PLANNING SIDEWALKS:
IMPLICATIONS OF REGULATING SIDEWALK SPACE
IN THE EAST VILLAGE

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SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE MASTER OF SCIENCE IN URBAN PLANNING

GRADUATE SCHOOL OF ARCHITECTURE, PLANNING & PRESERVATION
COLUMBIA UNIVERSITY

MAY 2013
MOST OF US TAKE SIDEWALKS FOR GRANTED. AN UNDERVALUED ELEMENT OF THE URBAN FORM, THIS PUBLIC GROUND CONNECTS POINT OF ORIGIN AND DESTINATION, AND FEW PEOPLE GO THROUGH THE DAY WITHOUT TRAVERSING AT LEAST ONE SIDEWALK. SIDEWALKS ARE UNASSUMING, STANDARDIZED PIECES OF GRAY CONCRETE THAT ARE PLACED BETWEEN ROADWAYS AND BUILDINGS, AND THEIR COMMON APPEARANCE BELIES THEIR SIGNIFICANCE AND HISTORY AS UNIQUE BUT INTEGRAL PARTS OF THE STREET AND URBAN LIFE. A COMMERCIAL TERRAIN FOR MERCHANTS AND VENDORS, A PLACE OF LEISURE FOR FLANEURS, A REFUGE FOR HOMELESS RESIDENTS, A PLACE FOR DAY-TO-DAY SURVIVAL FOR PANHANDLERS, A SPACE FOR DEBATE AND PROTEST FOR POLITICAL ACTIVISTS, AN URBAN FOREST FOR ENVIRONMENTALIST: U.S. SIDEWALKS HAVE HOSTED A WEALTH OF SOCIAL, ECONOMIC, AND POLITICAL USES AND HAVE BEEN INTEGRAL TO A CONTESTED DEMOCRACY.”

Anastasia Loukaitou-Sideris & Renia Ehrenfeucht
Sidewalks: Conflict and Negotiation Over Public Space
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I WOULD LIKE TO ACKNOWLEDGE MY THESIS ADVISOR, CLARA IRAZABAL, AND SECOND READER, ETHEL SHEFFER, FOR THEIR HELPFUL FEEDBACK, GUIDANCE, AND COMMENTS THROUGHOUT THIS RESEARCH PROCESS.

ADDITIONALLY, I WOULD LIKE TO ACKNOWLEDGE THOSE WHO CONTRIBUTED TO THE KNOWLEDGE GAINED THROUGH THIS ENDEAVOR INCLUDING THOSE INTERVIEWED FOR RESEARCH AS WELL AS ACADEMIC AND SUPPORTING PEERS.
Sidewalks are the city’s most public space filled with diversity of both users and uses. This variety of programs and people create conflict within this space. Physical, programmatic, and social regulations construct sidewalk space, manage diverse usage, and attempt to mitigate clash and contention. Physical and programmatic regulations of sidewalks include the spatial dimensions through setback requirements, materiality of sidewalks, permitted uses in the space, and regulation of objects with sidewalk space such as newsstands, signage, and benches. Social regulations are twofold: use of the space is controlled through social norms and accepted behavior as well as legally acceptable behavior through quality of life enforcement.

This research addresses the impacts of regulating sidewalks. The purpose of this research is to understand and examine the relationship between these regulations and behavior to better understand how sidewalks function and serve as public space. This study investigates sidewalk regulations in New York City, addressing city-wide regulations and specifically focuses on the sidewalks of the East Village to understand the implications of these regulations at the scale of the community.

The density of regulations, both physical and social, create a highly controlled public space. Little research has been conducted to understand the impacts of these regulations within a comprehensive scope as most studies focus on particular elements of sidewalks and specific regulations which limits the understanding of the complexity of sidewalk usage. This thesis deciphers the complex web of regulations to understand how to plan sidewalks at the city level as well as understand the direct implications these regulations on the day-to-day pedestrians in order to recommend policies and practices to better plan sidewalks for public space.

**KEYWORDS**
Sidewalks, public space, regulations
INTRODUCTION

“NEW YORK CITY’S SIDEWALKS ARE THE BEST PUBLIC SPACES, THE HEART OF THE CITY’S BUSTLING STREET LIFE. SIDEWALKS ARE EVERYWHERE, 12,000 MILES OF THEM, ENOUGH TO STRETCH HALF WAY AROUND THE WORLD. EVERYONE USES THEM. THEY MOVE MORE PEOPLE DAILY THAN CARS AND SUBWAYS, AND PLAY HOST TO MORE PEOPLE THAN THE CITY’S PARK. THEY TAKE THE PLACE OF THE GRAND PLAZAS AND PUBLIC SQUARES THAT ARE PROMINENT IN MANY EUROPEAN CITIES.”

Tom Angotti, “The Sidewalks of New York” The Gotham Gazette

Historically, sidewalks originated for the delineation of transportation within the urban environment. The first sidewalk surfaced where what is now modern Turkey around 2000 BC. Sidewalks demarcate appropriate places for people to walk while at the same time provide space for ease of other forms of transportation. While sidewalks throughout time have been primarily used as spaces for circulation, streetscapes developed to be an important element of the urban fabric as sidewalks evolved from dirt paths to paved surfaces. As a response to the 1666 fire in London, the Westminster Paving Act of 1751 reconstructed the streets after the devastation, creating vast amounts of sidewalk spaces as part of street improvement projects. Later in Paris, Haussmann’s grand boulevards of Paris separated pedestrians from the horse infiltrated streets to create both grandeur and pedestrian protection.

New York City authorized the first street department within the United States in 1798 tasking the department with regulating sidewalk space. Major public works that followed in the mid-1800s further regulated and constructed sidewalks both within New York City as well as throughout the rest of the country. In the early 1900s, the development of the automobile and supporting federal policy adjusted the urban form of cities shifting the scale of streets from pedestrians to the scale of vehicles. The spaces between buildings eroded to allocate more space for vehicular traffic, leaving less space for walkers and street life.

In the 1960s, Jane Jacobs drew attention to the sidewalks of New York City arguing the crucial role urban sidewalks play in the social fabric of the city. Her eyes on the street philosophy asserted that sidewalks are not merely used for pedestrian flow, but must be realized as public spaces as she encouraged street life and social interaction. Jacobs recognized of the value of sidewalks and the importance of planning sidewalks as elements of the city. Modern planning movements continue this recognition, especially in the late 1980s with the movement towards transit-oriented development, a movement initiated by Peter Calthrope who expressed the necessity to establish mixed-use neighborhoods to minimize effects of sprawl and traffic congestion. Transit-oriented development increases pedestrian connections for accessible transportation options and focuses not on static land use but the movement between the various land uses. The New Urbanist Movement, beginning in the early 1990s, further emphasized the role of sidewalks within the built environment by promoting and designing spaces that increase walkability at the scale of the community.

Additionally, the Complete Streets Movement places additional emphasis on the pedestrian within the design of streetscape.

The American Disabilities Act of 1990 required cities and buildings to be accessible to disabled citizens, influencing the physicality of sidewalks by mandating wheelchair accessibility of these spaces. Now one must be able to successful navigate sidewalks in a wheelchair crossing from block to block and entering establishments. While the American Disabilities Act increased inclusion of disabled populations into the fabric of the city, as a result of this legislation sidewalks continue to
morph, change, and adjust retrofitting the historic circulation spaces of New York City.

Sidewalks are integral in both the physical and social fabric of New York City. Sidewalks meet infrastructural demands of pedestrians by allowing space for circulation demarcated from automobiles and various other forms of transportation. Sidewalks allow for an informal economy through the culture of street vending as well as allow opportunities for scavengers to find and haul aluminum cans and bottles to recycle. Sidewalks serve as public space for the city as groups of people migrate through sidewalks exchanging social interaction. Furthermore, sidewalks provide a platform for political activities and expression.

New Yorkers use sidewalks every day. Any route one takes must involve using the sidewalks at a minimum of a brief amount of time, causing an infiltration of a variety of different people into the sidewalks of the city for various purposes, intentions, and destinations. Roughly 13,000 miles of sidewalk space exist in New York City,7 ranging from ribbon sidewalks through residential neighborhoods to twenty-foot concrete setbacks in Midtown to sidewalks composed of historic break pavers throughout SoHo.

A vast amount of regulations exist within sidewalk space to control the variety of uses and users and to mitigate discrepancies and frictions. Physical regulations control the size, materiality, permitted objects within sidewalks and streetscape requirements. Regulations surrounding behavior and social use control actions and activities along sidewalks. Social norms and patterns of everyday behavior further construct the experience of sidewalks.

With as much space allocated for sidewalk in our city, it is crucial to address how sidewalks are used, how they are planned, and how they should be planned. When sidewalks are under-regulated or planned, they can become contested with too much diversity and lack of control. On the other end of the spectrum, sidewalks that are too controlled and regulated can become marginal, underused spaces only allowing for pedestrian circulation and not the vital street life displayed on sidewalks. Furthermore, as sidewalks present opportunities for social engagement and inclusion, increased regulation within spatial control potentially excludes portions of society from the public space.

This study focuses on the role of sidewalks as public space and their regulations, specifically addressing the question: What are the implications of regulating sidewalks on the usage of sidewalks a public space? This research is conducted in New York City, specifically examining the East Village as a case study. New York City’s diversity and density creates active sidewalks with extensive regulations for both physical aspects of the space as well as allowable and acceptable behavior. The East Village is a historically dynamic neighborhood of various uses and different users providing a wealth of possibilities to assess and analyze within this study.

Urban planning scholars and professionals constantly attend to public space within the urban fabric, however, this is often granted towards formalized public spaces – the plazas, parks, privately owned public spaces, and squares of our city. Sidewalks are an additional typology of public space undervalued within the public space discourse. Few comprehensive sidewalk studies exist. Primarily, sidewalk studies focus on particular element or specific regulations.
While these studies are beneficial to understand the singular impact and detail of an individual aspect of sidewalks, it is also crucial to address how each of these elements play into the overall composition of sidewalk space. The intention of this research is to draw attention to the necessity of planning sidewalks within the local context to provide optimal public spaces while understanding the value and complexity of regulations in order to improve sidewalks as public space.

The first chapter of this work reflects upon the discourse of sidewalks identifying key scholars and previous studies surrounding sidewalks. The conversation between these works introduces the complexity and importance of planning sidewalks along with how this specific research contributes to the existing discourse and field of studies. Next, Chapter Two articulates the sidewalks of the East Village by exemplifying various experiences of sidewalk typologies and conditions throughout the community and neighborhood. Chapter Three reflects on the complexity of sidewalk ownership and analyzes the roles of various stakeholders who are key in the process of planning and using sidewalks. Sidewalks are often dichotomized into either being successful or unsuccessful. Chapter Four addresses various criteria for deciding if sidewalks are successful drawing upon different pedestrian plans from various municipalities across the country. Next, Chapter Five assess the operation of sidewalks – how sidewalks operate in the East Village and how sidewalks do not or cannot operate within the context. The methods and types regulations and enforcement are analyzed in Chapter Six. Finally, Chapter 7 culminates the major relationships and themes discovered
through this research. This work concludes with recommendations for planning sidewalks at a city-wide level pulled from lessons learned through this neighborhood scale.

This research focuses on the interconnectedness of these regulations and the resulting impacts on the people within the space bridging together the physical environment, policy, and our society.

NOTES


1: THE DISCOURSE OF SIDEWALKS

Public space plays a crucial role in the physical and social fabric of urban environments. Scholars and professional planners constantly question the use of public space within cities to decipher how to plan public space that provides a setting for civic engagement, supports the cultivation of social relationships between citizens and forms an attachment to place.

The allocation of public space and its purpose must satisfy the needs of the users within the city, an idea examined by William Whyte, an urbanist and sociologist who argued that everyday use of space must be considered within the planning and design for public space. Whyte, who worked for the New York City Planning Commission, began in the 1980s questioning how people actually use public space. Through physical observation of spaces and time lapsed photography, he provided insight on behavior patterns and social engagement. While his work asserted basic observations (i.e. people like to sit in the sun, people like to watch other people, etc.), his work brought to the forefront concerns about planning spaces people actually want serving as inspiration for other planners and scholars. William Whyte’s observed mostly formalized public space leaving a gap in observation of the sidewalk space. This study draws upon his methodology of observations - both style and technique - to formulate a research methodology applicable for observing sidewalk space.

While Whyte’s work focused on New York City, this ideology existed beyond this city and country. Jan Gehl, a Danish architect and planner, continuously examines the role of public space within both the social and physical fabric of the city arguing for better public spaces for social engagement. He describes spaces for walking and placing for staying within the urban environment, two elements directly tied to sidewalk culture, and he further attests that the physical condition of our city spaces influences both social engagement and inclusion. One of Gehl’s most successful projects extensively studied is the pedestrianization of the Stroget in the 1960s, a pedestrian shopping street in Copenhagen. This project spurred a variety of pedestrian-oriented projects and remains influential as seen with the current debate of pedestrianizing Broadway. The pedestrian projects of New York City initially were inspired by Gehl’s work. Shifting these ideas from formalized public space, as Whyte focused on, to informal spaces such as sidewalks, Gehl expresses the value of everyday spaces. Gehl served as primary inspiration for this research of the sidewalks of the East Village. Gehl’s behavioral mapping methodology sparked ideas and understanding of assessing the quality of social interactions along sidewalks. While Gehl prioritized the pedestrian in the physical setting of the city by shifting allocated space from the vehicle to the person, this thesis does not attempt similar intensity and amounts of reform but rather assesses applicable solutions and approaches to planning sidewalks within the current context rather than of seeking an entire revolution to the physical fabric.

Within the discourse of public space, scholars gravitate towards differing typologies of space such as privately owned public space, pedestrian plazas, parks, etc. Under the typology of sidewalks as public space, five leading scholars address critical issues within sidewalks. Each of these scholars approach their argument and analysis from different directions with work focused on various cities across the country and the world. The five scholars provide foundational knowledge and consideration for the work of this research. The intention of this research attempts to fill gaps within the sidewalk discourse building upon the existing framework of knowledge.
Renia Ehrenfeucht and Anastasia Loukaitou-Sideris address planning sidewalks arguing that planners must reconsider how to plan sidewalks as infrastructure, spaces for everyday life, and as leisure destinations. Because of the variation of uses in sidewalk space, planning sidewalks must allow for diversity within the space. They further argue:

“Sidewalks need to be envisioned as a distinct public space, and improvements can be made with that in mind. The beginnings can be small – with each new project and numerous seemingly minor opportunities for local improvements. Sidewalks can accommodate more activities than walking, and more interests than those of abutting property owners. Although planning techniques have at times exacerbated inequality, undermined mechanisms of social integration and unjustly denied access to public spaces, planners have to opportunity to provide comfortable, well-designed spaces that accommodate formal and informal activities, and allow diverse residents to live more of their lives between buildings. Planners will best serve their many urban publics by providing better infrastructure and adaptable spaces throughout the city and by realizes that by controlling less, residents and visitors alike would benefits from the sidewalks’ wealth of offerings.”

Ehrenfeucht and Loukaitou-Sideris’s focus on the sidewalks of Los Angeles where they explore detailed intricacies and history of sidewalks. While they examine other cities across the country, this examination is broad and only serves as an introduction to the complexity of specifics within other cities such as New York City. This research addresses this gap. The historical, evolutionary emphasis on sidewalks within their work reduces attention granted towards the current sidewalk conditions. Instead of approaching this research through an archival approach as Ehrenfeucht and Loukaitou-Sideris do, this thesis emphasizes the current conditions and experiences to address not how sidewalks used to be used as public space but to understand how sidewalks are currently used. The limitations within the scope and time frame for conducted research supports this focus.

Mitchell Duneier focuses on social inequality within public space, specifically addressing the public space of sidewalks in New York City. In his work Sidewalks, Duneier examines the street vending culture and argues that the sidewalks of the city function as a platform for informal economic structure. Sidewalk vendors face similar components of capitalism even though removed from the formalized system. Duneier, through multiple years of observation and interaction with specific vendors along Greenwich Street, studied this system first hand and presented his findings by detailing different aspects of this culture from the labor structure of obtaining goods for sale to monitoring spaces for vending to managing the sale of goods. While others such as the Street Vendor Project by the Social Justice Center detail regulations and quantitative considerations, Duneier addresses the qualitative aspects of street vending, providing documentation of actual events and occurrences within this culture through his ethnographic work.

Similarly, Annette M. Kim explores the contestation of sidewalks in Ho Chi Minh City, Vietnam, to understand how different uses and users, especially street vendors, impact the sidewalk experience. Kim, as with other sidewalk scholars, argues that sidewalks are undervalued and more attention...
must be given to this form of space in order to shift the conception that sidewalks are for pedestrian movement to sidewalks for multiple purposes. Furthermore, Kim argues that lessons can be learned from developing cities through their informality and looser regulation to provide a framework for cities in the United States.6

Nicholas Blomley, a professor of geography at Simon Fraser University in Canada, argues that pedestrian flow and circulation are the primary focuses for planning and regulating sidewalks. This current approach undervalues sidewalks and creates generic, predictable spaces.7 Blomley argues more attention must be given towards a rights-based approach to planning sidewalks by focusing on the rights of people rather than an engineered-based approach purely for circulation purposes.

The philosophies and ideologies of these sidewalk scholars provide a foundational perspective of the issues and approaches to planning and experiencing sidewalks. Upon reviewing this literature, it was discovered that emphasis is often granted towards one particular aspect or group, often marginalized street vending. This approach within the scholars’ work limits comprehensive understanding of the operation of sidewalks, which provides inspiration and an approach for this research. Additionally, the comprehensive scope of municipal laws relating to sidewalks and their effects was not emphasized within the existing scholarly discourse of sidewalks. While scholars emphasized the importance and influence of municipal laws, focus is not given towards an understanding of this. This research was designed to address, fit, and fill this gap specifically within the context of New York City.

Beyond these leading scholars, studies have been completed examining specific programming, objects and users within sidewalk space. Completed sidewalk studies often focus on pedestrian rates of flow and levels of service, two engineering terms used to determine the ability of sidewalk segments to accommodate different amounts of pedestrians to understand pedestrian density and appropriate amounts of physical space. In 2006, the Department of City Planning in New York City initiated a Pedestrian Level of Service Study reviewing national standards for sidewalk service levels and re-evaluating them against New York City standards given the city’s unique density and high levels of pedestrian activity.8 While this study was beneficial for the city in terms of the engineered perspective of sidewalks, the study did not provide a comprehensive outlook on sidewalks and did not consider different sidewalk uses and objects within the space nor their municipal regulations.

While regulations must be in place for the control of sidewalks, especially for safety and liability concerns, it is necessary to address how regulations impact pedestrian perception, as pedestrians are the main users of the space. Additionally, other scholars focus on specific aspects of sidewalks through various studies. A recent study in South Korea found that pedestrians’ spatial perception of sidewalks directly effects sidewalk spatial satisfaction more than streetscape elements.9 This study argues that while beautification efforts contribute to the satisfaction, they should not be the primary concern with sidewalks. Pedestrian perception is composed of a multitude of factors, many of which are highly regulated in New York City. This further justifies the approach of this specific research.
Few scholars address the physical materiality of sidewalks from an experiential perspective. However, Danish architect Rasmussen emphasizes pavement within public space and sidewalks describing these materials within a spectrum of hardness and softness asserting that the materiality of sidewalk space further influences spatial perception within the urban conditions. Rasmussen’s descriptive approach inspired additional considerations of sidewalk regulations by emphasizing a wider wealth of aspects. This research aims at breaking down the entire experience of the sidewalks into distinctive elements to be further examined.

While sidewalk literature and studies exist as a topic of increasing focus within our cities, these studies often address particular aspects instead of comprehensive studies drawing upon various forms of regulations. Few studies blend physical and social regulations to understand how sidewalk planning can be improved. This research focuses on the outcomes and results of legislation rather than causation for regulations, a strategy for most sidewalk researchers. Because sidewalks are arguably our most public space, it is crucial to consider the impacts of these forms of control on the sociability of the space to increase social inclusion as well as create an enjoyable, equitably, healthy environment within New York City.

NOTES
2: THE EXPERIENCE OF THE EAST VILLAGE

Sidewalks remain concrete, fixed in the urban fabric of the neighborhood. However, the life surrounding, encompassing, and circulating through these spaces adjust the meaning and articulation of the space. Different people, agendas, and routes shift and morph the experience and perception of the sidewalks throughout the day, the month, the year. The initial conception of the static quality of sidewalks becomes removed as the stories and experiences of these spaces become articulated and expressed.

Historically, the East Village represents tension, creativity, and expression since its rise to the current neighborhood beginning in the 1960s. These aspects of the community’s persona still remain embedded within the East Village as diversity of users and people infiltrate the historic fabric.

The sidewalks of the East Village absorb the experience of the community and the neighborhood. One understand the multitudes of identities and tones of this place by walking through these gridded paths coming upon a variety of different types of streets and sidewalks.

RESIDENTIAL STREET
Residential buildings comprise 43% of the land use in the East Village. These residential streets are often oriented East-West following the patterns of land use exiting throughout Manhattan. The narrowness of the setbacks along these streets cause pedestrians to weave around obstacles sprinkled across the segments. Trash bags dot the curbs, often piling up several bags high before the Department of Sanitation barrels through collecting all of them. Some properties may have over a dozen bags piled at a time, others just have one or two placed lonely outside. On one particular day, the pile of bags spilled over into the narrow space remaining, blocking the path of two women pushing a stroller along the sidewalk. The nonchalant movement of thrusting the bags back into the pile expressed a motion repeated before. These narrow residential sidewalks present similar challenges and responses frequently.

Approximately a third of the buildings within the East Village are walk-up residential buildings as these buildings extend into the sidewalk with steps and stoops of various sizes. While pedestrians zig-zag around these impediments, these steps provide opportunities for increased social interaction as groups of people often gather along them during favorable weather.

SIDEWALKS OF TRANSITION
The East Village is currently undergoing dramatic change in its built form. Large scale development projects are popping up throughout the neighborhood, especially along the eastern and southern edges of the study area. The sidewalks surrounding construction efforts are dramatically changed during the process of building these new buildings. Sidewalk scaffolding and sheds infiltrate the area. Pedestrians must navigate these tunneled passages along entire blocks near Astor Place and other areas scattered throughout the Village removing themselves from the typical experience of the neighborhood’s sidewalks and shifting into bland segments suffering placelessness. When one walks through these scaffolded and shedded sidewalks, one feels no longer embedded within the scale of the East Village but is transferred to a place of either construction chaos and complete desolation.
THE SMALL SCALE OF MIX-USE
The East Village maintains an authentic character through its small-scaled mixed uses. These sites are not the large, developed, super blocks with chain retailers at the bottom floor. The streets of this type of mixed-use agglomerate westward of Tompkins Square Park along the side streets rather than the avenues. These former tenement buildings and their small floor plates allow of business establishments to locate here who are unable to afford the larger, traditional commercial options in other parts of the city. A unique mixture of establishments commonly spark interest and curiosity as one moves down these streets. Goods fill the sidewalks, extending outward of the business to attract customers and pedestrians. Specialty stores such as high-fashion vintage dresses, custom designed hats, and eclectic antique shops alternate throughout the area.

THE NIGHTLIFE DESTINATION: SATURATED BAR AREAS
Once night falls in the East Village, populations of people migrate in herds to the area’s many bars to begin their night out. 2nd Avenue becomes littered with people who as the weekend night progresses stagger around the area looking for the next bar, food, or the easiest way back to their origin. During busy nights, sidewalks are filled with lines of people waiting to get in to establishments once capacity decreases. Leaving the bar, patrons mumble, shout, and smoke their way along often as nuisances to the actual residents. The night activity extends into the early morning leaving only a mere few hours before the morning rush hour begins.

Cutting across the East Village, St. Marks Street creates a distinct space and experience. As a commercial street, businesses line both sides with tenants ranging from street vendor-esque merchants to tattoo and piercing parlors to bars. This street fills with tourists and visitors throughout the day and night.

CAFE CULTURE
Cafes line the sidewalks of the avenues and the streets throughout the East Village providing opportunities for pedestrians to sit, stay, and enjoy the street life as a break within the day. These ample amounts of cafes belong to both restaurants and coffee shops but also are placed in front of barber shops and hair salons. On a warm day in the East Village, variety of people are seen either
perched or relaxed on a bench outside of an establishment or within an enclosed cafe enjoying a meal or snack.

**PEDESTRIANS OF THE EAST VILLAGE**
According to the 2010 US Census, half of the residents living in the East Village are White/Caucasian. Residents of Hispanic origin represent an additional 25% of the population. The pedestrians of the East Village represent a diverse population. Because the East Village is a destination neighborhood within New York City, a variety of people flock to the area for entertainment purposes, evident in the sidewalk experiences throughout the neighborhood. The diversity of businesses within the area further increases the diversity of people within the East Village.

*Figure 2: East Village demographics based on 2010 US Census*

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<th>Single Race</th>
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<tbody>
<tr>
<td></td>
<td>White // Caucasian</td>
<td>Black // African Americans</td>
<td>Asian</td>
<td>Other</td>
<td>2+ Races</td>
<td>Hispanic Origin</td>
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<tr>
<td><strong>East Village Population Count</strong></td>
<td>35,928</td>
<td>5,327</td>
<td>10,361</td>
<td>435</td>
<td>1,720</td>
<td>18,018</td>
</tr>
<tr>
<td><strong>Percentage of East Village</strong></td>
<td>50%</td>
<td>7%</td>
<td>14%</td>
<td>1%</td>
<td>2%</td>
<td>25%</td>
</tr>
<tr>
<td><strong>Percentage of Manhattan</strong></td>
<td>65%</td>
<td>18%</td>
<td>11%</td>
<td>NA</td>
<td>3%</td>
<td>25%</td>
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These small typologies of the experience of the sidewalks of the East Village exemplify the diversity within the neighborhood and community. Sidewalks are not merely used for circulation throughout the East Village, but they become fundamental in both the physical and social fabric.
Walking through the East Village, it’s unclear who owns the sidewalk space. Various stakeholders assert ownership through spatial claims – a business owner expands into the space with his sidewalk café to increase his venue, the City organizes its elements such as bus stops, newsstands, and bike racks, throughout the space and determined pedestrians demand a clear path.

Is it necessary to declare ownership? Public space is increasingly defined through ownership, as more and more space is privatized. With ownership comes the inherent ability to control the space. As a result, ownership of public space provides an additional layer of regulation. However, sidewalks remain a gray zone with tension between city-wide governmental agencies, non-governmental stakeholders, and the actual users of the sidewalk.

A total of nine different governmental city agencies actively regulate sidewalk spaces. See Figure 3: City-Wide Governmental Agencies & Areas of Regulation. These regulations circulate around pedestrian and social behavior, the physical space of the sidewalk, and programmatic activities and uses that occur within sidewalk space. While the Department of Transportation is the lead agency for regulating the physical sidewalks, various other agencies help ensure that sidewalks can accommodate appropriate amounts of pedestrians within a clean, relatively pleasurable environment.

One could argue that no one truly owns the sidewalk. While the city may technically claim ownership of the sidewalk, because of the abundance of sidewalks in New York, responsibilities are transferred and thus a layer of ownership is removed. According to the NYC Administrative Code Section 7-210, property owners could be liable for injuries that occur if they are negligent of providing “reasonably” safe sidewalks. Property owners must pay for installation, construction, reconstruction, replacement, and repair of the sidewalks adjacent to their property.

Contrarily, spatial occupation further asserts and divides ownership as sidewalk space becomes infiltrated with various people and programs. A restaurant operating a sidewalk café extending into the pedestrian space claims ownership over that area as the establishment sets up enclosures and seats customers at tables. A regular street vendor selling fresh fruit to passersby along 14th Street...
defines his territory day after day through consistent occupation of the space. As Duneier articulates in his ethnographic work of the New York street vending culture, street vendors become territorial of their desired vending space as different spaces are likely to produce different economic yields. Once a vendor becomes a staple in a location, the space transcends into becoming their territory, an informal policy expected to be recognized by the other vendors scavenging for space. The flocks of pedestrians barreling through sidewalks during rush hour at the end of the day claim the space for circulation. Sidewalk space is divided and subdivided into smaller components through these various measures and experiences. However, while all of these instances pull the ownership of sidewalk space apart, efforts to agglomerate ownership exist at larger scales.

Tension with ownership is further complicated through various public-private partnerships with the most prevalent public-private partnership in New York City being the structure of Business Improvement Districts (BIDs). To control and regulate sidewalks, the city relies on BIDs to aid in sanitation and privatized security services. Ultimately, this partnership increases the power of businesses and the commercial sector of an area because these programs are funded through corporate fees and fiscal participation. Several Business Improvement Districts infiltrate the East Village. Along the north-western portion of the neighborhood, the Union Square Partnership asserts ownership along 14th Street stretching away from Union Square. Secondly, the Village Alliance borders the western edge of the community near Astor Place. Their ownership is evident

<table>
<thead>
<tr>
<th>REGULATES:</th>
<th>BEHAVIOR</th>
<th>SPACE</th>
<th>ACTIVITY</th>
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</thead>
<tbody>
<tr>
<td>DEPARTMENT OF CITY PLANNING</td>
<td></td>
<td></td>
<td>Regulates sidewalk widths through setback requirements</td>
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<tr>
<td>DEPARTMENT OF CONSUMER AFFAIRS</td>
<td></td>
<td></td>
<td>Issues permits and licenses for sidewalk cafes, street vending &amp; newsstands</td>
</tr>
<tr>
<td>DEPARTMENT OF DESIGN &amp; CONSTRUCTION</td>
<td></td>
<td></td>
<td>Approves distinctive sidewalk permits; Streetscape design approval</td>
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<tr>
<td>DEPARTMENT OF HEALTH &amp; MENTAL HYGIENE</td>
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<td></td>
<td>Issues licenses for vendors handling food</td>
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<td>DEPARTMENT OF SANITATION</td>
<td></td>
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<td>Responsible for trash collection from trash cans along sidewalks and residential trash</td>
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<tr>
<td>DEPARTMENT OF TRANSPORTATION</td>
<td></td>
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<td>Issues permits for sidewalk construction; handles reports of unsafe sidewalk conditions and violations; implements various pedestrian programs</td>
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<tr>
<td>LANDMARKS PRESERVATION COMMISSION</td>
<td></td>
<td></td>
<td>Regulates streetscape and physical materiality of sidewalks within historic districts and along historic properties</td>
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<tr>
<td>NEW YORK POLICE DEPARTMENT</td>
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<td></td>
<td>Quality of Life Enforcement</td>
</tr>
<tr>
<td>OFFICE OF SMALL BUSINESSES</td>
<td></td>
<td></td>
<td>Regulates “zero sidewalk display” streets</td>
</tr>
</tbody>
</table>
with their branded trash cans and trash bags and routine maintenance workers identifiable with in their bright red work suits sweeping the streets.

While BIDs provide amenities to the street and sidewalk, this structure is often critiqued and questioned. Business Improvement Districts prioritize the commercial establishments and fiscal investments within a neighborhood rather than the true “public” of an area. A total of 67 BIDs exist throughout New York City. However, inequality is an issue across the city as some BIDs have higher budgets and larger investments, creating discrepancies and irregularities amongst the distribution of services.

Additional non-governmental actors such as community organizations and the community boards control the experience of the sidewalks. Ultimately, there is a large magnitude of people and groups who are invested in sidewalk space. However, each interest and organization does not contribute equal weight or are given equal opportunities for sidewalk determination. Rather, in actuality, various user groups and uses have various rates and weight of control and ownership. See Figure 5: Stakeholders, Actors, and Users of Sidewalks and Figure 6: Weighted Roles of Sidewalk Actors.
FIGURE 5: STAKEHOLDERS, ACTORS, & USERS OF SIDEWALKS

GOVERNMENTAL AGENCIES
- DEPARTMENT OF CITY PLANNING
- DEPARTMENT OF CONSUMER AFFAIRS
- DEPARTMENT OF DESIGN & CONSTRUCTION
- DEPARTMENT OF HEALTH & MENTAL HYGIENE
- DEPARTMENT OF SANITATION
- DEPARTMENT OF TRANSPORTATION
- LANDMARKS PRESERVATION COMMISSION
- NEW YORK POLICE DEPARTMENT
- OFFICE OF SMALL BUSINESSES

NON-GOVERNMENTAL STAKEHOLDERS
- COMMERCIAL ESTABLISHMENTS
- COMMUNITY ORGANIZATIONS
- COMMUNITY BOARDS
- BUSINESS IMPROVEMENT DISTRICTS
- PROPERTY OWNERS

USERS
- RESIDENTS
- WORKERS
- VISITORS
- SIDEWALK DWELLERS
- MARGINALIZED POPULATION
- STREET VENDORS
- PEDESTRIANS

ROLE // INVOLVEMENT IN SIDEWALKS:
- MAJOR
- MODERATE
- MINOR
- VERY LITTLE
MULTITUDE OF AGENCIES, STAKEHOLDERS, AND GROUPS ARE INVOLVED IN THE PLANNING, REGULATION, AND EXPERIENCE OF SIDEWALKS

IN ACTUALITY, EACH ORGANIZATION AND GROUP PARTICIPATES AND REGULATES AT DIFFERENT RATES WITH VARIOUS AMOUNTS OF WEIGHT
Neighborhoods and communities operate uniquely within sidewalk space. Lower Manhattan in the evenings after work presents flocks of pedestrians through the network of streets. On a sunny day in Times Square, dozens of people cram at the corners of intersections waiting to cross the street. New York City presents a magnitude of variation of how sidewalks are used. The community East Village operates within its sidewalk space as displayed through various instances.

The East Village is historically known as a community of protest, dissent, and push from the norm since its development of identity in the 1960s. These characteristics play into the streets and sidewalks of the neighborhood as well as the activities and life embedded into these physical spaces.

Café culture exists throughout the East Village as restaurants fence off portions of the sidewalk especially along 2nd and 3rd Avenues. Patrons enjoy a slice of pizza, an upscale meal, or relax with a cup of coffee. This culture unbounded by the seasons exists throughout the year for many of the establishments. As long as the tables aren’t snow covered, the sidewalk café of Think Coffee at Bowery and Bleecker Street is routinely enjoyed by patrons. With dozens of sidewalk cafes throughout the East Village, this culture of display and observation - a place to see and be seen – saturates into other places of commerce. Numerous barber shops, trendy clothing boutiques, and daring tattoo parlors bring seating out into the sidewalk space through ad hoc benches and chairs providing seats in the paths of pedestrian circulation. This seating along with small unenclosed sidewalk cafes allows presumably anyone to rest for a few minutes and watch the passersby as little signage and barriers indicates exclusion.

The East Village’s reputation of eclecticism and artisanship filters into the streets and sidewalks of the neighborhood through community-based organizations reclaiming space. The Fourth Arts Block (FABnyc), founded in 2001, as part of the East 4th Street Cultural District, incubates entrepreneurship related to the arts and culture, a key component to the social fabric of the area. The organization’s efforts aid 1,500 artists through 17 venues for performance and rehearsals and 10 cultural facilities within the area. The organization’s ArtUp program pulls the groups ideology into the public space of streets and sidewalks throughout the neighborhood between East 1st and East 4th Street through various public art installations plastering vacant storefronts, construction containers, and sidewalk scaffolding, emphasizing the identity of the community into the physical environment of the sidewalk space.

Spatial competition exists both within sidewalks as well as the areas adjacent to the sidewalks creating tension in the neighborhood. The East Village – both community members and establishments – engage in fighting against commercial gentrification, an issue currently threatening the area. Until 2006, the East Village had not been rezoned since 1963; the lack of zoning modification caused increasing tears into the historic fabric of the area because of the allowance of tower-in-the-park and superblock residential construction which contrasts the traditional residential walk-up densely distributed throughout the neighborhood. The
Department of City Planning rezoned the East Village and the Lower East Side to help preserve the existing character and scale of the neighborhood – elements that add the vitality and life to the sidewalks. Walking along East 9th Street, one passes various storefronts along the street and settled into basements with window displays of strategically placed unique goods for sale. With permitting weather, tables of goods and racks of clothes sweep into the sidewalk space, allowing pedestrians to stop and examine items of interest, sparking conversation between people, surfacing inspiration, and ultimately engulfing walkers into the stores, hypnotized with interest. The fear of the 7-11 and similar chain establishments threatens to replace the creativity, uniqueness, and curiosity of the neighborhood with voids and barren concrete of the formulaic chain store fostering placelessness. The instinct of the neighborhood to push against contemporary trends is an unmatched quality as the community continues to value its sidewalk space and streetscape experience.

NOTES


5: CRITERIA FOR SUCCESSFUL SIDEWALKS

When walking through the East Village, one passes along sidewalk segments that are highly functioning, full of life and character creating a pleasurable pedestrian experience. However, one also passes through sidewalks that do not function with the same ease resulting in barren, deactivated sidewalk spaces that contribute little to the overall sense of satisfaction of the area. How do we determine when sidewalks are successful and functioning and when they aren’t?

Derived from leading scholars’ criteria, various city-wide pedestrian planning efforts across the country, and experiences walking through the East Village, the following criteria define functioning, successful sidewalks:

1. SIDEWALKS MUST FUNCTION AS PUBLIC SPACE.
2. SIDEWALKS MUST ALLOW AND PROMOTE SOCIAL ACTIVITY.
3. PEOPLE MUST FEEL SAFE WALKING ALONG THE SIDEWALK.
4. SIDEWALK CONGESTION CANNOT GREATLY IMPAIR CIRCULATION.
5. SIDEWALKS CANNOT BE OVER-PLANNED, BUT MUST PROVIDE OPPORTUNITIES FOR SPONTANEOUS OCCURRENCES.

While these criteria provide a checklist of how to create successful sidewalks, ambiguity, subjectivity, and temporarily challenge the ability to classify sidewalk segments along this dichotomy. Sidewalks are static, permanent elements in the streetscape but the experiences and life surrounding the sidewalks changes from moment to moment.

Walking along a residential street one afternoon, pedestrians navigated the small sidewalk space infiltrated with the stoops of walk-ups and the large trees regularly dotting the sidewalk. Small groups of people interacted and enjoyed conversations strolling along the shaded street. On this afternoon this sidewalk appeared to be very successful. This sidewalk segment met the criteria defining functioning and successful sidewalks. However, while passing through this sidewalk segment, suddenly a swam of adolescent boys barreled through this narrow space – a local school’s track team suddenly took over the sidewalk passing through forcing pedestrians to step aside and allow this group to pass. This experience was a spontaneous occurrence along this segment. However, with this experience, several of the other criteria were no longer satisfied, momentarily causing the sidewalk to be inoperable for pedestrians.

With the fear of liability, concerns surrounding pedestrian safety extends to assure pedestrians are safe walking down the sidewalk by attempting to ensure that people will not slip, trip or fall due to sidewalk conditions. Walking along the historic area surrounding St. Marks in the East Village, the pavement is composed of slate pavers, as a distinctive pavement treatment recognized and allowed
because of its historical significance. The interstitial spacing between each of the pavers causes slight discrepancies in placement and height of each of the pavers. However, the pedestrian still proceeds with ease along the path. This historic value of the area and its sidewalks become a value asserted over the common threshold of pedestrian safety faced in other areas with standardized concrete pavement. Sidewalks with cracks or defects are identified and highlighted through bright yellow paint or safety cones placed on top of the imperfection to signify to the pedestrians to be careful when proceeding. A defect in historic sidewalk pavement does not raise the same alarm as a crack in typical concrete – the physical element of the sidewalk material shifts the criteria for safety from one segment’s condition to the next.

This difficulty of identifying successful and unsuccessful sidewalks leads to problems regulating and controlling sidewalk space. The engineering perspective typically governing the regulation of the physical space and rationalize segments to accommodate circulation. This prioritizes pedestrian circulation over the ideology that sidewalks should function as public space with social activity. Behavior is controlled and monitored within the sidewalk space – allowing and permitting actions and activity to a certain extent. The criminalization of marginalized populations excludes and limits who qualifies as the “public” within this public space.
Sidewalks are highly regulated spaces, attempting to control the clash of appropriation of programs and people within one of the most public spaces of the city. These regulations exist in a variety of forms to meet various intentions. Regulations range from ensuring sidewalks are wide enough to accommodate appropriate flows of pedestrians to decluttering the streetscape by controlling the objects within sidewalk space to illegalizing behaviors that may harm the safety of others. Regulations exist in various ways.

**PERMITS & LICENSES**

Many of the objects and activities within sidewalk space require either a permit or a license. These forms of regulation help the city maintain information about the various uses and users along sidewalks. Also, permits and licenses help guarantee a threshold of satisfaction and ensures standards are met. For example, sidewalk cafes require a permit for operation. This helps ensure that sidewalk cafes are not operated in sidewalk segments that are too narrow and therefore would encroach upon the pedestrian right of way. This rationale is similar for many of the other objects and programs within sidewalk space. Objects in sidewalk space must often meet spatial restrictions and standards. Many of these standards revolve around infrastructure needs and protection, such a minimum spacing away from fire hydrants, curb cuts, and utility openings. If permits were not required for objects such as news racks, newsstands, and street trees, users could potentially place permanent or semi-permanent objects in locations that could be detrimental for the safety of citizens.

The requirement of permits and licenses also attempts to maintain clean and organized streetscapes. For example, if no control existed over temporary or semi-permanent objects such as news racks and store signage, these objects may shift into the circulation space causing pedestrians to have to zigzag around obstacles.

**TICKETS & FINES**

Another main form of regulation enforcement includes the issuing of tickets and fines. Those operating within sidewalk space without a permit or not in compliance with the necessary standards set forth particular to the use or object may receive a fine or civil penalty. Actions taken for penalties and noncompliance are detailed within the instructions for obtaining permits and licenses to inform applicants of the rules and standards they must follow and negative consequence if not followed.
The most significant attempt to regulate social behavior is through Quality of Life Enforcement. This type of enforcement is broad and encompasses various behaviors that might infringe or negatively affect the lives of other citizens. Quality of Life Enforcement in New York City became a major type of regulation beginning with Mayor Giuliani’s political campaign as he promised the citizens of New York City that he will improve the quality of life within the city by targeting undesired activities and behavior.\(^1\) Quality of Life is often assumed under the jurisdiction of the NYPD, but, in actuality, thirteen different city agencies issue these tickets including the Business Integrity Commission, Department of Buildings, Department of Consumer Affairs, Department of Environmental Protection, Fire Department, Department of Health and Mental Hygiene, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, Department of Parks and Recreation, Department of Sanitation, Department of Small Business Services, and Department of Transportation.

Various types of behavior and social activities are regulated within the sidewalk space including illegal bike/roller/skate activity, disorderly youth, drinking alcohol in public, applying graffiti, homeless encampment, excessive noise, panhandling, posting advertisements, squeegeeing for pay, urinating in public and illegal sidewalk vending. Approximately 10% of the Quality of Life violations in Manhattan originate within the East Village – a total of 2,999 between 2010 and 2013.\(^2\) The majority of these violations in the East Village are due to noise nuisance, likely because of the growing night scene and saturated bar areas with establishments open into the early hours of the morning with alcohol induced pedestrians leading to complaints from the nearby residents.

Many of these Quality of Life violations within the sidewalk space can be reported by citizens through 311, the city’s main source for non-emergency services and governmental information. Because these sidewalk violations are non-emergencies, the police department responds when they are not handling emergency situations. However, because of the mobility of these instances, the issue is likely no longer present or occurring when enforcement is eventually available. Local residents find this to be problematic because violations and nuisances tend to be un-reprimanded because of this mobility.

**SOCIAL NORMS**

Behavior is further regulated through social norms and societal expectations. Circulating pedestrians behave in a regulated manner. Pedestrians walk block to block, stop at crosswalks to wait for traffic, cross when appropriate (although New Yorkers are notorious for their jaywalking), and continue along the next block, repeating this pattern until they arrive at their destination. Pedestrians often behave in groups – should one person decide to briskly cross a signalized intersection with indication that it is not the time to cross, several are likely to follow. There is often of course, the outlier who will dodge across cars in a similar fashion as the arcade game Frogger in order to advance a few seconds quicker to their destination.

With the rise in technology and our increasing societal dependence on our mobile technological gadgets like iPhones and iPads, behavior in public space is shifting. On April 1, 2012, Philadelphia Major Michael Nutter as a part of what could arguably be one of most elaborate city-wide April Fool’s Day pranks, declared a pilot project of a stratified sidewalk with a pedestrian lane dedicated
to cell phone users – the E-lane. While this humorous attempt fooled many, will this actually be something considered in the future? Recent cellphone applications are being designed and marketed to improve pedestrian safety while using cellphones. WalkSafe, an Android Application, runs during phone calls while one is walking and alerts that pedestrian through phone vibrations and sounds that approaching vehicles may danger the pedestrian.

In general, pedestrians stratify sidewalk space to accommodate various uses within the space. For example, rush hour in the East Village leads crowded to bus stops and people stopped along the sidewalk waiting for the next bus. This amount of people static in sidewalk space may be problematic for circulating pedestrians. However, those waiting for the bus typically form a linear pattern along the curb to stay out of the pedestrian right of way, stratifying the sidewalk space for different purposes. Similar behavior is observable with street vending and similar activities. Should one be curious passing by a street vendor, the pedestrian moves out of the flow of traffic and approaches the vendor’s table to further examine the items. When pedestrians wait for their turn at a food truck, lines form along the sidewalk to self-organize themselves and stay out of the way of moving pedestrians.

NOTES


7: SIDEWALK THEMES

Based on this research conducted, the findings revolve around six key themes: spatial justice and injustice, liability, public and private, politics, health and safety, and the economy. Each of these themes play a dominant role within both regulations and sidewalk usage. These themes do not act independently from one another, but rather intrinsic relationships form amongst these themes defining the complexity of the public space of sidewalks.

FIGURE 7: WEIGHTED ROLE OF SIDEWALK ACTORS

SPATIAL JUSTICE & INJUSTICE
Spatial justice and injustice exists within two aspects. First, marginalized populations experience spatial injustice within the sidewalk space. Class issues reside within sidewalk space. Individuals with lower socio-economic statuses, such as the homeless and/or panhandling populations, face criminalization within sidewalks through quality of life enforcements. These groups face behavioral restrictions to limit their presence along sidewalks.

Secondly, spatial competition exists within sidewalk space. The East Village struggles with commercial gentrification, as this is a main issue within the neighborhood. Community members and establishments fight chain stores such as 7-11 from infiltrating this locally oriented neighborhood. The East Village Community Coalition advocate for Formula Retail Zoning, a form of zoning that would limit and potentially ban major chain retailers from building and opening within the East Village. This campaign for this type of zoning is intended to help prevent commercial gentrification.

These issues surrounding zoning in the East Village directly relate to spatial justice concerns as well as economic factors. Because larger chain stores have deeper economical pockets, they can
afford higher rents and often push out smaller tenants that are typically locally owned businesses. Walking along 9th Street in the East Village, one passes various storefronts with unique goods strategically placed behind the windows. When weather permits, the workers of these commercial establishments place tables of goods and racks of clothes outside in the sidewalk space, allowing pedestrians to stop and examine items of interest, sparking conversation between people and surfacing inspiration. When these small tenants are replaced with chain establishments, this creativity and curiosity is replaced by voids and barren concrete, losing a sense of community and instead fostering an element of placelessness.

**LIABILITY**

Another major concern surrounding sidewalks is liability. Liability concerns are the rational for many of the regulations that exist within sidewalks. Section 7-210 of the New York City Administrative Code states that property owners could be liable for injuries that occur if they are negligent of providing “reasonably” safe sidewalks. Property owners must pay for installation, construction, reconstruction, replacement, and repair of the sidewalks in front of their property.

Specifically, property owners are liable for trip and slip lawsuits. These occur when pedestrians trip over defects within the sidewalk. Furthermore, materials within surfaces have different levels of slipperiness in various weather conditions and if inappropriate materials are used to pave sidewalks, increased lawsuit may occur because of personal injury.

These liability issues are ultimately rooted in concerns for pedestrian safety as well as the economy. Pedestrian safety is fundamental in the utilization and activation of lively sidewalks. This is typically focused on in terms of crime and perceptions of fear, as Jane Jacobs articulated. However, the articulation of property ownership liability is complex when considering who must pay in these scenarios. In many situations, the cracks in the pavement as shown throughout this research are not directly created, but are instead a by-product of typical wear and tear as well as street tree plantings. Because of this, it complicates the question of liability and the requirement for property owners to pay. This offsets city-wide costs to individual land owners. While this is controversial, it is beneficial because the property owners and land users are more intimately aware of their sidewalk conditions. Instead of the Department of Transportation having to survey the entire city for sidewalk issues, property owners or managers are instantly aware of cracks and disturbances to the walking surface.

**PUBLIC & PRIVATE**

The tension between the public and the private exists on several different levels. As articulated throughout the discourse of public space, private ownership manifests within the urban fabric through a variety of different ways. First, bias often exists in the favor of the property owners, marginalizing the overall public. This bias is inherent because of the increased responsibility and power asserted through the regulations. Tension between the public and the private is more complex than just the relationship between those who own property and those who don’t. Property owners exert ownership over the space through various public-private partnerships.
The most prevalent public-private partnership in New York City is the structure of Business Improvement Districts. The reliance on Business Improvement Districts for sanitation and security privatizes services that are also considered public in other areas of the city. This increases the power of the businesses and the commercial sector of the area. However, while there may be a need for BIDs in New York City as they arguably improve the streetscape, BIDs are not the only solution to the problem of streetscaping, sanitation, and security. In the East Village, Jim Powers initiated and created public art within the streetscape, designing and decorating lampposts, blank walls, and other infrastructure with mosaic tiles. His work began in the late 1980s. During the height of his work, Powers completed 65 lampposts with found materials. This local man, homeless throughout a portion of his period working on these projects, simply created these works for public enjoyment and to help beautify the area.

Commercial gentrification creates an additional level of tension between the public and the private sector. The East Village community values its locally driven economy with many start-ups and small businesses. Because larger companies and chains are attempting to infiltrate this neighborhood, the public sector pushes against the private sector in an attempt to control these businesses to safeguard the life and character of the East Village directly impacts the streetscape. Commercial vacancy within the area has led to a response by Made in Lower East Side (miLES), an organization responded to underused storefronts to achieve a greater sense of community as well as collaborative environments. Underused storefront windows are frequent conversation within sidewalk exports, especially in response to Kelling and Wilson’s broken windows theory. Private property ownership sometimes fails to meet the needs of the public. This is especially true with vacancy and it can have detrimental effects on the sidewalk space. When the community collaborates and shared space is created, as miLES achieves with Fabworks, the needs of various stakeholders can be met. The sidewalk outside of a privately owned building that was prior vacant now contains seating, signage, and a curious window into a collaborative, constantly changing work environment. This breaks the assumed dichotomy of the public and the private.

Lastly, because of the public’s ability to report violations and nuisances to the city via the 311 platform, the public is increasing control over the sidewalk space. This does however create a discrepancy between the responses and the report, as reports may not be responded to in an immediate enough manner to provide a solution as prior discussed.

**POLITICS**

Because much of the regulation and enforcement of the regulations is through governmental agencies, politics play a dominant role on sidewalks. However, political relationships exist between the users of the space and are not just isolated to the agencies.

Given that so many of the uses within sidewalk space requires permits and licenses, there is an inherent political structure and potential struggle about who these permits and issued and not issued to. Historically, quality of life enforcement and regulation presents an additional layer of politics. This is seen especially within the street vending culture and has thus lead to arguably excessive criminalization of these vendors as permits are unobtainable to the population. Furthermore, the criminalization of homelessness with quality of life infringements presents an additional layer of
political control within sidewalk space. These sidewalk politics relates back to issues of spatial
justice and in this instance, spatial injustice against marginalized populations.

Do we have a right to space? Do we have a right to regulate behavior with public space? Who has
the power to do this? There questions do not have a simple answer and will continue to be asked
into the future.

**HEALTH & SAFETY**

Cracked and defective sidewalks can create unsafe walking conditions. The Department of
Transportation reports violations and defects to property owners to ensure safety; however despite
the issuing of the violations, there are no fines or fees associated with them until the transferring of
property. This regulation is intended to help encourage property owners to repair their sidewalks.
The DOT the following conditions as defected sidewalks in accordance to Section 19-152 of the
New York City Administrative Code:

1.) One or more sidewalk squares are missing / unconstructed  
2.) Sidewalk square is cracked to the extent the sidewalk is loosened  
3.) Contains a trip hazard, defined as a ½” change in vertical surface  
4.) Improper slope  
5.) Hardware defects  
6.) Non-compliance with specifications for sidewalk construction as stated by the DOT  
7.) Structural integrity defects  
8.) Sidewalk patchwork

The safety of walking along sidewalks cannot only be considered in terms of concrete cracks. The
winter season in the city presents an additional element to pedestrian safety. According to Section
16-123 of the New York City Administrative Code, all snow must be removed within four hours
after snow stopped or by 11 AM the next morning. Snow cannot be placed in the street causing
snow to be built up in large piles along the curb of the sidewalk. Any pedestrian attempting to
walk along a snow covered and icy sidewalk becomes increasingly aware of the potential dangers
of slipping and falling. Given the 13,000 miles of sidewalks in New York City, with countless
more miles of streets and bridges, the allocation of responsibility to property owners arguably helps
streamline pedestrian safety while the DOT can focus efforts elsewhere. This collaborative effort
has positive effects on the pedestrian experience.

**ECONOMY**

Sidewalks present economical questions on varying levels as they become the platform for a variety
of informal economies. First, street vending depicts obvious economic relationships that occur
within the sidewalk space through exchange of various goods. The economy of street vending
increases complexity with the consideration of permits and enforcement of regulations.

Newsstands are another form of direct economic exchange. However, newsstands are additionally
complex though a series of economic layers beyond the initial exchange between the consumer and
the licensed newsstand operator. Newsstands are no longer privately owned and operated. Because
Cemusa received the profits gained from the advertisements plastered around the newsstands, the economic sphere is extended beyond the property, neighborhood, and city but into an international company.

While there are direct economic exchanges in sidewalk space, there are also more informal economic activities. Advertisements are posted throughout the area – on newsstands, news racks, and payphones. Advertisements also exist through signage for businesses. This signage is placed outside of the commercial establishments to help draw pedestrians into their businesses and increase foot traffic to lead to higher sales and profits. Ad hoc or guerrilla advertisement also exists through mobile advertisement. While signage for commercial establishments is regulated, mobile advertisement is less regulated. For example, Bowery Bikes, a local manufacturer of bicycles, feature branding on their bikes by engraving the company’s name on their wooden baskets adjoined to their bikes. Through this, rather than being restricted to only a sign directly outside of their store, they can simply park their bikes within any area serving as informal advertisement efforts.

Marginalized populations are additionally affected by the economy within sidewalk space. Panhandlers form an economic relationship within sidewalks through solicitation for money from pedestrians. Bottle and can refunds create additional informal economy. These workers can be seen throughout New York City hauling large bags of found beverage containers.

These economic relationships can be distilled into four different groups of people: the corporation, the entrepreneur, the marginalized individual, and the establishment. These groups form interconnected relationship and present additional friction within the power structure of sidewalk space. While the government is not identified as an individualized group, the government helps facilitate struggles and difficulties between these groups. Furthermore, these economic relationships can also be separated into exchange and employment. Social interaction occurs on sidewalks between the consumer and supplier.

**CONCLUSION**
These themes and their relationships depict the complexity of sidewalks and the efforts to plan sidewalks.

**NOTES**


8: CONCLUSION

The barrenness of the concrete sidewalk is deceiving. Various users meet within limited space to negotiate spatial allocation for differing uses, forming a web of complexities defining sidewalks. Regulations attempt to solve discrepancies between the users and uses. However, current regulation strategies do not solve all issues surrounding sidewalks, nor, in some instances, is top-down regulation the appropriate solution to planning sidewalks.

POLICY RECOMMENDATIONS
Based upon this study and through studying the research of leading sidewalk scholars, examining best practices in other municipalities, insights from the East Village gained through interviews and observations, several recommendations exist to help remove some of the hardships and problems associated with planning sidewalks.

1.) FURTHER CONSIDER AND PLAN FOR SECONDARY USES
Currently, sidewalks are primarily for pedestrian circulations and appropriate levels of service. However, as this study shows, sidewalks are multi-dimensional with a wide variety of purposes and uses for many different people. When sidewalks are planned primarily for a single, exclusive uses, and engineered planning is employed, sidewalks become increasingly generic and opportunities and interactions are reduced. Synergies can occur among different uses and users when additional uses are considered within sidewalk segments rather than

For example, guards are required around street trees to protect the tree bed. However, many of the guards constructed in the study area of the East Village also include elements used for seating through constructed ad hoc benches. When these tree guards are considered beyond their primary purpose of protecting the tree, opportunities for social interaction surface and foster.

2.) GRASSROOTS & COMMUNITY ORGANIZATIONS VS. GOVERNMENT
As shown through the findings of this research, often the enforcement of the regulations that exist surrounding the sidewalk falls within the jurisdiction of governmental agencies, leading to an interconnected web of different agencies with various responsibilities and powers within sidewalks. However, community and grassroots organizations create additional opportunities to alleviate some of the responsibility.

For example, the Department of Sanitation is tasked with the removal of derelict bicycles affixed to public property. In 2012, Transportation Nation begun a publicly supplied data collection of the locations of abandoned bicycles within the streetscape throughout the city, documenting and attempting to report these bikes to DSNY. Prior to 2012, the City only removed 60 bikes of the 429 official complaints it had received. When Transportation Nation attempted to report the 500 bikes to DSNY, the agency and 311 report systems did not have the capacity to accept the bulk submission. With several bicycle related nonprofits, organizations have the potential to not only take over some of the responsibility of finding, removing, and discarding the bikes, but several organizations have the capacity and interest to refurbish and recreate bicycles using the spare parts of previous bikes for charity-related purposes.

Public-nonprofit partnerships could provide benefits for the sidewalks of New York City. While
public-private partnerships exist throughout the city, the argument is often raised that the private sector is granted additional control over the public sector, as seen in many arguments against Business Improvement Districts. Financial limitations present a burden for nonprofits and community organizations to actively engage in the streetscape and sidewalk usage at the neighborhood level. Public-nonprofit partnerships could help elevate sidewalk planning from the city level to a more local, neighborhood and community level.

3.) NYC SHOULD CREATE A COMPREHENSIVE PUBLIC SPACE PLAN, INCLUDING SIDEWALKS AS A TYPOLOGY OF PUBLIC SPACE
Many different types of public spaces exist within New York City – public parks, privately owned public spaces, pedestrian plazas, etc. While much attention and effort goes into each of these typologies, less focus is given towards the relationship between the various divisions of spaces. As recommended by Peter Marcus, the city ought to create a comprehensive plan of public space.²

Sidewalks must be a dominant typology within this plan. While formalized public space is not equally distributed around the city, sidewalks persist in almost all neighborhoods, allowing for their utilization as public space. This is especially important in areas underserved by formalized public space.

4.) BALANCE SOCIAL EQUITY & ISSUES WITH COMMERCIALIZATION AND PRIVATIZATION
As exemplified throughout this research, sidewalks present various equity and distribution issues. For example, various populations are marginalized within these spaces. Homeless populations historically have been criminalized within these spaces. Low-income street vendors face multiple layers of difficult regulations to comply with whereas the young food truckers transition with more ease into brick-and-mortar establishments.

Because sidewalks are arguably the most public space within the city, various populations ought to have a right to exist within the space without criminalization efforts placed against them. The rationale for this is often due to the tension between the private property owners and the public, with the property owners often winning the battle. The execution of regulations that exist around sidewalks should attempt to reduce and remove this inherent bias towards tax payers and louder, larger collective voices.

5.) SIMPLIFY REGULATIONS
Lastly, as New York City previously recognized, the multi-agency approach to planning sidewalks as well as their maintenance and control, can present various difficulties. The sidewalk café licensing simplification in 2003 proved to be successful at reducing redundancy and complexity within the licensing and permitting process by allocating the Department of Consumer Affairs as the solo agency in charge of these procedures. The city should take additional efforts following this example to eliminate unnecessary complication in sidewalk regulation.

6.) UNPLAN SIDEWALKS
As explored, there is an abundant amount of regulations surrounding the physical sidewalk as well as social behavior and activities within the space, bringing about the question: are New York
City’s sidewalks over planned? Ehrenfeucht, R. and Loukaitou-Sideris argue that sidewalks must allow for a level of messiness. Removal of regulations may allow for an increase in activity and a livelier sidewalk environment fostering social interaction. Overplanning the space can limit engagement and opportunities.

The intention of these recommendations are to both advocate for planning sidewalks as public space as well as affirm advocacy for marginalized populations to help establish a clearer, more equitable space and regulations of sidewalks.

**FINAL REMARKS**

This methodological approach to research presents several limitations. First, conclusions based upon the specific case study of the East Village may not be applicable to all other areas of the city. The urban fabric of New York City varies containing many different scenarios. Application of this knowledge and research may need to be reevaluated with different populations and built form conditions for different areas throughout the city. Furthermore, this research addresses the municipal laws of New York City. Data and research may not be applicable to other cities. However, this model of research can be applied for further investigation in other places with other frames of legislation surrounding sidewalk space. Finally, because this study was conducted during winter months, it is likely that sidewalk activity differs during warmer months and seasons more favorable to pedestrian activity. Additional surveying and observation periods from spring through autumn may provide increased insight of pedestrian behavior and usage of sidewalks which would adjust both the scope and depth of this study.

**NOTES**


APPENDICES
APPENDIX A: RESEARCH METHODOLOGY

Leading sidewalk researchers such as Ehrenfeucht, Loukaitou-Sideris, and Blomley identify the need to further research and understand how municipal laws shape sidewalk experiences. There are few comprehensive sidewalk studies, especially within New York City. This research helps fill this gap. The methodology of this research is designed to facilitate understanding of not only the regulations that exist within sidewalk space, but how these regulations shape the actual experience in these spaces.

A micro-macro methodological approach was taken to answer this research question. On the macro scale, regulations were examined on the city-wide level. Sidewalk regulations are under the jurisdiction of municipalities. This research design includes a case study analysis to understand how these city-wide regulations impact individual places and communities. With a city as large and diverse as New York City, variation of place occurs frequently. A holistic, single-case study is appropriate for this research design for several reasons. First, by using a single-case, the detailed results achieved can provide a significant contribution to the scope of sidewalk research. Also, because of the diversity of neighborhoods within the city, focus on a single neighborhood allows for representation of unique conditions. This helps achieve more specific understanding of the implications of regulations. The single-case study approach allows for specific, unique understandings and exploration. Most sidewalk regulations are homogeneous throughout the entire city; many of the results obtained through the research are generalizable throughout the city.

RATIONALE FOR STUDYING NEW YORK CITY

Much focus is given towards formalized public spaces in New York such as parks and plazas, leaving a gap within research of the less formalized public spaces such as sidewalks. While several studies have explored the sidewalks of New York City, these studies typically examine a specific type of social interaction or a specific object within sidewalks. One of the inherent characteristics of the city is its walkability. WalkScore ranks New York City as “the most walkable large city in the U.S.” With this high level of walkability, New Yorkers use sidewalks frequently, making the city a successful place to study social uses of sidewalks and their regulations.

RATIONALE FOR STUDYING THE EAST VILLAGE

The East Village in New York City is an appropriate case study for this research for several reasons. First, this is, and historically has been, a dynamic neighborhood of many different uses and different users providing a wealth of possibilities for examination within this study. Second, this is a highly populated area, allowing for an adequate supply of interactions to study. Author of *Walkable City*, Jeff Speck addresses the importance of mixed-use in communities for achieving highly walkable areas. The land use in the East Village is predominantly mixed-use along with multi-family residential, creating a multifaceted community that operates on multiple levels rather than simply commercially or residentially. Lastly, the East Village is well known for its diversity. Ehrenfeucht and Loukaitou-Sideris argue that the difficulty of planning sidewalks is the chaos associated within the space between the differing users and uses. Sidewalks must allow for spontaneity and “messiness”. The East Village is an appropriate case study to examine the implications of regulating sidewalks on social behavior.
RESEARCH DESIGN

The design of the methodology for this research is broken down into four steps:

**STEP 1: RESEARCH NEW YORK CITY SIDEWALK REGULATIONS**
Prior to analyzing the implications of regulations, first one must understand the regulations. Regulation research involved the review of the New York City Administrative Code as well as the Rules of New York City. Both documents provide the technical, legal regulations for both sidewalks themselves as well as regulations about social behavior and indirect use of the sidewalks. Furthermore, research was conducted through various city-level agencies such as the Department of Transportation, New York Police Department, Department of Sanitation, and the Department of Consumer Affairs.

**STEP 2: OBSERVE AND DOCUMENT FIELD CONDITIONS WITHIN THE EAST VILLAGE**
To analyze conditions and regulations at the micro scale, field research was conducted of specific sidewalk spaces within the East Village. Observations were noted for both social behavior, objects within sidewalk space, and physical conditions of the space. Observational strategies were based off and modified upon techniques of William Whyte and Jan Gehl, both of whom focused on observing how people interact within the built environment.

The entirety of the East Village consists of 81 blocks. Due to research capacity limitations, only a select portion of the East Village could be formally observed. A total of 21 complete blocks were observed as well as the sidewalks of the adjacent blocks. See Figure 1: East Village Context Map. 32% of the parcels within the East Village are located in this study area. The study area was between 14th Street and 8th Street and 3rd Avenue and Avenue A. These blocks were selected to obtain diversity within the study area as the built conditions vary within this block group. Approximately, 48% of the buildings within this study area mixed use. This increases diversity...
along the street front. Also, 31% of the buildings are multi-family walk-up residential buildings. These walk-up buildings often extend into the sidewalk space and can reduce the pedestrian right-of-way for circulation.

The locations of regulated physical objects within sidewalk space were recorded during observation studies. A total of 14 objects were recorded including trees, scaffolding, trash cans and trash bags, bikes and bike racks, news racks and newsstands, sidewalk benches, bus stops, payphones, commercial good displays, sidewalk signs. Additionally, social uses and interactions were observed and recorded. These include sidewalk cafes, street vendors (food vendors, food trucks, general merchandise vendors, and fresh food vendors), as well as homeless populations and panhandlers.

Various techniques were explored for data recording purposes during field observations. Initially, data was recorded using digital GPS recorders. However, because of the density of buildings within this study area, signal interference occurred causing the geolocation for observation points to be inaccurate. Therefore, information was hand recorded during field observations and then digitalized for clarity and analysis.

**STEP 3: CONDUCT INTERVIEWS WITH RESIDENTS, COMMUNITY ORGANIZATIONS, & BUSINESSES**

Interviews were conducted with a variety of different stakeholders to understand various perspectives of sidewalks as well as experience with regulations and enforcement of regulations. The different stakeholders included community organizations, local businesses, residents, and an adjacent business improvement district.

**STEP 4: ANALYZE RESULTS & FINDINGS TO UNDERSTAND IMPLICATIONS OF REGULATIONS SURROUNDING SIDEWALKS**

Lastly, data was agglomerated to understand spatial relationships of regulations as well as the impacts of the regulations.

To understand the issues surrounding regulations and the experience of sidewalks, a total of six themes surfaced. Each of these themes along with analysis of the relationships between the themes is further detailed and discussed within Chapter 7: Sidewalk Themes.

**METHODOLOGY CONCLUSION**

This research design allows for a comprehensive understanding of how regulations that surround sidewalk space impact social behavior and use of sidewalks as public space. This study ultimately leads to policy and practice recommendations.

**NOTES**


<table>
<thead>
<tr>
<th>PHYSICAL</th>
<th>Regulation</th>
<th>Stakeholders</th>
<th>How</th>
<th>Implications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width</td>
<td>Setback requirements</td>
<td>Department of City Planning, property owners</td>
<td>Setbacks determined according to applicable zoning</td>
<td>• Cannot retrofit setbacks once buildings are built</td>
</tr>
</tbody>
</table>
| Materiality | Material requirements set forth by DOT, other material & patterns require permit | Department of Transportation, Department of Buildings, Design Commission, property owners | Distinctive Sidewalk Permit | • Unified streetscape  
• Ensures safe walking conditions  
• Limits creativity and variety within pavement |
| OBJECTS | | | | |
| Trees | Required to plant street trees for all new buildings and enlargements that exceed 20% of the floor area | Parks & Recreation, property owners | MillionTrees NYC, public-private partnerships | • Trees can cause sidewalk defects  
• Provide city-wide benefits  
• Responsibility transferred to private property owner |
| Scaffolding | Building construction requires scaffolding and sidewalk sheds for pedestrian protection | Department of Buildings, Department of Transportation, property owners, construction companies | Permits required to ensure scaffolding and sheds are installed safely | • Scaffolding posts used to lock bikes to  
• Pedestrian protection from rain / snow  
• Sheds can cause unease and may be undesirable due to perceptions of safety |
| Trash Cans | Trash cans located at many street intersections | Department of Sanitation, Business Improvement Districts | DSNY periodically empties trash cans to prevent overflow | • Improve cleanliness of the street & sidewalk  
• Open wire trashcans can lead to problems with rodents  
• BIDs monitor trashcans within their jurisdiction |
| Trash Bags | Trash bags placed along curb outside residential and commercial buildings | Department of Sanitation, private companies for commercial pick-up | Establishments responsible for putting trash out at reasonable time | • Trash bags may block pedestrian circulation  
• Can lead to problems with rodents |
| Bikes | Restrictions on parking bikes, riding on sidewalk | Personal users, NYPD, Department of Sanitation | Ticket issued to bikers for parking bikes illegally | • Abandoned bikes scattered in the streetscape  
• Theft occurs when bikes left outside for extending periods of time  
• Difficult to enforce fiscal penalties for parking bikes illegally because difficult to track bicyclists |
<p>| Bike Racks | CityRacks &amp; Bike Corrals | Department of Transportation, property owners, | CityRacks are bike racks placed in the streetscape by the | • Design of new city bike racks minimizes the amount of bikes that can |</p>
<table>
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| News Racks                       | Department of Transportation, circulation community – various newspapers and publishing | News racks must be registered with the DOT                           | • Opportunities for local news circulation  
• Communication for marginalized populations  
• Can lead to messy streetscapes with redundant news racks block after block |
| Benches                           | Department of Transportation, Department of Consumer Affairs, private commercial establishments | City provides regulated benches throughout the streetscape, commercial establishments required to obtain permit for sidewalk cafes | • Provides seating for pedestrians & can help promote social interaction  
• CityBench helps create unified streetscape throughout the city |
| Newsstands                       | Department of Consumer Affairs, newstand operators, Cemusa                   | Permit required to determine location of newstand and license for operation | • No longer privately owned and operated  
• Unified streetscape throughout the city |
| Bus Shelters                     | Department of Transportation, Bus riders, Cemusa                             | Permit required to ensure spatial restrictions are met                | • Provides shelter for pedestrians waiting at bus stops  
• Helps demarcate space  
• Shelters cannot always accommodate all of the users causing spillover into circulation space |
| Sidewalk Signs                   | Department of Small Business Services, private commercial establishments    | Tickets and fines issued for noncompliance                           | • Increase commercial activity  
• “Zero display sidewalks” limit advertising along sidewalks |
| Payphones                         | Department of Information Technology & Telecommunications, private companies  | Permit required to ensure that spatial restrictions are met          | • Many payphones do not have dial tone and are unusable  
• Increased cell phone usage minimizes the necessity for public payphones  
• Citizens can report nonworking payphones to 311, private companies |
<p>| Display of Commercial            | Private commercial establishments                                             | Can only extend 3 feet beyond                                         | • Benefits commercial establishments by increase |</p>
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| Goods      | may display goods for sale outside store | building line to allow pedestrian right of way | foot traffic in the store  
• Provides interest along pedestrian space  
• Opportunities for spontaneous activity |

**ACTIVITY**

| Vending     | Spatial restrictions for location of vending; vendor required to have permit/license | Department of Consumer Affairs, Department of Health and Mental Hygiene, vendors | Quality of Life violations for illegal vending: vending in a restricted area or vending without a license | • Allow for informal economic activities  
• Complexity in regulation increases opportunities for regulation enforcement  
• Opportunities for spontaneous activity |

| Panhandling | Cannot aggressively panhandle | NYPD, marginalized population | Quality of Life violation | • Reduces areas panhandling is allowed  
• Helps ensure pedestrian comfort and safety  
• Difficult to qualify if panhandling is “aggressive”; subjective |

| Sidewalk Cafe | Unenclosed sidewalk cafes, small unenclosed sidewalk cafes, enclosed sidewalk cafes | Department of Consumer Affairs, Community Boards, private restaurant establishments | Permits and licenses required for operation; spatial restrictions for the location of cafes; restrictions on the streets cafes are allowed | • Increases street activity  
• Regulations ensure that adequate space is provided for pedestrian circulation  
• Various types of sidewalk café help increase the amount and forms of cafes  
• Commercialization and exclusion within public space |

**BEHAVIOR**

| Quality of Life Enforcement | Restricted behavior within public space | NYPD, citizens | Tickets and fines issued for behavior deemed illegal/inappropriate | • Controls and manages allowable behavior  
• Restricts how people may behave within public space  
• Citizens can report to 311 instances of nuisances  
• Criminalizes marginal population; issues fines to people who may be unable to pay them |
APPENDIX C: OBSERVATION MAPS & REGULATIONS
SCAFFOLDING
BIKES & BIKE RACKS
NEWS RACKS
SIDEWALK SIGNS
PAYPHONES
BIBLIOGRAPHY

SIDEWALKS


SIDEWALKS (REGULATIONS)


**SIDEWALKS (STUDIES)**


**PLANNING MOVEMENTS**


**PUBLIC SPACE**


