

of achieving safety may magnify fear by creating a vicious circle. Fear can encourage behavioral modifications that discourage public-space use, further making public spaces appear more dangerous because they are less familiar. In addition, withdrawing from public space leads to fewer eyes on the street and therefore more danger. In the process of protecting themselves, urban residents become more scared of the city they inhabit.

If disorder instigates discomfort, and suggests something is wrong, then we *ought* to be having a discussion about the moral order that governs our public daily life. If an underlying cause of discomfort is the violation of "moral rules that govern social relations in public," then the explicit discussion should be about these rules and their beneficiaries (or victims) (Dixon, Levine, and McAuley 2006, 187). In diverse cities, the individual rights of some to participate in public spaces might indeed violate others' sense of comfort. This is certainly true on urban sidewalks that urbanites must learn to share.

MUNICIPALITIES IN CONTROL

Few cities have a coherent framework for governing sidewalks.¹ Because sidewalks are provided and maintained as transportation facilities, cities are authorized to control other activities that may take place on them. A city's objectives in providing and regulating sidewalks might appear to be obvious. A city's economic interests—growth and development—encourage public-space controls that support an economic-growth agenda (Peterson 1981; Logan and Molotch 2007). This interest in public-space controls is present even when the underlying economic concerns shift. After examining regulations that were intended to control homelessness, for example, Feldman (2004) argued that municipal ordinances reflect a shift from a concern about production to a concern about consumption.

In some districts (such as business improvement districts), interested parties control defined public spaces to benefit a subset of users and to exclude some people. Indeed, privatized spaces have long been designed by their private owners to be accessible to users who are categorically, if not personally, known. Municipal governments often borrow some of these "hard" and "soft" control practices (Loukaitou-Sideris 1993) to control sidewalks in certain neighborhoods. Hard control practices (regulations, laws, and policing) have been visible and controversial, but soft control practices (designs and landscapes that gentrify or deemphasize the sidewalk) also help attract certain sidewalk users and filter out others.

Privatization implies a coherent system for regulating sidewalks and street networks—one that intends to make spaces function more like private spaces. Privatization is more evident in some city areas (those associated with “prime” commercial space and economic activity) than others. It generally is hard to identify an integrated framework of sidewalk control that applies citywide, and privatization would not accurately describe it. Nevertheless, municipal policies and ordinances assume a link between sidewalk space and abutting property interests—particularly those properties that are engaged in economic activities. Rather than incorporating a vision for a desirable “public” as privatized spaces do, most policies simply associate an area with the abutting properties.

In this chapter, we discuss some of the strategies that cities use to govern public spaces. We draw on (1) a survey of the municipal codes and general plans of the ten largest California cities (Los Angeles, San Diego, San Jose, San Francisco, Long Beach, Fresno, Sacramento, Oakland, Santa Ana, and Anaheim) and (2) research on the five cities discussed in preceding chapters (Los Angeles, Seattle, Boston, Miami, and New York). In studying the California survey, we evaluated the municipal codes and general plans for regulations that affected sidewalk use and categorized them by issue (such as vending, panhandling, use by abutting businesses, and public protest). Because uniform information about sidewalks was not always available, we also interviewed planners and public works officials.

SIDEWALKS AS AN INTERMEDIARY ZONE

Municipal policies that govern sidewalks are fragmented. Sidewalks are part of a public roadway system, and people have the right to use them. Nevertheless, their maintenance is the responsibility of both the city and the adjacent property owner. This creates ambiguity, but also helps explain why abutters' concerns are privileged.

The ten California cities examined here have basic requirements for providing sidewalks. Sidewalks are required with new developments, and cities set minimal standards. As shown in table 11.1, the minimum pedestrian right of way is typically four to five feet, with a total right-of-way sidewalk requirement usually ranging from eight to ten feet to give space

TABLE 11.1

Sidewalk standards by municipality

City	Minimum Number of Feet	Commercial Minimum Number of Feet	Designated Pedestrian Areas
Anaheim	4	^b	Yes
Fresno	4	8 to 10	Yes
Long Beach	4	8.5 to 10	Yes
Los Angeles	5	10	Yes
Oakland	6	^b	Yes
Sacramento	4.5	6	Yes
San Diego	5	10	Yes
San Francisco	4	^a	Yes
San Jose	4	10	Yes
Santa Ana	5	8 to 10	Yes

Notes:

a. No standards available from planning, zoning, engineering, or public works departments.

b. No standards available from planning departments.

for landscaping. In some cities, the minimum is the only standard.² In Long Beach, for example, the municipal code requires that a sidewalk be provided along each side of the street, and new developments must minimally provide four-foot sidewalks (Long Beach Municipal Code n.d.).

Many of the cities surveyed, however, have developed extensive guidelines to provide more pedestrian-friendly public environments. San Diego, for example, has published a *Street Design Manual* to guide street and sidewalk design (San Diego 2002), and in the “urban parkway” design alternatives, sidewalk width can be as wide as twenty feet for the sidewalk and landscaping strip. In the Los Angeles General Plan, sidewalk widths including a landscape strip range from five to seventeen feet (Los Angeles 1999). The San Francisco General Plan specifically discusses pedestrian-oriented policies (San Francisco 1995). When cities designate

pedestrian-oriented districts, they intend sidewalks to accommodate outdoor seating and require specific elements, including specialty paving, more extensive and varied landscaping, and designed news racks, trash receptacles, and lampposts.

Although cities envision sidewalks as interconnected transportation systems and only some as specific destinations, in each city we surveyed, the abutting property owners are responsible for sidewalk maintenance and have to keep sidewalks clear of obstructions. This clearly attaches the sidewalk to the abutting property.

Municipal responsibility about sidewalks does not disappear, however. After they learn about a problem, cities are liable for accidents that occur on the sidewalks. Municipal authorities can make the property owner repair the sidewalk, or they can repair sidewalks and assess the cost to the adjacent property owners. Because they could be held liable, regardless of who is responsible, cities make temporary improvements to sidewalks to reduce the risk of accidents. When street-trees damage sidewalks, cities pay for repairs.³

Liability is not a minor concern. Trip-and-fall accidents are the most common sidewalk claims brought against municipalities. In Los Angeles, approximately 600 to 700 claims are filed each year, but the city is not always liable. Even in small cities, such as West Hollywood (which is two square miles), twenty-four claims were filed in 2001.

From 1911 to 1978, Los Angeles property owners were responsible for the upkeep of sidewalks. In 1978, the city took over the responsibility for upkeep but ran out of money for repairs after two years, when it sought unsuccessfully to make property owners repair sidewalks. The city initiated a street-improvement project to maintain its streets and sidewalks, but according to one official, limited funding for the program has meant that the city is between forty and sixty years behind in street and sidewalk repair.⁴

SIDEWALKS AND THE PROPERTIES ABUTTING THEM: A GOVERNING FRAMEWORK

Cities use multiple strategies to govern sidewalk behavior, including local ordinances, development incentives, land regulations, and design practices.

In commercial districts, cities collaborate with private entities or develop public-private partnerships with business associations and corporations.

Cities draw on four primary control strategies. They deemphasize public sidewalks by developing and encouraging developers to build introverted spaces and walkways. They privatize sidewalks by facilitating business improvement districts and fencing. They beautify or gentrify neighborhood districts with an emphasis on sidewalk uses such as street cafés, bakeries, flower shops, and public art. Finally, they enact land-use strategies and regulations aimed to contain activities in specific areas or constrain the manner they take place. As table 11.2 indicates, all ten California cities use some of these strategies to control their sidewalks.

These strategies suggest that there is a guiding relationship even if a coherent governing structure for sidewalk control is absent.⁵ Cities use these techniques in different combinations with variable objectives. Although mechanisms differ, each strategy primarily considers the interests of abutting properties. No multifaceted public realm is envisioned or planned for.

DEEMPHASIZING SIDEWALKS

Urban sidewalks appeared disorderly when central cities were facing economic decline and losing both sales-tax revenues and corporate offices to outlying suburban areas in the 1960s and 1970s. In the late 1970s, municipal governments in many U.S. cities began encouraging privatized public space by turning over its production, management, and control to the private sector and giving incentives to developers to provide public spaces. As downtowns were rebuilt in the 1980s and 1990s, developers designed plazas, shopping paseos, and gallerias that were open for public use (Loukaitou-Sideris 1993). Developers and municipal planners considered such plazas amenities for downtown workers, making downtowns enjoyable for users who did not want to confront the presumably dangerous streets.

Plazas and other privately provided public spaces avoid the street. Design decisions turn private plazas inward and orient them away from the sidewalk. Design techniques include enclosing the plaza with walls that hide and protect plaza users from sidewalk denizens, using blank façades to separate private from public spaces, and placing major entrances to plazas off

TABLE 11.2
Sidewalk control strategies in California cities

Strategy	Means of Control	California Cities
Deemphasis of sidewalks	<i>Design:</i> Drastic separation of sidewalk from surrounding space (such as sunken plazas, skywalks, and enclosing walls)	Los Angeles, Sacramento, San Diego, San Francisco
Gentrification and beautification of sidewalks	<i>Regulatory ordinance:</i> Designation of pedestrian-oriented district <i>Land-use strategy:</i> Allow only specific land uses <i>Landscape design:</i> Create upscale streetscape	Anaheim, Fresno, Long Beach, Los Angeles, Oakland, Sacramento, San Diego, San Francisco, San Jose, Santa Ana
Privatization of sidewalks	<i>Enabling legislation for business improvement districts:</i> Private security <i>Design:</i> Fencing	Fresno, Oakland, Los Angeles, Sacramento, San Diego, San Francisco, San Jose
Taming sidewalk behavior	<i>Regulatory ordinances:</i> • Containing activities to particular districts (such as vending) • Prohibiting stationary activities (such as sitting, sleeping) • Requiring activity permits (for parades, demonstrations, special events) • Regulating activities (such as panhandling, alcohol consumption)	Anaheim, Fresno, Long Beach, Los Angeles, Oakland, Sacramento, San Diego, San Francisco, San Jose, Santa Ana

private parking structures rather than off the sidewalk. These efforts negate the public environment and deemphasize the sidewalk as a connecting element between a plaza and other urban spaces.

Underground and overhead spaces—sunken plazas and skywalks—also distance their users from the street. This has created what Trevor Boddy calls the “analogous city” (Boddy 1993) or a city of contrived urban spaces that keep out the poor and undesirable. Because private plazas, skywalks, and other similar spaces are not intended to serve all urbanites (on the contrary, they are designed to separate people), critics have condemned them as exclusive and highly controlled (Sorkin 1992; Loukaitou-Sideris and Banerjee 1993).

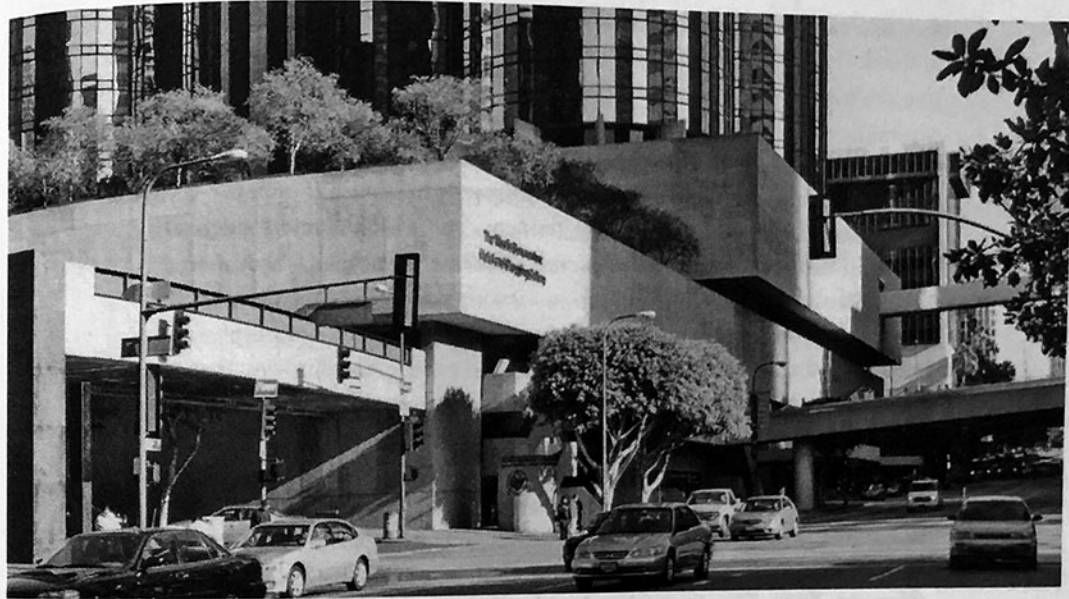
Sunken or elevated plazas are common. Some plazas in California (such as Seventh and Fig, Security Pacific Plaza, and California Plaza in downtown Los Angeles; One Hundred First Plaza and Crocker Center in San Francisco; and Horton Plaza in San Diego) separate their consumers from the nuisances of public sidewalks (noise, traffic, and other people) (Loukaitou-Sideris and Banerjee 1998).

Skywalks also give pedestrians alternatives to the sidewalk. In downtowns throughout the United States, cities such as Minneapolis, St. Paul, Detroit, and Cincinnati have built pedestrian bridges to connect new high-rise towers into a network that lead people from their underground garages to their office cubicles without having to set foot outside.⁶ Although initially touted as a means to protect users from the snow, sleet, and ice of harsh northern climates, skywalks quickly appeared in cities with mild weather, including Miami, Dallas, Charlotte, Los Angeles, San Francisco, and Santa Cruz. In Los Angeles, skywalks interlink parts of the downtown core around the Bonaventure Hotel.

In downtown San Francisco, the skywalks of the Embarcadero protect upscale pedestrians from the street's dangers by offering an exclusive array of retail services above ground. These second-story corridors, often aligned with retail shops and services, offer a “surrogate street” (Whyte 1988) that retains some desirable public elements but screens out undesirable or unsafe components. From the city's perspective, these techniques can have both positive and negative effects. They shield some people from others, but



Sunken downtown plaza, Seventh Street and Fig Plaza, Los Angeles, California, 2002. Photograph by Anastasia Loukaitou-Sideris.



Downtown skyways, Los Angeles, California, 2003. Photograph by Renia Ehrenfeucht.

they also can have a "deadening effect" on sidewalk life and may contribute to the decline of street-level retail and property values, an outcome counter to a city's interests (Robertson 1993).

PRIVATIZING SIDEWALKS

Privatized plazas and alternative pedestrian routes are possible only for large developments and buildings. Many residents and visitors enjoy sidewalks that are lined with small businesses and the sense of urbanity that a street offers. In the 1990s, private-public space controls were extended to the sidewalk within specific business improvement districts in an attempt to rebuild a textured urban core. BIDs are public-private partnerships that are enabled by the state, enacted by municipal governments after petitions from property owners, and governed by the city's regulations and a governing board (Houstoun 1997, 21).⁷ Property or business owners within such districts pay additional taxes or assessments that are returned to the association to spend on services or capital improvements (Houstoun 1997). Municipalities sometimes provide seed money to help spur BID development (Howard 2000). The city of Los Angeles, for example, encourages BID development by marketing the districts and by providing start-up funds and consultants to interested business groups (Dickerson 1999).

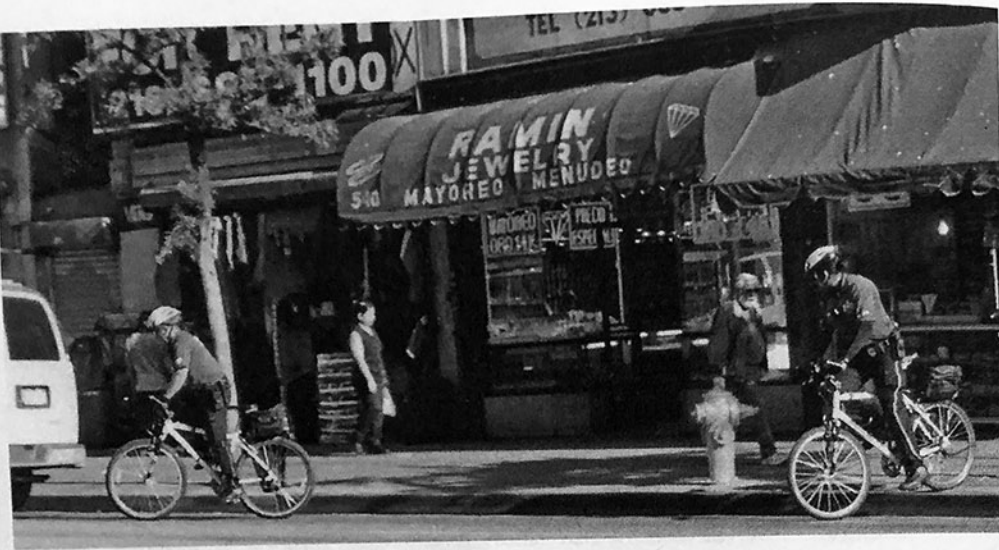
In the last twenty years, more than a thousand BIDs have been created in more than forty states, more than 120 of them in California (Sinton 1998; Muller 2006). Seven cities of the California survey have enthusiastically adopted BIDs, and four of the five cities we looked at in this book also have BIDs. Only Massachusetts has not enabled BIDs, but some business associations in that state told us that they thought BIDs would be useful. Los Angeles has become a BID hotbed, with over twenty active zones formed since 1995 and many more on the drawing board. This rate is paralleled in New York, and San Diego has a BID Council comprised of nineteen BIDs that presently include 12,000 businesses. The Council's Web site claims that San Diego's program is "the largest in California and the most active in the nation." San Francisco, Sacramento, San Jose, and Fresno have concentrated their BID efforts primarily in their downtown

areas.⁸ Oakland's first BID was established along Lakeshore Avenue on the edge of Lake Merritt.

The common services that are offered by BIDs are additional security, street cleaning and maintenance, and streetscape improvements such as specialty trash cans, benches, and landscaping.⁹ BIDs are often interested in improving a limited public realm and eliminating sidewalk activities that are disruptive to business. Elizabeth Jackson, president of the International Downtown Association, attributes the popularity of BIDs to the "incredible effectiveness in cleaning up cities and reducing anti-social behavior" (quoted in Sinton 1998). Business owners and merchants want to clean up their sidewalks from perceived nuisances, which range from trash to unwanted people such as street vendors and panhandlers. Municipal governments are also content to pass the responsibility and cost of control to private hands and pockets.

Despite their popularity, BIDs have been controversial because of the additional level of control that cities allow private business associations to exercise over sidewalks and other public spaces. Private security guards, accountable only to their employers, patrol the sidewalks and informally welcome some users and discourage others. Although security guards must abide by laws, the increased attention that they pay to particular areas ensures that those areas are less comfortable for nontargeted users. In these cases, cities agree that abutting businesses should be able to determine what constitutes "unacceptable" behavior and who is desirable. In Los Angeles, the controversy reached the courts when twelve homeless people filed suit against three security companies and their employers for violation of their civil rights (Dickerson 1999).

Another form of sidewalk privatization comes through the fences that surround outdoor seating spaces that are adjacent to restaurants and cafés. Some cities require businesses to enclose outdoor seating, and California state law stipulates that alcohol can be served only in enclosed areas. In most California cities, many restaurants, cafés, and eateries enclose parts of their sidewalks. In downtown San Diego, for example, more than 100 fenced-off business areas are found on public sidewalks (Ford 2000).



Private security guards, Downtown Center Business Improvement District, Los Angeles, California, 2003. Photograph by Renia Ehrenfeucht.

Sidewalk cafés have been a celebrated part of urban life since the sidewalks of nineteenth-century Paris enticed residents and visitors with the urban vibrancy of their cafés, flower shops, and boutiques—all extending onto the sidewalk (Oldenburg 1989). Whereas in Paris the private space of the café blends seamlessly into the public space of the sidewalk, in U.S. cities, fences create an abrupt border. Indeed, critics have charged that cities are allowing private interests to extend their control over public space (Ford 2000). Staeheli and Thompson (1977, 33) describe an area on the Hill District near the campus of the University of Colorado, Boulder: “not only was the private space in front of the business ... clearly marked, but the fences that enclosed sitting areas posted signs that limited activity in the public space beyond. At first, the signs warned passers by not to sit on fences or tie the dogs to them. As time passed, however, the signs attempted to regulate behavior on the sidewalk and street. These signs warned against skateboarding, loitering, and other forms of ‘inappropriate behavior.’”

In extreme cases, local governments actually pass the ownership of the sidewalks to the private sector. For example, in Las Vegas, the county has allowed some casino resorts to keep sidewalks in private hands instead of dedicating them to the public, hoping that the property owners will be able to control activities better than the county does (Blumenberg and Ehrenfeucht 2008).

BEAUTIFYING SIDEWALKS

When cities and businesses redesign spaces for a consuming public, they often target leisure consumers. Since the 1990s, municipalities have revitalized, beautified, and gentrified old commercial streets to draw upscale shoppers back into their jurisdictions. In their attempts to “turn around” decaying streets, many cities have reinvented their main streets around an entertaining shopping experience (Banerjee, Giuliano, Hise, and Sloane 1996).¹⁰

When cities develop pedestrian districts, they use ordinances and design interventions to create areas that are conducive to shopping and that have restaurants, coffeehouses, boutiques, bookstores, and other desirable uses. Cities also attempt to create arts districts that will support galleries,

museums, and other complimentary activities. Architectural and landscape design creates a desirable atmosphere for the leisure consumer.

Cities are directly involved in these improvements by installing public art, street furniture, and decorative lighting; funding building façade improvements; and offering incentives to convert old warehouses into trendy restaurants and shops. Design guidelines can suggest a theme and ensure that development is consistent in scale and massing. The type of merchandise, parking rates, and atmosphere of luxury tend to discourage the nonconsuming public (or at least those who are less likely to become consumers). Design acts as a subtle but effective screening process to ensure consistency between sidewalks and abutting businesses and to extend the sidewalks as part of the abutting businesses.

The most acclaimed models of this strategy in Southern California are Santa Monica's Third Street Promenade and Old Town Pasadena's Colorado Boulevard, two street segments that are among the most popular commercial destinations in the region (Banerjee et al. 1996). Hoping to repeat the economic success of these two streets, the city of Los Angeles has designated pedestrian retail districts along Ventura Boulevard in the San Fernando Valley, Sunset Boulevard in Hollywood, and the Boardwalk in Venice, among others.

Proponents of these efforts have specific leisure consumers in mind and can threaten existing businesses. After the Los Angeles city council approved a plan to beautify more than four miles of Ventura Boulevard and limit allowable retail uses, existing business owners argued that they were being driven out of the area. The preliminary list of allowable retail businesses was expanded to include beauty salons, barber shops, pharmacies, and copying businesses (Kondo 2000). A \$7.3 million plan for the renovation of the Boardwalk in Venice began despite resistance from merchants, street vendors, and street performers who worried the plan would gentrify the area and drive out some of its current users (Maher 1995; Gliona and Abram 1998).

Other cities in our survey have also beautified commercial street segments. Long Beach has gentrified Pine Avenue by inviting well-known retail chains (such as Crate and Barrel and Z Gallerie) and including a



Sidewalk improvement, Santa Monica Boulevard, West Hollywood, California, 2002.
Photograph by Renia Ehrenfeucht.

multiscreen theater complex. Sacramento has redeveloped a four-block area known as Old Sacramento with restaurants, shops, and a museum following a themed design that evokes the city's cowboy roots. San Diego's Gaslamp District has become a leisure destination with over eighty restaurants, clubs, theaters, and galleries. By pursuing strategies to gentrify streets, cities indirectly attempt to blend sidewalks with upscale retail and create a safe, urban experience.

TAMING SIDEWALKS

Cities have also pursued regulations that restrict unwanted activities. As we have discussed, cities enact ordinances that regulate sidewalk uses such as street vending, street homelessness, loitering, and panhandling (table 11.1), but they are limited in what they can prohibit. Without authority to determine what is permissible, cities instead draw on two land-use strategies to determine where, when, and how activities may occur. They segregate unwanted activities into separate districts and restrict stationary uses.

Because cities cannot eliminate most activities, they seek to contain locally undesirable uses in areas deemed more appropriate. Historically, most unwanted sidewalk uses were allowed in officially designated districts or indirectly sanctioned in certain low-income neighborhoods and immigrant areas where city officials turned a blind eye. Prostitution was limited to red-light districts (Howell 2000; Weitzer 1999), and social services such as residential hotels, shelters, and soup kitchens were concentrated in skid rows (Rossi 1989; Foscarinis 1996). Cities have attempted to relegate public protests to designated zones and to limit the time, place, and manner of speech and expressive activities. In the case of street vending, cities have established street vending districts or public markets.

When an activity occurs on the street, cities have drawn on what Nicholas Blomley (2007a) has referred to as "traffic logic," which assumes the primacy of unimpeded movement. Examples of sidewalk regulations from Seattle, Boston, New York, Miami, and Los Angeles are included in table 11.3. Cities put constraints on the manner in which activities are conducted rather than prohibiting activities outright, and many ordinances are designed to ensure that an activity does not interfere with walking.



Vending carts in MacArthur Park Vending District, Los Angeles, California, 2003.
Photograph by Renia Ehrenfeucht.

TABLE 11.3

Selected sidewalk ordinances in five cities

Boston Municipal Code	Los Angeles Municipal Code	Miami Municipal Code	New York Administrative Code	Seattle Municipal Code
<i>Vending</i>				
Chapter 16-2. Hawkers and peddlers: Requires a local license for vending produce, goods, wares, and merchandise; requires an additional permit for vending in a designated district	Chapter 4.2.42.00(m). Establishment and management of special vending districts: Allows merchandise and food vending by permit in special districts; currently no active districts in the city	Chapter 39-28: Prohibits food, beverage, and merchandise vending without a permit; special vending guidelines apply on certain streets	Title 20-2.27. General vendors: Requires a license for vending of items other than books, pamphlets, and magazines; caps the number of licenses issued Title 17-3.2. Food vendors: Restricts pushcarts to certain sidewalks and locations within the sidewalk	Chapter 15.17.005. Vending and display in public places: Prohibits the display or selling of goods, wares, merchandise, or services in a public place Chapter 15.17.010. Areas where mobile vending is restricted: Other than vending on foot of newspapers, pamphlets, and programs or when licensed at an event, prohibits peddling from a public place while walking, moving from place to place, or using a mobile cart or vehicle

Sitting and sleeping

16-19.1. Use of public grounds: Prohibits sitting or lying on grassed land, benches, and monuments in public grounds and gardens	4.1.41.22. Loitering—river bed: Prohibits camping, lodging, making or kindling a fire, washing or bathing, sleeping, laying any bed or any blanket, quilt, straw, or branches for the purpose of resting or sleeping thereon or remaining or loitering in the official bed of the Los Angeles River	37-3. Sleeping on streets, sidewalks, etc.: Prohibits sleeping on any street, sidewalk, or public place	Zoning ordinance 37-06. Nighttime closing of existing public open areas: Allows the Planning Commission to authorize nighttime closure of plazas, plaza-connected open areas, and residential or urban plazas if such closing is necessary for public safety, among other possible reasons No specific ordinances	Chapter 15.48.040. Sitting or lying down on public sidewalks in downtown and neighborhood commercial zones: Prohibits sitting or lying on a public sidewalk or on a chair, blanket, stool, or other object placed on a sidewalk in the designated zones between 7 a.m. and 9 p.m./ (see also "Loitering") Chapter 12A.12.015. Pedestrian interference: Prohibits obstruction in a public place of pedestrian or vehicular traffic, meaning to walk, stand, sit, lie, or place an object in a way that blocks passage by another person or a vehicle or requires another person or a driver to take evasive action to avoid physical contact
16-12.2. Loitering: Prohibits loitering if it obstructs or endangers travelers	4.1.41.18. Sidewalks, pedestrian subways—loitering: Prohibits standing in or on sidewalks in a way that annoys or molests pedestrians or unreasonably interferes with pedestrians' free passage	No specific ordinances		

TABLE 11.3
(continued)

Boston Municipal Code	Los Angeles Municipal Code	Miami Municipal Code	New York Administrative Code	Seattle Municipal Code
No specific ordinances	4.1.41.59. Prohibition against certain forms of aggressive solicitation: Prohibits soliciting, asking, or begging in an aggressive manner in any public space; must remain at least 15 feet from bank entrances and ATMs	No specific ordinances	Title 10-1. Public safety: Prohibits aggressive soliciting, asking, or begging within 10 feet of an entrance to a bank or check-cashing facility during business hours and from any ATM machine	Chapter 12A.12.015. Pedestrian interference: Prohibits aggressive begging that intends to intimidate (meaning make a reasonable person feel fearful or compelled) another person into giving money or goods

Under the assumption that movement is the primary purpose of a street, cities have limited stationary activities and required vendors to move regularly. For example, the city of Anaheim has passed a law requiring pushcart merchants to change locations every ten minutes, and in 1994 the city of Santa Ana enacted an ordinance that prohibits food vendors from remaining in any location for more than thirty minutes (Nalick 1995). Supporters of these ordinances argue that they are necessary to ensure traffic safety and eliminate loitering—therefore keeping people in motion—as well as prevent unfair competition (Hernandez 1994).

Beyond vending, cities such as Los Angeles, San Jose, and Santa Ana have enacted restrictions on other stationary sidewalk activities. In these cities, individuals are prohibited from sitting, lying, or sleeping on any street, sidewalk, or other public way. Proponents justify these broad restrictions in the name of unimpeded pedestrian circulation.

Advocates for homeless people and for civil liberties argue that these laws allow the police to harass the homeless and violate their civil rights (Foscarinis 1996; Miller 1995; Millich 1994; Takahashi 1998; Mitchell 2003). Many municipal bans on sidewalk activities have been declared unconstitutional (Teir 1998), and this has furthered shaped the mechanisms or strategies by which control can be achieved. For many who are involved in keeping the streets free from obstructions, these laws and procedures simply regulate sidewalk behavior and focus on pedestrian movement as the purpose for sidewalks (Blomley 2007a, 2007b). Nonetheless, some argue that these regulations serve as a pretext for eliminating unwanted uses, particularly those by ethnic minorities and the indigent (Foscarinis 1996; Kopetman 1986).

CONCLUSION

No coherent framework of policies and ordinances governs urban sidewalk activities. Instead, cities employ techniques that regulate land uses and use design to make some activities more acceptable and to filter out others. Regulatory authority rests with multiple city agencies (such as planning and public works departments) that issue codes and guidelines for sidewalk

design and uses. This fragmented regulatory authority results in varied—and sometimes contradictory—regulatory strategies.

Rather than offering a vision for an inclusive, diverse public realm, these strategies associate sidewalks with abutting properties, and cities take steps to ensure that property interests are met, even at the price of serving some people better than others. Many control techniques are implicit and occur outside the regulatory realm. They come about through building designs, street improvements, and the deferring of responsibility to private entities such as BIDs. Both hard control practices that use regulations and laws and soft control practices using design and landscaping ultimately determine the sidewalk's users and uses.

REVISITING PUBLIC SPACE AND THE ROLE OF SIDEWALKS

What role is played by urban sidewalks in the early twenty-first century? After the 2001 World Trade Center attacks, Anthony Vidler argued that streets and sidewalks continue to be sites “of interaction, encounter and the support of strangers for each other; the square as a place of gathering and vigil; the corner store as a communicator of information and interchange. These spaces, without romanticism and nostalgia, still define an urban culture” (Vidler 2001, quoted in Mitchell 2003, 3).

But what do they define? Urban observers have interpreted the street as an important site of democracy, and this assumption needs to be further examined. At certain exceptional moments, people still take to the streets and feel united with those they find there. Common causes and concerns can bring people together, and urban sidewalks have provided the space for people to unite—whether to cope with a tragedy such as a terrorist attack or a beloved president’s assassination, respond to violence, or demand the end of a war. Through these ephemeral acts, urbanites express grief or joy, insert group identities, and present demands to their government.

The more numerous daily sidewalk encounters are also important and continue to be a way for people to negotiate conflicting interests. Through these actions and reactions, urbanites live ordinary lives, debate issues of broad concern, and learn about others. Such activities are not uniquely