GETTING URBAN PROFITS THROUGH THE FREEDOM OF USE

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ABSTRACT

The balance between different degrees of freedom and control of use on public spaces depends on a set of factors: norms and conducts for users of the same space (individuals or groups), restrictions and cultural habits, space design and management. This study focuses on the way we could achieve “space human dimensions” (users’ needs and rights) based on several principles concerning five human dimensions listed on Chapter 2. To pursue this objective, fourteen urban design main actions are suggested in order to assure an efficient public scenario where citizens may find an attractive place to be and enjoy.

Key words: Urban quality, Public urban spaces, Human dimensions, Public uses, Rights and freedom.

Introduction

In most cities the primary planning emphasis has been on land-use and transportation planning which clearly impact the functioning of the city, but have less obvious impact on “livability” or “residents” sense of well being (Southworth, 2003, p.p. 343-344).
Quality of public spaces is necessarily related to freedom of use of spaces. Understanding the right to enjoyment of public spaces, that is, the feeling that it is possible to use the space according to its own abilities and limitations and users’ needs, involves an analysis in a social-temporal context in which the groups or individuals have different points of view on what public space should offer.

Today, public space plays a vaster role than the one it has been given in the past; it has been having special functions and a relevant amenity value (i.e., diversified use of open spaces), together with a recent new perspective – sustainability (European Commission / Experts Group on Urban Environment, 1994, p. 116). According to Lynch (K. Lynch, 1981) the problematic of the use and control of public space can be restricted to five dimensions / rights within the space - "presence", "use", "action", "appropriation", "modification" and "disposition" – explored by Stephen Carr (Carr, 1992, 167). We propose an adjustment of these dimensions, converting it into right to access, freedom of action, right to enjoyment, transformation/change aptitude and right of ownership. Far from ignoring many other aspects that are indirectly part of individuals’ rights (see The measurable attributes that may contribute to experiential quality/livability of the urban built environment, Southword, 2003, p. 346), we consider that these dimensions basically guarantee the balance and freedom of use of spaces (see Table 1).

Even if the designation for "public open space" implies the freedom of use of a given place, the analysis of the above table reveals a set of obstacles that prohibit or inhibit individuals of exercising their rights. The anticipation of these restraints depends greatly on the urban planning and urban design - a fundamental aspect in terms of the welfare of the citizens. The importance of human dimension of public space is also stressed in The New Athens Charter: “(…) revival the streets, squares, foot paths and other thoroughfares as key linkages in the urban framework (…)” to facilitate personal contacts and opportunities for leisure and recreation in public space (2003, Paris version, Part 1, p. 12).

**Specific Indications for Promoting Civic Rights in the Public Space**

Having identified the five essential qualities for promoting the citizens' rights in the public space, we will now expound the main indications, general and specific, that guarantee its preservation.
Table 1  Human dimensions of urban public spaces / Concepts and "obstacles".

<table>
<thead>
<tr>
<th>RIGHT TO ACCESS</th>
<th>CONCEPT</th>
<th>OBSTACLES</th>
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<tbody>
<tr>
<td><strong>physical</strong>*</td>
<td>Possibility to enter the spaces; basic property of space uses.</td>
<td>Gates, railings, fences, staircases, high motorizations rate, topographical features (natural or artificial), signals and written information.</td>
</tr>
<tr>
<td>visual**</td>
<td><strong>Bad visibility &amp; identification; Excessive concentration of activities; perception of insecurity and discomfort and lack of privacy.</strong></td>
<td></td>
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<tr>
<td>symbolic***</td>
<td>***Presence of individuals associated with danger. Excessive equipments and human standards near the entrances, “suggesting” expensive consumption.</td>
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| FREEDOM OF ACTION | Putting into practice desired activities – but sharing, respecting others’ rights and sustainability. | Heterogeneity of interests in social and ethnical groups. Predominance of private property. Lack or unsuitability of regulations. Inadequate physical configuration of the public space and its elements. Imperfect hierarchy/subdivision of public space; lack of physical & psychological comfort. |

| RIGHT TO ENJOYMENT | Right to enjoy the space, by one individual or group, for certain activities. | Lack of anonymity and intimacy because of the unsuitability of the sub-spaces and elements design. No sense of control, territoriality or identification; unsuitable furniture; space inability to welcome social activities; time & scales not compatibles. |

| TRANSFORMATION/ CHANGE APTITUDE | A place evolvement & changing throughout time; | Lack of flexibility in the physics of the space and its components (especially urban furniture). Unsuitable for didactic and exploration performances. Insufficient differentiation of spaces. Inadequate spatial structuring and dimensioning. |

| RIGHT OF OWNERSHIP | Exercise of the right of ownership; absolute or relative control by the proprietary (ies). | Can induce negative interferences in the rights inherent to the other four features. Strong interaction between transformation and right of ownership. |

On Right to Access

a) To clearly identify public open spaces in such a way that its presence is easily perceived by any ethnic or age group. The information and the standardized signals, universal or not, and the structure and subdivision of the space are important instruments in this matter;
b) To allow for the use of public spaces throughout the day or, if that’s not possible, to give clear information about closing time;

c) To avoid physical barriers (walls, gates, staircases, natural or artificial topographical features, among others) that might jeopardize accessing, particularly with children, elderly and handicapped people;

d) To avoid an excessive presence and dimensioning of activities, spaces, elements and people whose symbolism, concerning implicit social access, or whose excessive personalization might inhibit the spontaneous entrance of any citizen. **However, actions that usually were appointed as the main cause of lack of security (e.g., high traffic volume, etc.) are viewed nowadays as compatible with the harmonious life of public spaces** (VIDE Allan B. Jacobs, 2002).

e) To guarantee a clear visibility from the outside to the inside of the spaces, and vice-versa, according not only with the indications given in paragraph c), but also in terms of public lighting, permanent or casual, even in spaces that are not used after the twilight;

f) To allow for easy physical mobility to the pedestrian paths, parking spots and other elements that, essentially, support the visit or permanence of the individuals (toilets, urban furniture, cafés, outdoor cafés, stores, shelters, among many others) and combine the specific physical structures to the accessibility of handicapped people;

g) To come up with urban and architectonic design solutions that allow for the simultaneous and balanced presence of senses of security and privacy for a same space (corners or secluded places, invulnerable to people looking from the street, but also reducing the perception of security for that place). The massive presence of vigilantes produces a dual interpretation (see paragraph d): does it suggest security or does it denounce the frequency of threats or risks? Does it inhibit the access?

On Freedom of Action

a) To promote enquiries and public participation, organized during the creation and management of the public urban space. This strategy constitutes, especially in bigger areas, a potential instrument to assure each person’s freedom of action. In the E.U. public participation in urban planning is now beginning to achieve more relevance in activities at a more local level; the "green plans", whose purpose is to turn the priorities established in the municipal letters of French cities into incisive actions at local scale, include public debate, usually coordinated by an architect, in trying to reach consensus over the future uses of open areas (European Commission / Experts Group on Urban Environment, 1994, p.p. 115-121).
b) To guarantee the equilibrium between the users and the activities developed by them in the public space. The diversity can imply the risk of a possible conflict between the individual interests and the activities of the different user groups, if activities are incompatible. *North Park Project* in Battery Park City, NY, with a 2.7ha, projected in 1992 by Carr, Lynch, Hack and Sandell is an example that clearly represents the improvement of public participation in the quality of future public urban spaces. Designed to serve a wide range of users, using the human dimensions as a tool, the (new) project went close to the small urban villages’ role that typically should contribute to residents’ sense of attachment to the place (see Biddulph, 2003, p. 181). Planning authorities were the main external participants - Battery Park City Authority/Parks Corporation and associative entities representing Lower Manhattan’s and Battery Park City’s citizens - Community Board nr .1., which manifested different opinions and interests that had to be negotiated: "(...) it was assumed that authority staff, a large number of whom attended bimonthly meetings with the designers, could adequately represent office worker interests (Carr et al., 1992, p.p. 315-317);

c) To assure general basic security and comfort parameters (protection, sheltering from bad weather, physically and visually comfortable materials, among others), as well as specific parameters directed to children, elderly, handicapped people, without forgetting the situation of women in the public space. The freedom of use of the public space is the product of design solutions, rules and conditions.

**On the Right to Enjoyment**

a) To provide individual control levels of the space, whenever that is necessary, to guarantee that the enjoyment of the space by a group or an individual, when satisfying their needs, does not create constraints to other people’s freedom. A lot of times, people use public space just to observe others’ collective activities (Nunes da Silva, F.; Serdoura, F., 2002). The design of the public space appears also as a potential instrument to assure these sensations;

b) To value the adequate levels of territoriality, stimulating the identification of the individual with the environment, by creating different opportunities to satisfy each other's needs;

c) To provide, in the public space, cycles of activities, programmed in one same space. In this matter, the time factor, by separating activities and preventing conflicts, is more valued than the space itself;

d) To define public spaces planning and management policies that promote enjoyment for the less favored groups, along with control of the activities that tend to reduce other people’s freedom. The "(...) non equitable distribution of wealth causes
untevable behaviors that simultaneously make the behavioral changes more difficult” (European Commission / Experts Group on Urban Environment, 1994, p. 33);

e) To ensure the production of sub-spaces duly articulated with pedestrian paths, by means of a careful, appealing and persistent design of the physical space, where the coexistence of different groups in the same space might be possible.

On Transformation/Change Aptitude

a) To determine the level of modification or adaptability of a place, as well as the reversibility of the changes that take place in it. Kevin Lynch (Lynch, 1981) questioned how changeable a place can be and how difficult can it be to change it or to defray the recovery of the place to its original state after the modifications.

b) To enable the change of the physical configuration of the space, despite the necessary attention that should be paid to the possible influence of this action on the type of activities that can be carried out in that space.

On Right of Ownership

As a requisite, this right has been getting more relevant in some countries, thanks to strategies such as "incentive zoning" (developed in the 60s and 70s in Manhattan). We will not discuss the problematic of the law and jurisdiction of public urban land or the users regimes (see Buitelaar, 2003), but make clear the way in which some compensation and assignment legal types concerning lands can affect the rights/dimensions of public urban spaces. Stephen Carr (et alt.) quotes "Grace Plaza" (1973) in NY as an example of this problematic: "Grace Plaza was developed as part of incentive zoning, the system of bonuses given to developers when they provided public space in Manhattan in the 1960s and 1970s. The 1961 resolution generated a series of urban plazas, and an amendment in 1975 specified guidelines for making them "amenable" to the public (...)" (Carr et al., 1992, p.p. 177-178).

Like in another European countries, Dutch spatial planning act (the WRO – an act that defines government responsibilities, procedures and protection of civilians against government intervention in the field of spatial planning) gives municipalities the opportunity to make a local land use plan for urban areas (Buitelaar, 2003, page 322). This land use plans might have the shape of a detailed local plan. Personal attitudes need to be considered more carefully in behavioral studies as well as in planning efforts (Lund, 2003).
Conclusion

Based on the fulfillment of citizens’ rights and needs, we present the following main principles that should underlie the act of planning and creating public urban space, ensuring the satisfaction of different needs in space, in what concerns its major function as a space with public and civic nature.

Therefore, it belongs to design the function of satisfying users’ rights and needs:
1 – As the chosen instrument to conceive and shape the use and the perception of people, the design must be able to predict this kind of answers, in scenery of continuously changing interests, even if for a certain period of time;
2 – More than understanding each human dimension, in its particular and individual involvement, design must reach a necessary equilibrium between dimensions; to design a space is also an exercise of balance between objectives, priorities and criteria;
3 – To achieve a creative analysis, bringing together wishes and conflicting needs, producing a unifying, sensible and lasting image of the space. Among conflicts and controversies between the potential users, the design process must look for the best way to accommodate in the same space, the answers for the different needs, in order to obtain a functional whole, avoiding the occurrence of premature constraints;
4 – To elaborate the proposals on a responsible social basis which interactive resonance reaches the domains of communication, politics and social interactions;
5 – To offer a set of hypotheses based on the process mentioned in the last paragraph, after the selection of treated information; public participation process allows for a better test of the hypotheses;
6 – To identify the sustainable opportunities of active involvement in the different spaces and social contexts. The nature of the urban square is different from the one of neighborhood places and therefore the type of active involvement is different too;
7 – To propose, among the set of possible sustainable activities, those that do not exclude the presence of others and that are compatible with the higher incidence of the activities most wanted by the users;
8 – To create multifunctional spaces that fulfils the need for different activities in the same space or in adjacent spaces. Design shouldn’t forget any requirement for the development of each activity, in order to avoid the vanishing of a disregarded one or serious problems of maintenance; elements should have a pedagogic profile, educating users’ behavior; therefore, their description by several visual and graphic means can contribute to create a more accurate perception during public participation;
9 – To fulfill the requirements of comfort, security and relaxation not only on the basis of the psychological and anatomical characteristics of man (similar from a group to another) but also taking into account the psycho-social aims in parallel with the physical characteristics of the space;
10 – One of the most gratifying qualities of a space, in the desirable combination of the factors – comfort, security and relaxation – is the ability to offer the user different
involvement levels with the space, where he can choose the place to settle down comfortably;

11 – To find common and articulated solutions for the protection of the users rights, which are rarely considered by the design in an explicit way. This fact leads often to considerable managing problems, especially in spaces with access and use conflicts. Rights and needs appear, in reality, quite linked;

12 – In what concerns to the right to change, the design plays also an unique role, being able to create all kind of physical supports in the space that motivate temporary changes in its use. The more constructions “(...) come to resemble complicated and self-contained pieces of machinery, the more certain meanings that can be traced back to the general and simple world of timeless architecture are transferred elsewhere, into infrastructural, residual and occasional constructions, or remain confined to certain stages in their erection, vanishing as the process advances” (Aymonino, Aldo; Mosco, V. Paolo; 2006, p. 137).

13 – To fulfill in a reasonable way the basic dimensions of the different symbolic loads: a monumental space designed to impress and to be a symbol may enchant less (or not) the user than other space that allows for the direct and immediate satisfaction of his needs;

14 – To strengthen the links to historical references; sometimes, design is able to transfer to a singular image the link of someone to an area (ex. monuments celebrating specific occasions...the Monument to Discoveries, in Lisbon; the Vittorio Emanuel, in Rome; Vietnam Memorial, in Washington D.C., etc.).

References


