to Portland.<sup>6</sup>



1982

**1960s** 

**1980s** 

Graffiti gains mainstream recognition and a broad base of practitioners.<sup>3,4</sup>

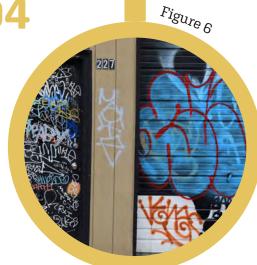
**1970s** 

Broken windows theory is published in *The Atlantic*, posing the biased idea that graffiti is indicative of violent behavior and neighborhood disorder. Backed by stereotypes and little evidence, this theory leads to racist policies and aggressive policing of graffiti writers across the U.S.<sup>5</sup>



Portland Graffiti Following aggressive policing practices aimed at reducing Nuisance Property graffiti, including raids on Ordinance people's homes, the graffiti Portland community in Portland Anti-Graffiti becomes more isolated and Strategy secretive.<sup>7</sup> **1998 1997-2000s** 2004 Clear Channel sues the City

Clear Channel sues the City of Portland for distinguishing murals from the restrictive sign and billboards regulations. In response to this lawsuit, the City places a moratorium on all painted wall expression.<sup>8,9</sup>



The City of Portland develops the Public Arts Mural Program in conjunction with the Regional Arts and Culture Council. This program outlines a process for a panel of arts professionals to select pieces for inclusion in Portland public art collection through a "mural permit waiver", which is subject to review and takes several months to acquire. <image><text><text>

2004

Portland Mural Defense, a coalition of local artists and allies, fights against sign code changes and advocates to distinguish murals from signs. In response, the City of Portland exempts public art from the sign code.<sup>10</sup>

Portland Graffiti Materials and Sales Ordinance

**16** Legal Walls PDX

Clear Channel hits the City of Portland with a second lawsuit. The trial ends with the presiding judge declaring a distinction between murals and advertising "while upholding the ban on content-based discrimination."<sup>11</sup> Students from Portland State University's Master of Urban and Regional Planning and the Portland Street Art Alliance initiate a workshop project to change the legality of free walls in Portland and chart a path towards an inclusive, accessible free wall space in the Central Eastside Industrial District.

### 2012

## 2006-2009

The City of Portland creates the Original Art Mural Permit, requiring a \$50 fee, neighborhood advisory meeting, 21-day waiting period between permit application and painting, and advance review of the images and concepts that the sponsor intends to include in the mural.<sup>12</sup> 2019

**Portland Street Art Alliance** 

June 2019 **17** 

### THE CENTRAL EASTSIDE INDUSTRIAL DISTRICT

Portland's Central Eastside Industrial District has evolved over time. Through its earliest days, the CEID featured a collection of produce warehouses, brick factories, and hardware stores. After World War II, industrial uses occupied the area, and the district was eventually designated as an "industrial sanctuary".<sup>13</sup> In recent decades, zoning changes have allowed more uses related to film, technology, and other creative services.<sup>14</sup>

With new commercial uses occupying an increasing share of available space and transit improving access to the District, the CEID must now grapple with how to retain its industrial identity. Demand for space within the Central City is rising, and the character of the area will likely continue to shift.<sup>15</sup> As warehouses are re-purposed or demolished, it is important to consider the impact on the local art and graffiti scenes.

Expansive CEID warehouses have provided graffiti and street artists with the ideal urban canvas as well as affordable studio space for decades. Today, those in the community who support graffiti-style artwork note that it gives the area character, which helps attract new businesses.<sup>16</sup> Others view graffiti art as an unsightly nuisance that reminds them of uninvited tagging.<sup>17</sup> The City's Graffiti Nuisance Property Code requires properties to paint or "buff" illegal tagging within 10



Figure 8: Produce Row Mural in the Central Eastside Industrial District.



Figure 9: Warehouses in the Central Eastside Industrial District.

### **18** Legal Walls PDX

### THE CENTRAL EASTSIDE INDUSTRIAL DISTRICT

days under risk of fine.<sup>18</sup> While some illegal graffiti occurs just a few times a year, many locations are tagged daily, costing businesses time and money to manage.

Over the past ten years, community groups have formed to support graffiti culture in the city and bridge the gap between property owners and artists. The Portland Street Art Alliance works with property owners and local graffiti artists to produce graffiti-style artwork that often honors the historic uses of the property.<sup>19</sup> Artists are given the appropriate time, supplies, pay, and permission to produce these legal works of art, and the artwork serves as an effective deterrent against continued illegal tagging. As the CEID changes, these murals enhance access to public art, provide opportunity to graffiti and street artists, and help to ensure that graffiti-style art remains an essential part of the District's identity.



Figure 10: Street art in Portland's Central Eastside Industrial District.

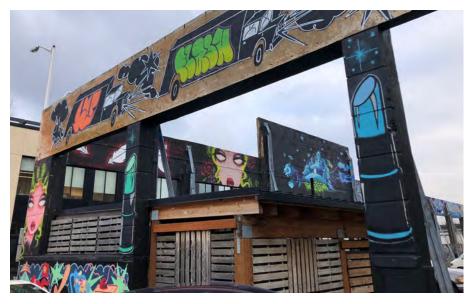


Figure 11: Graffiti at Taylor Electric in the Central Eastside Industrial District.





**20** Legal Walls PDX

### PROJECT PURPOSE

Due to societal perceptions of graffiti and its current legal status, this form of public expression is stigmatized in Portland. This inhibits mentorship and professional development within the graffiti and street art communities, which hinders growth of the broader Portland arts community. Implementing a pilot free wall in the Central Eastside Industrial District (CEID) may improve these conditions.

A free wall would allow for greater freedom of expression by providing a safe and inclusive space to practice art in the public realm. Through extensive research and public engagement, this plan charts a course toward successful implementation of a free wall in terms of a legal pathway as well as design, stewardship, and programming recommendations.

### WHY A FREE WALL?

To help graffiti and street artists overcome the barriers of strict regulations, inequitable policing and harassment, and negative social perceptions, free walls provide safe access to expression, community, and mentorship for artists of all identities. There is significant economic potential in free walls as well.

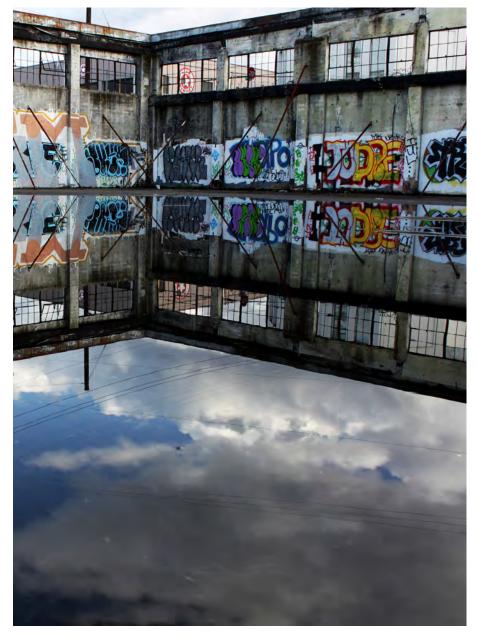


Figure 12: Taylor Electric prior to renovation in the Central Eastside Industrial District.



### WHY A FREE WALL

EQUITY & SAFETY

Free walls offer an important opportunity to advance equity within the graffiti and street art communities. Making graffiti is generally a maledominated practice that often takes place in inherently risky situations, such as at night, in isolated or dangerous locations, and at risk of being

WITH A FREE WALL YOU FEEL THAT YOU ARE ACCEPTED, THAT YOU ARE ALLOWED TO EXIST, YOU ARE ALLOWED TO VALIDATE YOURSELF, YOUR WORK, AND WHAT YOU ARE DOING, AND THIS PLACE ACCEPTS YOU. YOU CAN CREATE AND EXPRESS YOURSELF IN ANY WAY YOU WANT.

- @Caleb\_Jay\_concepts<sup>2</sup>

caught by police. Black, Indigenous and people of color (BIPOC) making graffiti are at even greater risk due to racial biases. A free wall could support people with a wider range of racial and gender identities who would like to paint during daylight hours and feel comfortable making their art without fear of negative interactions with law enforcement.

### EXPRESSION

Artistic expression and creation provide release and relief. Some graffiti and street artists in Portland feel that they have to suppress their personal need to create art.<sup>1</sup> A free wall provides a welcoming space for artists of all ages and identities to regularly express themselves.

### COMMUNITY

Being part of a community provides support and opportunity. Free walls create a location for the graffiti and street artist communities to share resources, form new friendships, collaborate, and provide mentorship to new and emerging street artists. The graffiti and street art communities are currently difficult to enter, and a free wall can provide a point of access and connection.



Figure 13: Graffiti along the Berlin Wall in Germany.

### In\_Place Planning

### 22 Legal Walls PDX

### WHY A FREE WALL

**ECONOMIC POTENTIAL** 

Legal walls can also stimulate the local economy. Development of street artists may lead to employment opportunities to produce murals or other curated projects. New murals and street art contribute to the unique character and draw of the CEID. Business and property owners may seek the unique opportunity of hosting a legal wall to attract foot traffic, potential customers, and new tenants.

One property owner in Bremerton, Washington used an adjacent free wall to justify a \$5 rent per unit increase in a 12 unit building, leading to approximately \$200,000 in value creation.<sup>5</sup> However, it is important to note that some artists have expressed concern over this form of art commodification.<sup>6</sup> Another consideration is that increasing property value and rents as a result of a free wall may pose a risk of displacement to residents and businesses, as is possible with many new public amenities.

TWO OF OUR BIGGEST TENANTS CAME TO [THE CEID] SPECIFICALLY BECAUSE OF THE GRAFFITI AND THE STREET ART.

> - Adam Tyler, President of Killian Pacific<sup>6</sup>

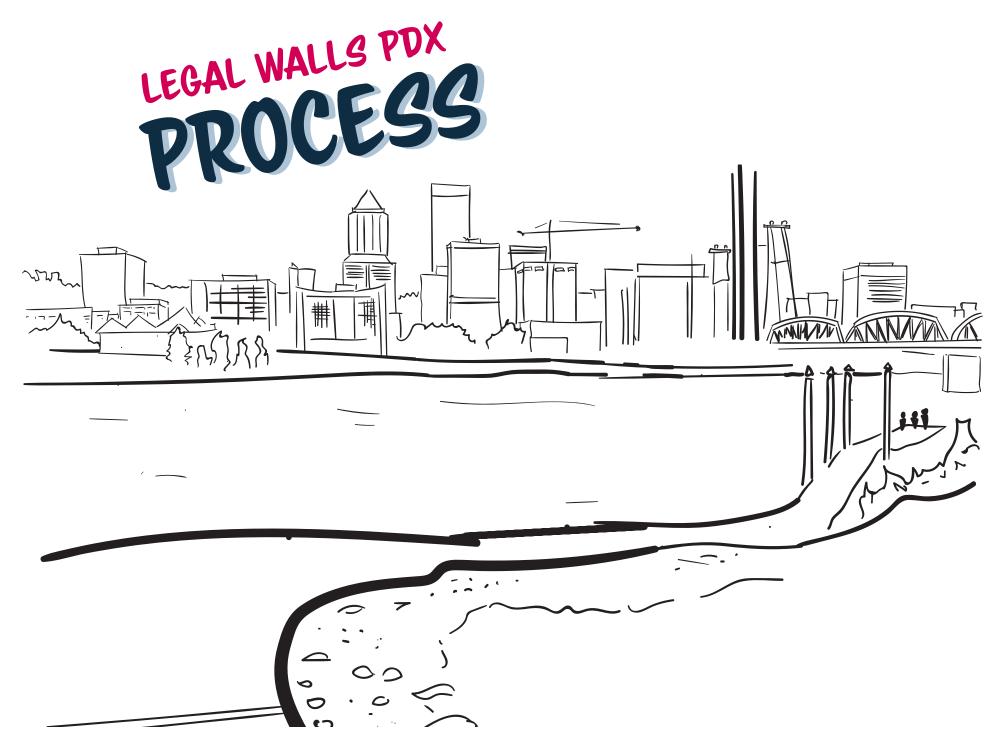
**CALEGAL WALL] WOULD BE** A GREAT PLACE TO MEET YOUNGER ARTISTS AND TEACH THEM PROPERLY. IT'S HARD WHEN YOU ARE NEW AND STARTING, I REMEMBER I HAD TO GOOGLE THINGS, I HAD NO MENTOR. I HAD TO FIGURE OUT THINGS ON MY OWN.

- @Kitska³

### MENTORSHIP

Codes of conduct, norms, and ethics are aspects of local graffiti and street art culture that need to be taught to new and emerging artists in order for them to show and gain respect within the community. Free walls provide a location for experienced artists to transfer this knowledge as well as artistic techniques, such as how to properly control a spray-paint can.





**24** Legal Walls PDX

This section describes the planning team's steps in the creation of Legal Walls PDX, including preliminary research and exploratory outreach, engagement strategy development, case studies, direct engagement, and communicating with anonymous stakeholders.

Case study

interviews

Interviews

with artists

12

Interviews with people experiencing houselessness

11

12

### Online surveys completed by artists

Interviews with the public sector

# 20

7

R

Interviews with business and property owners or managers

Interviews with potential program partners

### PRELIMINARY RESEARCH AND EXPLORATORY OUTREACH

The initial step in the Legal Walls PDX planning process was background research to build knowledge on the subject of graffiti. This was done by informally interviewing artists, visiting the CEID, reading relevant literature, and speaking with graffiti experts. These activities provided the planning team with foundational knowledge, and discussions with PSAA informed the planning team about the organization's ongoing work and vision for street art in Portland.

### ENGAGEMENT STRATEGY DEVELOPMENT

In\_Place Planning utilized the City of Portland's Bureau of Planning and Sustainability Community Engagement Manual to guide the initial steps of the engagement process. A stakeholder power analysis identified levels of influence and impact for artists, business and property owners, public sector officials, potential programming partners, people experiencing houselessness, and current hosting organizations for legal walls, among others.

### CASE STUDIES

In\_Place Planning built upon legal wall case study research initiated by PSAA in order to learn from the experiences of other cities and organizations that have hosted free walls. Information about these walls was gathered online and through interviews with managers of the walls. Findings included lessons about design, permitting processes, history, stewardship, and associated programming.

### In\_Place Planning

### **26** Legal Walls PDX

CASE

STUDY

### Sandra,

I drove up to Tacoma last weekend, hoping to paint at the Graffiti Garages - a space used by artists, photographers, musicians, school groups, and tourists. I found out so many people had started visiting the Garages that the owner decided the garages were too busy and ended the project. I had painted there for years - it was great having a safe space to spend time on my work and add some color to the city.

BEST, Pink

### DIRECT ENGAGEMENT

The Legal Walls PDX Plan is grounded in early and robust input from stakeholders. In order to understand the unique interests and concerns of those who may utilize or be affected by a legal graffiti wall project, the planning team interviewed artists, business and property owners, public sector officials, potential programming partners, individuals experiencing houselessness, and conducted an online survey of artists. The planning team also conducted interviews with experts from the public and private sectors who served in an advisory role to help inform implementation alternatives and fill gaps in knowledge.

### ANONYMOUS STAKEHOLDERS

Because practicing graffiti is often illegal, many artists engaged by the planning team wished to remain anonymous. While PSAA assisted with initial contacts in the community, connections to additional artists were primarily made through Instagram. Although outreach via social media is a non-traditional method for primary engagement with stakeholders, it was highly effective in this case. Artists who were wary of the consequences of practicing illegal graffiti often did not want to talk in person. Social media allowed artists to communicate with the planning team while protecting their identities. The privacy of artists who volunteered for interviews was protected by using pseudonyms in this plan.

This outreach method could have parallel applications to other planning processes, like outreach to individuals living without documentation in the United States.







**30** Legal Walls PDX

findings

ARTISTS

The following findings were generated by engaging with the graffiti and street artist communities via interviews and surveys. This information is synthesized and summarized in order to represent the views of this stakeholder group. While it is not possible to present the entirety of what was heard, the ideas that have direct implications for the implementation of a legal wall were prioritized, as well as the perspectives of people who identify with historically marginalized groups.

- There are codes of conduct and norms in the graffiti community that are passed from mentors to new graffiti artists; there is a need for mentorship in the Portland graffiti community in order to perpetuate this culture.
- While some are attracted to graffiti because it is illegal, many others have translated or aspire to translate their graffiti skills into a career. A free wall would support that aspiration.
- Past graffiti abatement policies and policing have hurt the graffiti community, and as a result there are low levels of trust between graffiti artists and law enforcement.
- There is concern that artists will still be harassed by neighbors, law enforcement, and business owners while using a legal wall.
- The location of the wall should be accessible and visible but not heavily-trafficked.

#### **Portland Street Art Alliance**

• The graffiti artist community self-regulates things like hate speech, but oversight by a managing or stewardship organization is important for monitoring and safety.

# PROPERTY AND BUSINESS OWNERS

The planning team spoke with several property owners, property managers, and businesses in the CEID about their experiences managing illegal graffiti and the effect of curated artwork. They also provided input on the potential benefits of a legal wall as well as potential issues that might affect their properties.

- Property owners differ in their views on the quality and value of street art and graffiti in the CEID; where some see art, others see disruption and feel there should be control over the content made on a legal wall.
- Existing graffiti and street art in the CEID are part of the reason that several businesses chose to locate their operations in this area.
- A free wall would provide value to the neighborhood through artist development.
- Spillover, or graffiti made adjacent to but outside of the designated free wall space, would be a major concern regarding a legal wall for property owners and managers.
- Property owners are concerned about hate speech but also recognize that a free wall could be self-regulated by the artist community.



Figure 14: Murals cover a makers space in Portland's Central Eastside Industrial District.

# **32** Legal Walls PDX

Outreach with people experiencing houselessness in the CEID revealed several key findings. These findings should be given additional weight due to the extremely vulnerable nature of this population.

- There is a desire for a space to create art that is accessible to this population.
- Incorporating youth programming with street art and graffiti provides value to the community.
- Spaces for expression can provide art therapy, representation of racial and ethnic diversity, and a place for those experiencing houselessness to connect with the community.
- A free wall could be co-located with public amenities that would support the houseless community, like WiFi.

# PEOPLE EXPERIENCING HOUSELESSNESS

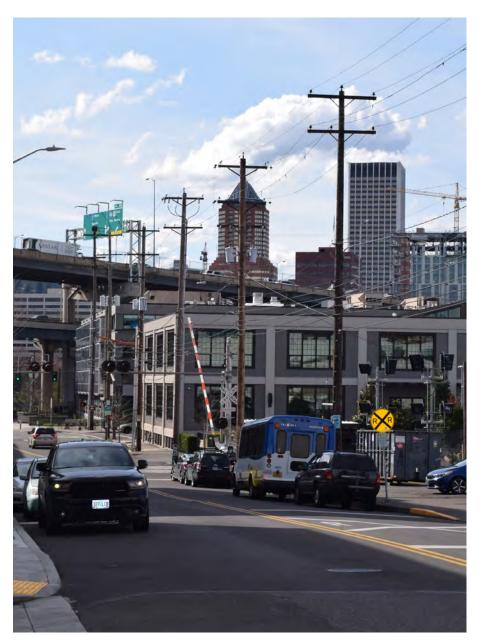


Figure 15: Portland's Central Eastside Industrial District.









Figure 16: Paint splash, Portland Street Art Alliance archive.



# SUMMARY

#### LEGAL ALTERNATIVES

Alternative 1: Amend Title 4 - Original Art Murals Permit Alternative 2: Expand the Public Art Murals Program

#### **DESIGN RECOMMENDATIONS**

Objective 1: Select a location for a free wall that meets the needs of users and neighbors
Objective 2: Provide amenities that will enhance the free wall and the experience of users and visitors
Objective 3: Create durable and effective visual communications to help establish norms and expectations for the free wall
Objective 4: Create a free wall of adequate size to

accommodate intended programming and use **Objective 5:** Maintain a flat, smooth surface for artists to paint

## STEWARDSHIP RECOMMENDATIONS

Objective 1: Designate an organization to provide stewardship for the free wall
Objective 2: Create a positive, safe and inclusive atmosphere that encourages use and visitation of the free wall
Objective 3: Develop norms to guide behavior and set expectations for artists and visitors
Objective 4: Minimize the occurrence and impact of hate speech being painted on the free wall
Objective 5: Establish a budget and secure ongoing funding for the implementation and operation of a free wall
Objective 6: Establish policies for access to the free wall in terms of hours of operation and registration
Objective 7: Establish a waste management plan

#### **PROGRAMMING RECOMMENDATIONS**

**Objective 1:** Develop youth-oriented programming at the legal wall **Objective 2:** Establish partnerships to enhance placemaking opportunities

# CRITERIA

#### FEASIBILITY

Feasibility refers to ease of implementation, compatibility with existing city code and laws, and the logistical barriers associated with a given alternative. This criterion also considers the resources needed to pursue a given strategy in terms of time, money and social resources, as well as stakeholder buy-in. Stakeholder buy-in is a measure of agreement across stakeholder groups for a given strategy.

#### EQUITY

Equity means prioritizing the safety and sense of inclusion for graffiti artists of historically marginalized identities and backgrounds, including people of color; women; people experiencing houselessness; youth; and individuals without documentation of visa, residency, or citizenship in the United States. Alternatives were evaluated on whether they had the potential to advance equity.

#### PLACEMAKING

This criterion is an evaluation of whether a given alternative might contribute to the distinct characteristics of the CEID as well as its potential to help generate new economic activity in the district.



Some strategies listed in the recommendations section of this document are essential to successful implementation of a free wall. These strategies will be noted as a priority strategy, which means that these strategies should be pursued even if they are difficult in terms of feasibility.

# LEGAL ALTERNATIVES

Implementing a legal wall in Portland is complicated by existing regulatory barriers and the legal landscape created by the Clear Channel lawsuits. Despite these challenges, interviews with key public sector stakeholders reflected strong support of public art and a desire to find creative solutions to implement a legal wall in Portland.

A variety of implementation options were identified through interviews with the City of Portland, the Regional Arts and Culture Council (RACC), and other knowledgeable public sector informants. While the planning team identified and analyzed a range of alternatives, two emerged as viable legal pathways: the Title 4 - Original Art Murals and the RACC Public Art Murals Program.

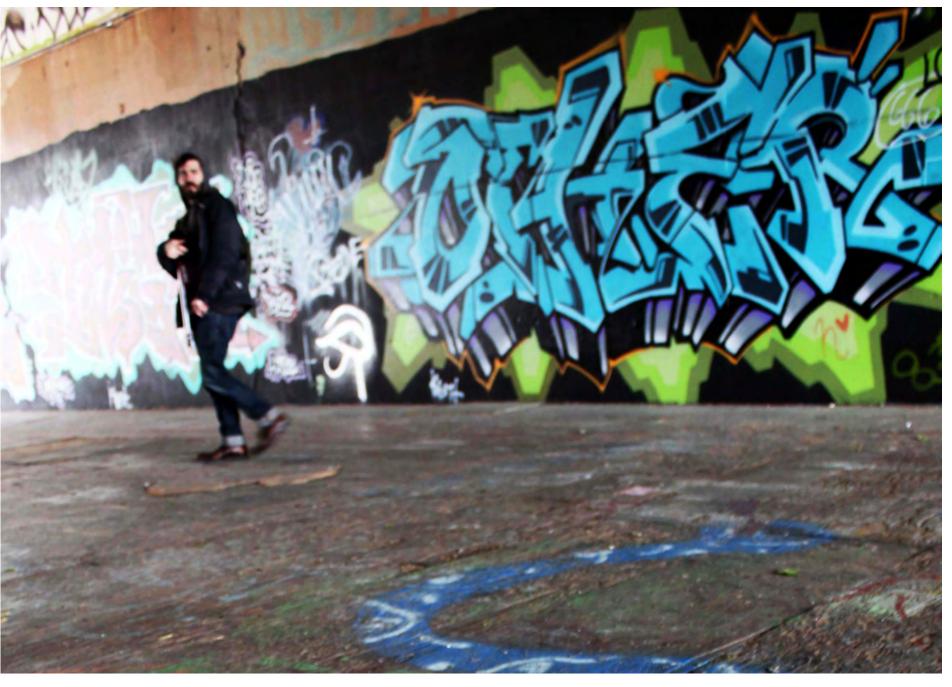


Figure 17: Free wall, Portland Street Art Alliance photo archive.



# LEGAL ALTERNATIVES

#### AMEND TITLE 4 - ORIGINAL ART MURALS PERMIT

If amended, the Original Art Murals Permit may provide a viable legal pathway for the implementation of a legal wall. The Title 4 Original Art Murals Permit currently requires murals "to remain in place, without alterations, for a period of five years".1 For Title 4 to be a feasible option, the five year duration requirement needs to be amended to allow the legal wall to be used on a daily basis.

#### **Recommended Action**

Amend section 4.20.010 B to remove the requirement that murals must not be changed for five-years or waive this requirement to allow for a legal wall pilot.

#### Strengths

- Amendment process is efficient (sent straight to City Council for approval).
- The success of Original Art Murals may increase stakeholder buy-in.
- Amendment creates an opportunity for implementation of additional walls in the future.
- Hate speech could be removed from the free wall. Oregon's First Amendment provisions prohibit the City of Portland from regulating content. For example, if hate speech or

visual depictions judged to be "inappropriate" appeared on a free wall, the City would not be able to intervene. However, this does not apply to private entities, which could work with the artist community to censor hate speech.

#### Limitations

- Reducing the duration requirement may have unanticipated impacts for murals and muralists.
- Community opposition may impede legal wall implementation through the Neighborhood Involvement Process required by the permit.



# In\_Place Planning

# **40** Legal Walls PDX

# LEGAL ALTERNATIVES

#### EXPAND THE PUBLIC ART MURALS PROGRAM

The Regional Arts and Culture Council (RACC) oversees the City of Portland's public art collection and the Public Art Murals Program.2 With approval from the Public Art Murals Program Committee, the program could facilitate the implementation of a legal wall.

#### **Recommended Action**

Continue dialogue with RACC about implementing a legal graffiti wall through the Public Art Murals Program.

#### Strengths

- The City of Portland is not responsible for content regulation – this allows the organization managing the wall to mitigate hate speech.
- The Public Art Murals Program is already established and has community support.
- Possible availability of public art funds for legal wall implementation.
- Increased opportunities for wall location and size without code restrictions.

#### Limitations

- Public Art Murals Program Committee approval may be difficult to secure given the changing nature of the wall.
- Increased responsibility for RACC and increased oversight of public art in Portland.



The physical design elements of the free wall will affect the feasibility of the project, the resources required for implementation, how and to what extent the wall will serve or alienate historically disenfranchised communities, stakeholder buy-in, and opportunities for placemaking. The following design recommendations address wall material, location, size, amenities, and visual communications.





[Clockwise from top left] Figure 18, Figure 19, Figure 20, Figure 21, Figure 22, Figure 23, Figure 24: Scenes from the Central Eastside Industrial District.

# **OBJECTIVE** Select a **location** for a free wall that meets the needs of users and neighbors

The location of the wall will affect how artists and visitors experience the space, including feelings of safety. As the chosen location will interact with the surrounding urban context, it is important to choose a location away from conflicting land uses such as high-density residential areas and high-traffic automobile and pedestrian streets.



#### **Recommendation A** Site the wall with compatible land uses

Strategy 1 Commerci	al and industrial land uses with General Industrial (IG1) and Central			
Employme	ent (CX) zoning are compatible with a free wall	high		
Strategy 2 Avoid resid	lential areas, and areas with children, like school zones	high	<b>_</b>	<b>_</b>
Strategy 3 A free wall	should not be located near active railroad lines	medium		
Strategy 4 For the lon changes	gevity of the wall, consider upcoming development and zoning	medium	• • • • • • • • • • • • • • • •	<b>~</b>
<b>Recommendation B</b>	Consider traffic and visibility of the wall when selecting a location			
<b>Strategy 1</b> Ideal locat artwork is	ions will be visible to pedestrians and automobiles, ensuring that seen	medium		$\checkmark$
•••	traffic pedestrian and automobile streets which could distract or ts uncomfortable due to unwanted interaction with strangers	medium	<b>\</b>	
Recommendation C	Spill-off and fumes from aerosols, paints, and other art materials can be damaging to environmental and human health. Consider these impacts in siting decisions.			
	ng a free wall near establishments serving sensitive populations, like ealth care facilities, and services for elderly people	high	$\checkmark$	

feasibility

equity placemaking

# **OBJECTIVE** Provide **amenities** that will enhance the free wall and the

experience of users and visitors

The amenities that accompany a free wall will affect accessibility and the experience of using the wall. They will also interact with and could provide benefits to the surrounding urban fabric.

# **Recommendation A** Provide design amenities that increase access and improve the experience of using the free wall



# **OBJECTIVE** Create durable and effective **visual communications** to help establish norms and expectations for the free wall

Effective signage is essential for communicating the intention of the space, rules, management, and other important information. This signage must also remain legible even if it is painted over.



#### **Recommendation A** Create clear, understandable, and accessible signage **Strategy 1** Information should be written at 7th grade reading level or below high **Strategy 2** Include written material in multiple languages medium Strategy 3 Avoid jargon or slang on signage high $\checkmark$ **Recommendation B** Signage must be durable Strategy 1 Securely fasten signage to building or posts high Strategy 2 Print signage as stencils cut out of metal so words are still legible even if the sign is painted over medium Use signage to communicate clear norms and expectations for **Recommendation C** artists and the public **Strategy 1** Signage should clearly state norms and expectation for use of the free wall, including relevant stewardship policies high Strategy 2 Address questions from members of the public and surrounding community by providing signage near access points to the free wall with contact information for the stewardship organization high

feasibility

equity placemaking

# **OBJECTIVE** Create a free wall of adequate **size** to accommodate intended programming and use.

The size of the wall will affect its capacity for programming and use. The amount of paintable wall space is influenced by the height and width of the wall, as well as the number of façades available to paint. A larger wall will also allow art to remain intact for a longer duration before it is covered by another artist.

#### **Recommendation A** Maximize paintable space without compromising safety

Strategy 1	Site a free wall on a wide façade	high	
Strategy 2	Consider a free wall that encompasses multiple façades of the same building or two opposing façades of adjacent buildings	medium	$\checkmark$
Strategy 3	Avoid walls above 15 feet in height. While many artists desire a tall wall, this could present safety concerns as artists attempt to access "heaven spots" high up on a façade	medium	



#### **OBJECTIVE** Maintain a **flat, smooth surface** for artists to paint

Wall material and texture impacts the user's experience and the quality of paint application. In order to create an optimal canvas for painting, an ideal wall will be flat and smooth. Additionally, paint will build up on the wall surface over time. While this may not impact the artist experience, property owners may want to consider clearing the wall of paint periodically for the sake of their building.



# **Recommendation A** Consider wall material carefully

Strategy 1	Consider façades with building materials that aren't textured and will hold paint	high	
Strategy 2	Consider a vinyl covering for uneven or textured façades or for the purpose of preserving historic façades	medium	$\checkmark$
Strategy 3	Consider a free-standing wall made of cinder block or a repurposed railroad car	medium	
Recommer	dation B Consider clearing the wall periodically to remove paint build-up	• • • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • • • • • • • • •
Strategy 1	Wall management and property owners coordinate to identify need and process for clearing	medium	

••••••

CASE

STUDY



Janelle,

My Euro trip is off to a great start! Yesterday, I checked out the Suvilahti Graffiti Wall. One of the artists told me the city has allowed free walls for around a decade and they've really helped to change the public's opinion of graffiti. The walls are crazy popular, but I managed to find a sweet spot for a piece!

> Miss you! Mike

The stewardship of the free wall will influence users' experience as well as the effect on surrounding businesses and communities. While the right stewardship program may take time and resources to establish, incorporating these considerations at implementation of the pilot free wall may help to mitigate risk and concerns upstream. The recommendations that follow are suggested for those who may help to implement a free wall: property owners and managers, artists, a stewardship organization, the City, and additional partners.



Figure 25: Participants of the YAE! (Young Artists Empowerment) Camp, 2018. Female-directed organizations, including Portland Street Art Alliance, WolfBird Dance, and Graffiti Camp for Girls, come together to support and mentor middle-school aged female/femme/non-binary youth.



#### **OBJECTIVE** Designate an organization to provide **stewardship** for the free wall

Stewards of free walls are important for monitoring activity at the free wall, developing programming, and securing ongoing funding to support its maintenance. Before a free wall is implemented, a steward organization should identified to oversee the wall and its activities.



# **Recommendation A** Ensure that effective stewardship is in place before a free wall is implemented

Strategy 1	Stewards should be familiar with the CEID area and graffiti and street art		
•••••	culture	high	
Strategy 2	Stewards should be able to help defuse conflicts and tension	medium	$\checkmark$
Strategy 3	Responsibilities of stewards could include cleaning, handling waste, removing hate speech, developing partnerships and programming, and securing ongoing	h i sh	/
•••••	funding for operation of the free wall	high	<b>V</b>

# **OBJECTIVE** Create a positive, **safe and inclusive atmosphere** that encourages use and visitation of the free wall

Any organization that takes on stewardship of a free wall should strive to create a supportive and accepting culture at the wall. This extends to management policies and the establishment of norms. Street art culture is in many ways self-regulating, and so it is expected that artists will also help manage and maintain the free wall, whether by covering hate speech or picking up garbage. However, a diverse and expanding group of users could create challenges in terms of self-regulation. Therefore, a well-planned management strategy will help to ensure that the culture at the free wall remains positive.



# **Recommendation A** Practice pro-active and collaborative expectation-setting

	Strategy 1	Work collaboratively with graffiti artists to establish rules in order to increase buy-in	medium	~	
;	Strategy 2	Posted norms should both encourage positive behaviors and outline prohibited behaviors	high		
:	Strategy 3	Encourage the graffiti community to self-regulate the established free wall norms	medium	$\checkmark$	
ŀ	Recommen	dation BEstablish relationships to ensure effective ongoing stewardship of the free wall			
	Strategy 1	Establish effective and frequent communication between free wall stewards, artists, the surrounding community, and business owners	medium	$\checkmark$	$\checkmark$
	Strategy 2	Be transparent in how and why management choices are made at the free wall by sharing decisions via social media, email, and posting at the wall behaviors	high		



**OBJECTIVE** Develop **norms** to guide behavior and set expectations for artists and visitors

A set of norms is important for establishing and moderating the culture of the free wall. By clearly laying out expectations, stewards of the wall will more easily be able to deal with any issues that arise. Furthermore, these expectations will help to ensure that users of the wall are able to enjoy the space safely.



# **Recommendation A** Develop clear and reasonable expectations and norms to guide use of the wall

	Strategy 1	Discourage painting in surrounding areas or any areas leading to or away from				
		the legal wall	low			
	Strategy 2	Users will not produce hate speech	medium	$\checkmark$		
J	Strategy 3	Dispose of all trash into provided receptacles (even if it isn't yours)	medium		$\checkmark$	
•	Strategy 4	Keep drugs and alcohol away from the free wall	medium		$\checkmark$	
	Strategy 5	Be respectful to neighboring businesses and visitors	medium			
	Strategy 6	Report crime to the proper authorities	medium			
	Strategy 7	Include a reminder that if rules are not observed, the free wall may be subject				
		to permanent closure	high	••••••	••••••	• • ••

# **OBJECTIVE** Minimize the occurrence and impact of **hate speech** being painted on the free wall

Hate speech is a concern that was frequently voiced by stakeholders. While the definition is subjective, people from multiple stakeholder groups noted it as a concern. Some suggested that stewards of a free wall may be albe to rely on the self-regulating culture of graffiti and street artists to cover hate speech that is painted on the wall. However, it is important for the organization responsible for stewardship of the wall to have a plan in place to address hate speech if it occurs.



Recommen	<b>dation A</b> Take a proactive approach to preventing and removing hate speech from the free wall			
Strategy 1	Establish, post, and enforce a clear policy addressing the creation of hate speech on the free wall	high	<i>✓</i>	
Strategy 2	Define "hate speech" and make this definition clear among all stakeholders by posting it online and physically, in writing, at the free wall behaviors	high	<b>\</b>	
Strategy 3	Encourage the swift removal or covering of hate speech by users of the free wall through posted signage	high	<b>\</b>	
Strategy 4	Provide contact information for the public to report hate speech and request its removal	high	<u> </u>	••••••

# **OBJECTIVE** Establish a **budget** and secure ongoing funding for the implementation and operation of a free wall

Although legal walls are free to artists and visitors, they do require dedicated funding to implement and maintain. It is essential to identify sources of funding prior to implementing a free wall in order for it to be successful. This could be accomplished through a partnership between stakeholders, like property owners, businesses, programming partners, and advocacy organizations or by pursuing grant funding and donations.



#### **Recommendation A** Pursue funding through a partnership

Strategy 1 Entities interested in establishing a free wall may elect to form a coalition to						
lium	$\checkmark$					
lium 🗸						
lium	$\checkmark$					
	lium					

# **OBJECTIVE** Establish policies for **access** to the free wall in terms of hours of operation and registration

Stakeholders had differing views on policies regarding access to a free wall. Some suggested a preference for limiting hours of operation and requesting artists to register before painting at the wall. However, many artists indicated that these policies would be difficult to enforce and would be ignored by the graffiti community. Illegal graffiti is primarily produced at night, and it would be difficult to fully restrict access to the wall. Furthermore, because artists are weary of authority, they may have concerns about providing their names during registration. This presents a barrier to access, especially for undocumented residents.



# Recommendation A Carefully consider the costs and benefits of adopting hours of operation, as well as methods for restricting access to the wall when it is closed Strategy 1 Coordinate between property owners, artists, and stewards to determine the appropriate level of access once a site has been selected high Strategy 2 Acknowledge that portions or all of the wall may be temporarily closed to the public during scheduled programming and maintenance. This schedule should be posted in advance of closure high Recommendation B Do not require registration for those wishing to use the free wall medium

#### **OBJECTIVE** Establish a **waste** management plan

Managing waste is essential to keeping the free wall space safe and usable. Establishing a plan for the safe disposal of aerosol paint cans, respirators, gloves and other waste created while doing graffiti is an important consideration.



Recommen	<b>dation A</b> Plan for waste that will be generated by artists using the free wall		
Strategy 1	Establish waste management plan prior to implementation of free wall, considering potential waste volume, frequency of waste removal, responsible parties, and appropriate budget	high	
Strategy 2	Encourage waste sorting with separate receptacles and management plans for aerosol cans, recycling, landfill-bound waste	medium	
Strategy 3	Monitor and adjust the number of receptacles, frequency of waste removal, and budget based on volume of waste	high	$\checkmark$
Strategy 4	Consider cleaning accumulated paint off the wall on an "as-needed" basis or according to an agreed-upon schedule specified in the waste management plan	high	





Figure 26: Tiffany Conklin of the Portland Street Art Alliance explaining street art in the Central Eastside Industrial District, art by Kango, organized by Klutch.



# PROGRAMMING RECOMMENDATIONS

While a free wall is open for anyone to use, programming for a free wall extends the invitation to a wider audience and set of purposes. It allows for the intentional pursuit of more equitable outcomes by connecting with existing local organizations working to support historically marginalized communities and advance social justice. Additionally, programming is an opportunity to celebrate the unique character of the CEID and enhance the neighborhood's reputation as an important cultural asset.

recommendations

CASE

STUDY

Dear Dan,

I visited the Yard at Writerz Blok yesterday. So cool, there were a bunch of other writers there too and space for all of us. I heard they even host photoshoots sometimes. I met a kid who said she got in trouble last year, and ended up doing community service here. Now Writerz Blok is teaching her skills to start her own graphic design company. Wish I had something like that as a kid.

> Take Care, Hil

# **PROGRAMMING RECOMMENDATIONS**

#### **OBJECTIVE** Develop **youth-oriented** programming at the legal wall

Multiple organizations in the Portland area work with youth from underserved communities, including communities of color and people experiencing houselessness. The stewards of a free wall in Portland could work with these groups to create programming that furthers equity through young artist engagement and creativity.



# **Recommendation A** Partner with an organization serving youth in the community to advance equity

Strategy 1	Collaborate with the Young Artists Empowerment Camp run by PSAA and			
	WolfBird Dance	N/A	$\checkmark$	$\checkmark$
Strategy 2	Establish programing with a youth serving organization, like the Morpheus			
	Youth Project, p:ear, VIBE, or others	N/A	$\checkmark$	$\checkmark$
•••••	YOUTH Project, p:ear, VIBE, or others	N/A		<b></b>

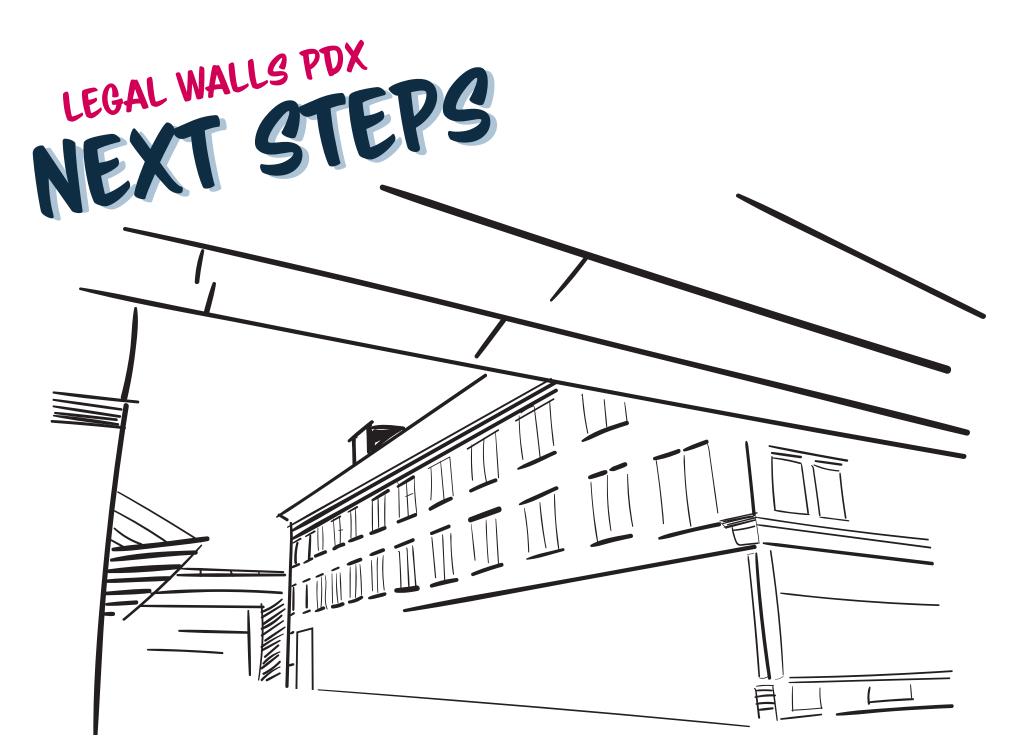
# **PROGRAMMING RECOMMENDATIONS**

# **OBJECTIVE** Establish **partnerships** to enhance placemaking opportunities As the CEID continues to develop, the character of the district will likely continue to change as well. In order to preserve street art and graffiti as a valuable characteristic of this district, intentional placemaking efforts could be undertaken that will celebrate the free wall and its



Recommen	lation APartner with existing events, attractions, and businesses to highlight the wall and develop programming		
Strategy 1	Participate in the Portland Winter Lights Festival, Design Week Portland, and other relevant events	N/A	
Strategy 2	Feature the free wall in PSAA street art tours	high	
Strategy 3	Work with the Central Eastside Industrial Council to connect with events and improve amenities and streetscapes near the free wall	medium	<ul> <li>Image: A start of the start of</li></ul>
Strategy 4	Leverage proximity to attractions in the CEID, like the Oregon Museum of Science and Information and the Eastbank Esplanade, as well as nearby businesses that support street art	medium	✓
••••••			••••••••••

artists.





Due to time constraints, capacity, and project scope, the planning team was not able to follow through with every idea put forward. Opportunities remain for further research and outreach that may help inform the ultimate implementation of a free wall.

Additional engagement with neighborhood organizations and residents of the CEID and surrounding areas could offer insights into how to develop greater community support for a free wall. Another area to consider for additional outreach is the Portland Police Bureau. Stewards of a proposed free wall should coordinate with the Police Bureau to ensure that wall users will be safe and that Officers are aware of the unique nature of the free wall and its legal position towards graffiti.

These two areas of further research may coincide with the identification of a specific location for a legal wall. Site selection will undoubtedly require a thorough vetting process with additional engagement and outreach to residents, the local community, and the Police Bureau. Once a site is selected, ongoing channels of communication with nearby residents and the business community should be established and expectations set with the Police Bureau should be specific and clear.



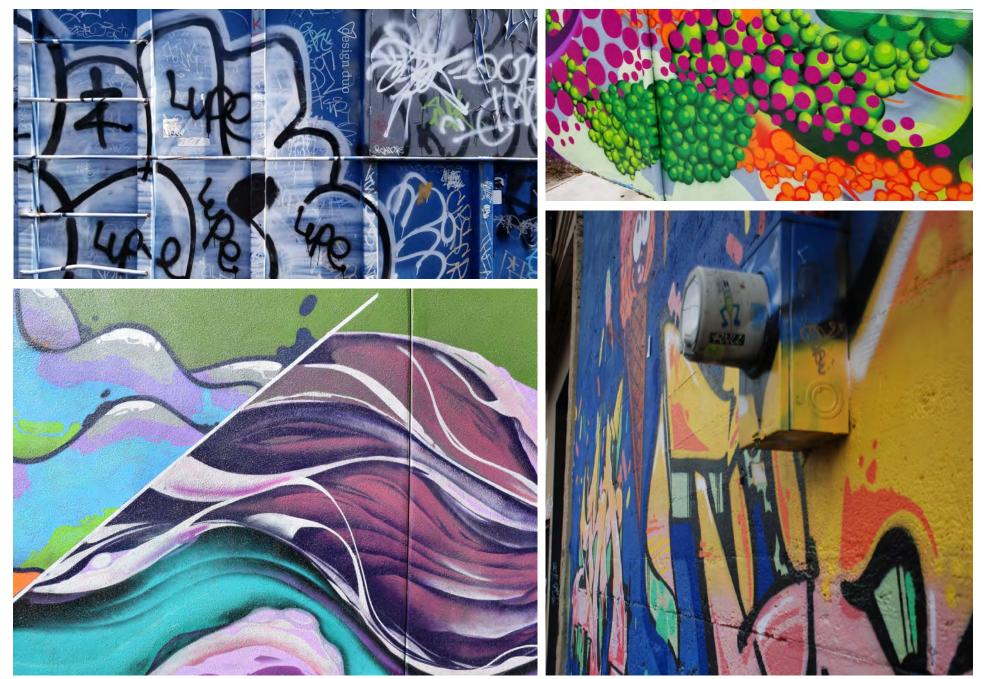
Figure 27: Free wall, Portland Street Art Alliance photo archive.

Shamsia, Hil

I met up with some friends in Portland today and they took me to a "free wall" in the Central Eastside. There were tourists taking photos, graffiti writers working on pieces, and families enjoying time outside. I've never seen someone do graffiti before - it was so cool to see a local artist in action and made me think differently about graffiti. I even found them on instagram!

Love, Van

**66** Legal Walls PDX



[Clockwise from top left] Figure 28: Graffiti on dumpster in Central Eastside Industrial District. Figure 29, Figure 30, Figure 31: Street art in Central Eastside Industrial District.

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# CONTEXT

The practice of inscribing messages on walls in public spaces dates back to the origins of humankind and has continued in various forms throughout history. One evolution of this practice is graffiti. The modern graffiti movement emerged on the East Coast of the United States in the 1960s among young, low-income immigrants and Black, Indigenous and people of color (BIPOC). Graffiti quickly spread and developed, and by the 1970s, graffiti had gained mainstream recognition and a broad base of practitioners.<sup>1</sup>

Prior to the 1980s, informal street art in Portland consisted of mural-style work at only a handful of locations, such as Lovejoy Commons. At the time, there were no regulations on murals in the city. As mural-style art spread, influences from southern California introduced graffiti-style aerosol writing. As the practice grew and evolved to incorporate other mediums, so too did efforts to control and limit this form of personal and collective expression.<sup>2</sup>

### **BROKEN WINDOWS THEORY**

In the early 1980s, the dissemination of *broken windows theory* sparked an association of graffiti with gang activity and urban decay, cementing the stereotype that graffiti was a sign of disorder and blight. This theory, published in *The Atlantic* magazine in 1982 by James Wilson and George Kelling, suggested that ensuring a neighborhood looked orderly and clean would dissuade criminal behavior.

This meant fixing things like broken windows and eliminating graffiti, which, according to the theory, indicate a tolerance for low-level crime. The idea was that leaving these small signs unaddressed would lead to more violent and serious criminal behavior.<sup>3</sup> This theory was backed by implicit biases and cultural stereotyping. Little empirical evidence influenced the theory, which led to racist, classist policies in nearly every major city across the United States.<sup>4</sup> State-by-state lawmakers elevated graffiti writing from a minor misdemeanor to a felony criminal offense and enacted aggressive policing policies to combat graffiti writers.<sup>5</sup>

### HARSH ENFORCEMENT IN PORTLAND

With the propagation of broken windows theory, Portland adopted strict anti-graffiti laws starting in the 1990s and initiated a proscription on this form of expression through heavy policing and criminalization of non-compliant graffiti nuisance properties.<sup>6</sup> The City eliminated the few wellknown locations for graffiti writers to practice, and the graffiti community was forced to hide their stigmatized activities and identities.<sup>7</sup>

CONTEXT

Members of the Portland graffiti community refer to this period of heightened policing as "the crackdown" and note how the community largely disintegrated. As a result, the graffiti community lost mentorship and respect for its internal code of ethics eroded.<sup>8</sup> This created animosity and feelings of distrust between the graffiti community and the City of Portland bureaus responsible for public art and graffiti enforcement.<sup>9</sup>

Grassroots art advocacy organizations helped to preserve street art culture in Portland through this period of zerotolerance for unpermitted public art by supporting artists and facilitating the legal permitting process. Research has shown that strict anti-graffiti policies in Portland have had limited effect in terms of reducing unwanted graffiti. Research also contradicts the premise that strict graffiti abatement and enforcement will reduce crime. These approaches toward graffiti management are also less effective in commercially zoned neighborhoods, such as the CEID<sup>10</sup>, and political will for this hard-line approach has waned.<sup>11</sup> Recognition of the underlying biases associated with broken windows theory and anti-graffiti enforcement have led the many cities around the United States to reconsider policies relating to graffiti enforcement.

### **REGULATORY BARRIERS**

### Sign Code (Title 32)

Determining a legal pathway to create a free wall in Portland is challenging. The City's current mural, sign, and graffiti policies have a complicated legal and political history. Prior to 1998, artists only needed property owner approval to erect a mural.<sup>12</sup> Murals were effectively exempt from the City of Portland sign code, which outlined restrictions for signs and billboards.<sup>13</sup> Clear Channel, a large advertising firm formerly known as AK Media, found this policy discriminatory against commercial advertisement.<sup>14</sup> In 1998, Clear Channel sued the City of Portland for distinguishing murals from the restrictive sign and billboards regulations. In response to this lawsuit, the City placed a moratorium on all painted wall expression.<sup>15,16</sup>

In 2004, Portland Mural Defense (PMD) - a coalition of local artists and allies - fought against these sign code changes and advocated to distinguish murals from signs. In response, the City of Portland exempted public art from the sign code.<sup>17</sup> In the same year, the City of Portland also developed the Public Arts Mural Program in conjunction with the Regional Arts and Culture Council (RACC).<sup>18</sup> This program outlined a process for a panel of arts professionals to select pieces for inclusion in Portland public art collection.<sup>19</sup> PMD made advancements in

71

# CONTEXT

facilitating public art with these new programs and policies, though they were ultimately unsatisfied with the extent of the change. Joe Cotter, PMD member and famous Portland muralists, stated "no one is thrilled, but local muralists seem to feel that the new proposal is better than nothing... It's not the ideal situation, but if it gets more art on the walls, that's a good thing."<sup>20</sup>

### Mural Code (Title 4)

Clear Channel struck the City of Portland with a second lawsuit in 2006, and the courts granted PMD "the right to intervene as a 'non-aligned' third party." <sup>21</sup> The trial ended in 2009 with the presiding judge declaring a distinction between murals and advertising "while upholding the ban on contentbased discrimination."<sup>22</sup> This decision led to the City creating the Portland mural code in 2012.<sup>23</sup>

The result of the Clear Channel lawsuits allows the creation of permitted murals through two legal pathways. The first is through the original art mural permit, which requires a \$50 fee, a neighborhood advisory meeting, and a 21-day waiting period between permit application and ability to paint. Advance review of the images and concepts that the sponsor intends to include in the mural are necessary as well. The second avenue is for RACC to add the mural to the City's public

art collection through a "mural permit waiver", which is also subject to review and takes several months to acquire.<sup>24,25</sup> These provisions for the creation of murals are still limiting. The fees are too high for some artists, and the review processes allow for subjectivity with regard to what constitutes art. Additionally, the permitting and review process requires extensive time, and applicants must have a predetermined design for a mural. Any artwork that is created must also be maintained for multiple years. Moreover, Portland's current graffiti code restricts and regulates street art by limiting the sale of and access to graffiti-related materials, like spray paint, detailing legal property violations and requirements for graffiti removal, and outlining and providing remedies for abatement.<sup>26</sup> The City mural code also does not currently include language on continuously changing, or "rotating," image murals, like free walls.<sup>27</sup>

These legal conditions greatly limit the capacity and space for graffiti artists to practice their craft and provide for their livelihood because they do not allow artists to create and then recreate new art in the same space. Additionally, interacting with city officials on any level, even to obtain a permit, may be intimidating, risky, or impossible for artists who may have a criminal record of illegal graffiti and need to conceal their identity in order to create their art.<sup>28</sup>

## 72 Legal Walls PDX

### BOULDER, CO SCOTT CARPENTER PARK GRAFFITI WALL

Interview Details: 3/22/19 Phone Interview, Dennis Warrington, Boulder Urban Parks Manager

### **Key Themes**

- Graffiti wall placement and purpose
- Management challenges
- Alternative to policy change

### Summary

In 1999, the Boulder Parks Department built a skate park in Scott Carpenter Park in Boulder, CO. Shortly after, they decided to build an adjacent graffiti wall. The Parks Department at the time assumed that skate park users were also graffiti writers, and the idea behind the wall was to minimize graffiti on the skate park by offering an alternative place to do graffiti. As a prefabricated concrete wall, it was a fairly inexpensive addition to the park. Since the wall is on city property, it did not need a special permit or associated policy. Graffiti is illegal in the city otherwise and must be removed within 72 hours.<sup>1</sup>

Unfortunately, graffiti writers have not been convinced by the wall's presence to avoid using the skatepark and other park structures. The Parks Department has become frustrated by the funds funneled toward graffiti abatement in the park that could be used for other maintenance or new amenities. Additionally, significant trash and hazardous waste are left by the wall, which must be cleaned up regularly. The graffiti wall provides an area screened from the street and surrounding neighborhood and is frequented by other groups besides graffiti writers and artists. Several times each year, someone writes something vulgar on the graffiti wall, and the Parks Department uses this opportunity to buff the entire wall.<sup>2</sup>

The Boulder Parks Department plans to update Scott Carpenter Park in the near future and is unsure if the graffiti wall will remain a part of the park. If it were to be included in future plans, a different, more visible location, and clearly posted rules/purpose would be two important factors for the graffiti wall.<sup>3</sup>

### BREMERTON, WA SEA GLASS VILLAGE ART WALL

**Interview Details:** 3/25/19 Phone Interview, Chal Martin, Director of Public Works City of Bremerton; 3/25/19 Phone Interview, Professor Marie Weichman, Olympic College; 3/27/19 Phone Interview, Eddie Ring, New Standard Equities, Inc.

### **Key Themes**

- Trash pickup
- The economic value of murals/art walls
- Branding the wall

### Summary

In 2015, the Mayor of Bremerton approached Eddie Ring, a developer, about a retaining wall on a 20-acre property he had recently purchased. The mayor and a professor at Olympic College, Marie Weichman, were interested in turning the retaining wall into a free wall for local artists and graffiti writers. Eddie Ring had past experiences commissioning murals and had allowed a free wall on one of his properties in Los Angeles. He agreed and branded the Bremerton project the Sea Glass Village Art Wall.<sup>4</sup>

The Sea Glass Village Art Wall has been successful from a private and public perspective. For a developer, an art wall can make an apartment complex more attractive to renters and, if those renters are willing to pay \$5 more per month, the value gain adds up. Eddie's staff keeps him informed if anything highly controversial or inappropriate is painted on the wall, but he hasn't had anything reported since the wall was created.<sup>5</sup> For the City of Bremerton, management responsibilities are also minimal. The City's Parks and Public

Works department spends an estimated \$2500 annually picking up trash and keeping eyes on the wall. The wall has activated the space, attracting tour groups, families, students, and artists.<sup>6</sup>

### **Wall Characteristics**

- Tall (mural was painted along the top to brand it and deter artists from using scaffolding to get higher)
- Paint and aerosol allowed
- Art changes weekly
- Smooth surface

### **Measures of Success**

- Public space that's accessible to families
- Breaking down stereotypes
- Economically viable
- \$5x12 units = \$10,920 increased annual revenue (5.5% market cap rate) 10920/.055 = value creation of ~\$200,000<sup>7</sup>
- Educational opportunity
- Letter of support from community member
- Public-private partnerships

## **74** Legal Walls PDX

### Challenges

- Free speech
- Height liability
- Using the word "vandalism" instead of "graffiti" for negative instances <sup>8</sup>

## CORVALLIS, OR GRAFFITI WALL COLLECTIVE

### **Key Themes**

- Permitting challenges
- Collaborative effort

### Summary

Prior to 2010, Corvallis had a legal graffiti wall located at a building owned by Mater Engineering. However, when the property was redeveloped, the wall was lost.<sup>9</sup> During 2010 and 2011, the Corvallis Graffiti Wall Collective made strides toward implementing a new graffiti wall. They chose a location under the Highway 34 overpass by Eric Scott McKinley Skatepark and received the permission to use the location from the Corvallis Parks and Rec Department and the Oregon Department of Transportation.<sup>10</sup> Despite gaining public input on the location through an event, working with public authorities, and fundraising the money to construct the wall, the project was stalled in 2012 by permitting fees.<sup>11</sup> While the building and floodplain permits could be attained, the greenway permit is less flexible. This would have been a conditional building permit, and cost would be nearly \$7000 on top of the \$2000 they had already earned. While the Graffiti Wall Collective noted that they were considering a different type or location for the wall in 2012, it is unclear if a different plan ever materialized. <sup>12</sup>

## DENVER, CO UNIVERSITY OF DENVER FREE WALL

Interview Details: 3/27/19 Phone Interview, Dr. Thomas Walker, Director, Inclusion & Equity Education, Campus Life & Inclusive Excellence; 3/27/19 Phone Interview, Katie McHargue, Assistant Director - Information & Event Services, Student Engagement

### **Key Themes**

- Free speech
- Monitoring
- Maintenance
- Management
- Consequences
- Private property
- College campus
- Youth

### Summary

The free wall at the University of Denver (DU) offers a case study into the complexities of management and free speech implications specific to a private college community. The wall existed since the DU Driscoll Student Center was constructed in the mid-1980s; although the wall has been overgrown by vegetation and was infrequently used for student event announcements. In 2015, the Undergraduate Student Union re-adopted the wall calling it the "Free Speech Wall" in accordance with an "anything goes" the Administration granted. The wall soon turned tumultuous in the wake of the 2016 United States Presidential Elections. Students used the wall as a site to express opposing political views; at one point, students used the wall to write language associated with white-supremacy and angered students engaged in near physical fights. In the advent of these events, DU administrators imposed rules and guidelines for the renamed "DU Driscoll Wall" in addition to regularly monitoring and repainting the wall. Today, the University demolished the wall as part of ongoing renovations to the student Driscoll Student Center. The University hopes to bring the wall back-to-life following construction in a more controlled manner.

Those familiar with the wall felt that the good intention of the wall was harmed by the anonymous, anything goes, noconsequence nature of the space. The unrealistic policy led to hurt feelings, harm, and misuse. Furthermore, those in charge of the managing the wall felt they were in a no-win scenario. As authorities, DU administrators were blamed for being too restrictive, not doing enough to protect individuals and communities, not protecting messages on the wall, and for acting in response to harm.

For the campus community, the wall was best served as a device for announcements, such as events or University clubs. Use of the wall became problematic when its primary use was for expression and users expected the University to protects their speech.

As a private institution, DU was not required to provide "free speech zone" and had more authority to monitor and control language and expression compared to a public entity.<sup>13,14</sup>

"Threading that needle for planning and caring for such spaces with potential users and audiences is difficult at best." - Dr. Thomas Walker, Director, Inclusion & Equity Education, Campus Life & Inclusive Excellence, University of Denver<sup>15</sup> "(The wall) devolved to poop jokes and harassment" - Dr. Thomas Walker, Director, Inclusion & Equity Education, Campus Life & Inclusive Excellence, University of Denver<sup>16</sup>

### Recommendations

- Articulate, announce, and make public a clear purpose for the wall
- Outline ahead of time the process for managing content/ engagement with the wall
- Who will be responsible?
- More intentionality around narrative of wall and use of wall
- Be explicit of range of rules/use/maintenance/ management
- Strike a balance between supporting and challenging
- Be transparent about maintenance and management of wall
- Communicate if rules are subject to change
- Tone of rules is key

### HELSINKI, FINLAND SUVILAHTI GRAFFITI WALL

**Interview Details:** 3/27/19 Phone Interview, Jouni Kärki, Sales Manager, Kaapelitehdas - Suvilahti

### **Key Themes**

- Waste Management
- Graffiti Spillage
- Industrial Site
- Evolution of Zero-Tolerance Policies
- Acceptance of Graffiti/Street Art Culture

### Summary

The Suvilahti Graffiti Wall is located within an industrial, redeveloped cultural center that was once an energy production area in the 1970s. The cultural center is home to many creative industries. A real estate company - that is owned by the City of Helsinki - manages the center.

Helsinki had a zero-tolerance policy for graffiti until 2007 when those restrictive laws sunsetted. This shift permitted the emergence of free walls around the city, including the Suvilahti Graffiti Wall. When the wall is not closed during festivals or for private rentals, members of the public are allowed to use the wall 24/7. Many wall users follow a system of unwritten rules that preferences more elaborate or "worthy" pieces. Posted rules forbid spillage, although this doesn't stop it from happening. Graffiti writers - especially young ones excessively tag adjacent surfaces in the complex, including walls, fences, and vehicles. This behavior has led to a "silent

acceptance" of the status quo in which some visitors respect the rules while others disrespect the rules.

Visitors commonly litter the space leaving left-over spray cans; they also use the space to engage in excessive drinking. Although those managing the space have faced challenges, the wall is very popular with the community and general public; sometimes pieces don't last more than 10 to 15 minutes. Furthermore, walls like the Suvilahti Graffiti Wall have helped to change people's negative preconceptions of graffiti and street art in Helsinki.<sup>17</sup>

### Recommendations

- Use a slightly elevated, stenciled sign for rules; this ensures that the wording on the sign will still be legible even if it is painted over.
- Have a plan for waste management; implement one-way waste receptacles (prevent removal of old cans)
- Think carefully about how you will communicate the rules to the public

### TACOMA, WA GRAFFITI GARAGE

**Interview Details:** 3/15/19 Phone Interview, Amy McBride, Office of Arts and Cultural Vitality

### **Key Themes:**

- Policy
- Loophole with property owner permission
- Code allowed graffiti to be painted over after 18 days (sign code) deal with negative speech
- Partnerships between City, Arts and Cultural Vitality, police, business district, artists, property owner
- Management
- Open Sundays
- City adapted to garbage, providing trash pickup service

### Summary

For years, the Tacoma Graffiti Garages were a popular spot for urban artists, photographers, musicians, and tourists. The Office of Arts and Cultural Vitality, the City of Tacoma, police officers, business owners, and community members shared a desire to find creative solutions to civic issues. A free wall presented an opportunity to create space for public expression and give life to neglected urban spaces. While graffiti is banned in Tacoma, a free wall could be implemented if a property owner gave permission. An owner previously cited for graffiti agreed to allow free walls in their parking garage and the Graffiti Garages came to life.

The wall was only open on Sundays and a mural was installed on one of the walls to "brand" the garages. The most prevalent and unforeseen issue the City and property owner faced was garbage disposal and hazardous waste generated by the site. The popularity of the Graffiti Garages was also unanticipated, and the project's ultimate downfall. School groups and tourists used the garages for photo opportunities and the property owner became concerned that the area was not safe for so many people to come and go.<sup>18</sup>

### Challenges

- Trash and hazardous waste disposal
- High popularity
- Property owner fears for liability and safety

### SAN DIEGO, CA THE YARD/WRITERZ BLOK

**Interview Details:** 4/15/19 Phone interview, Roque Barros, Director, Ford Institute for Community Building (former Director of Community Building at Jacobs Center for Neighborhood Innovation)

### **Key Themes**

- Collaboration, connection
- Education, skill building
- Funding

### **Portland Street Art Alliance**

### Summary

In the early 2000s, the Diamond neighborhood in SE San Diego had concerns about crime and violence in the area. The Jacobs Center for Neighborhood Innovation worked with the community to redevelop a vacant 20-acre lot. A portion of this land became Writerz Blok. The Director of Community Building at the time, Roque Barros, was inspired by a suggestion from a long-time Chicano painter and well known muralist, named Victor Ochoa, to make connections with youth involved in gang violence. Initially this started by setting up makeshift walls and providing free paint to participants who wanted to do graffiti once a week. The event grew in popularity and the youth in attendance asked for more times to paint until Jacobs staff opened the site every night of the week. While there were a few conflicts between participants, most were self-resolved since Jacobs staff made it clear that the event would not happen if they fought. Police and City officials were skeptical at first and kept a close watch on the area, but Jacobs Center staff invited them to come and see what was happening. Law enforcement appreciated that the foundation was investing in the area and over time realized the function of the project. Eventually, two of the youth that had attended since the start took over the program. While still funded through Jacobs, the program is run by community members. Over the years, more programs

developed in connection with the Yard. Greater publicity, connections, and funding allowed programs to start to build skills and educate youth in school about graffiti history. Youth from the juvenile justice system come to Writerz Blok to do community service, and through mentorship often become program participants. Writerz Blok participants have created installations in local museums, and the Yard hosts events that draw hundreds of youth and young adults.<sup>19</sup>

### Challenges

Connecting with/managing youth, some with gang affiliation Perceptions of Law enforcement, city officials

### Recommendations

- Share the history of graffiti art, show it is another art form
- Integration into the art scene
- "Start with what you know and build on what you have"
- Listen and learn about dynamics, challenges, obstacles; keep positive vision and goal up front and in focus

# DETAILS OF THE CEID

### ZONING

The Central Eastside Industrial District (CEID) is predominantly zoned for central employment and general industrial, although some space along the edges of the district are dedicated to open space.<sup>1</sup> More than 85-acres of the district is zoned for mixed uses; this is primarily located along the main street corridors.<sup>2</sup> Residential in the district is zoned for both multi-dwelling and high density).<sup>3</sup> Since the early 20th century, zoning has shifted the dynamics of the CEID evolving from a sanctuary for industrial uses to incorporating more mixed and creative uses by the early 21st century.<sup>4</sup>

### EMPLOYMENT

The CEID is one of Portland's largest employment centers.<sup>5</sup> It is home to more than 2,000 businesses and 20,000 jobs.<sup>6</sup> Today, the district is home to four main categories of businesses including warehousing and distribution; manufacturing; industrial services; and knowledge-based and design.<sup>7</sup> Most of the businesses have operated in the district for two to five years (21%) and are only located in the CEID<sup>8</sup>, and have no plans to "expand, reduce, or relocate" in the future (75%).<sup>9</sup> The majority of jobs (35%) are in the manufacturing sector.<sup>10</sup> Most jobs are full-time positions (79%).<sup>11</sup> In the past decade, business has grown by 19%.<sup>12</sup>

### URBAN RENEWAL & ENHANCED SERVICE DISTRICT

The City of Portland designated the CEID as an urban renewal in the late 20th century. The Central Eastside Urban Renewal Area spread more than 700 acres to encompass the entire district.<sup>13</sup>

In early 2019, the City of Portland approved an enhanced services district for the CEID. <sup>14</sup>

### SOCIAL

Relatively few housing developments are situated in the CEID; in recent years more housing developments have emerged in the area.<sup>15</sup> The population that calling the CEID home identifies primarily as "White Alone" (~84.1%) with smaller "Black or African American Alone" (~3.6%), "Asian Alone" (~5.7%), and "Two or More Race" (~4.2%).<sup>16</sup> In the district, the average population density is 3,184 persons per square mile; this is relatively low for Portland with an average city-wide population density of 4,762 persons per square mile. The median household income as of 2016 in the CEID is \$55,196, and the median rent is \$934 as of 2016. The average household size is 3.2 people, which is large compared to the average in Portland (2.4 people). 33.6% of households are families, which is low for Portland (compared to 40.4%). 14.7% of households are led by single-mothers, which is high for compared to the



# DETAILS OF THE CEID

Portland average (8.3%). The district has a high percentage of fluent English-speakers; only 1.4% of people speak English not well or not at all (compared to 4.9% for Portland). The CEID is home to fewer foreign-born residents (6.4%) compared to Portland (13.7%). Poverty is more prominent in the district. Nearly a quarter of the population (24.5%) is below the poverty line. This is relatively high compared to Portland which has an average of 14.7%.<sup>17</sup>

### FUTURE

The Central City 2035 Plan forecasts housing and employment growth. By 2035, it is expected that the CEID will increase households by 7,000 and jobs by 8,000. <sup>18</sup>



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# GLOSSARY

# BUFFING

The act of erasing graffiti by painting over it.

# LEGAL WALL

Another term for a free wall.

# GRAFFITI

Art that includes a variety of mediums, including but not limited to aerosol-based painting, stickers, stencils, and wheatpaste. A graffiti artist or graffiti writer is an individual who makes graffiti.

# MASTER(PIECE)

Also referred to as "piece"; a style of graffiti that is large and complex and includes a minimum of three colors.

# FREE WALL

A public wall that people can legally paint; often found on the external wall of a building or structure. A wall user or user refers to an individual who uses a free or legal graffiti wall.

# MURAL

Commissioned pieces of work often used for beautification in public spaces; often large and extending from edge to edge on a surface.

# GLOSSARY

# SPILLOVER

Graffiti that spreads to walls and/or buildings adjacent to a legal or free wall.

# THROW-UP

Spillover refers to graffiti and street art that spreads to adjacent walls or buildings as a result of legal or free wall.

# STREET ART

Art that is commissioned or made with permission in the public realm. A street artist is an individual who makes street art.

# WHEATPASTE

A form of graffiti in which artists use a paste to glue an art piece to a surface.

# TAG

A style of graffiti that uses one color.

# ACKNOWLEDGMENTS

### PORTLAND STREET ART ALLIANCE

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**86** Legal Walls PDX

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### CITY OF TACOMA

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ARTIST & CRAFTMAN SUPPLY

Ashley Hoffman, Store Manager

MIGRATION BREWING CO. Dan Wirth, Lead Sales Representative

### COMMUNITY

Members of the community experiencing houselessness in the Central Eastside Industrial District

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- 19. In\_Place Planning. March 28th, 2019. Scenes from the Central Eastside Industrial District. Portland, Oregon.
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