Fortress Mentality: Why Gated Communities are Not The Answer
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Arthur C. Nelson, Professor of Planning and Real Estate Development, University of Arizona
Brenda Scheer, Professor of Architecture and City & Metropolitan Planning, University of Utah
Victor Dover, FAICP, Principal, Dover, Kohl & Partners Coral Gables, FL
John Travis Marshall, Assistant Professor, Georgia State University College of Law
The Gated Communities You Don’t Know

Arthur C. Nelson, Ph.D., M.ASCE, FAICP
Professor of Planning & Real Estate Development
University of Arizona

http://www.nytimes.com/2012/03/30/opinion/the-gated-community-mentality.html
… more than 10 million housing units are in gated communities, where access is “secured with walls or fences,” according to 2009 Census Bureau data. Roughly 10 percent of the occupied homes in this country are in gated communities … Between 2001 and 2009, the United States saw a 53 percent growth in occupied housing units nestled in gated communities.
Residents often expressed a fear of crime that was exaggerated beyond the actual criminal threat … Since you can say “gated community” only so many times, developers hatched an array of Orwellian euphemisms to appease residents’ anxieties: “master-planned community,” “landscaped resort community,” “secluded intimate neighborhood.”
Residents’ palpable satisfaction with their communities’ virtue and their evident readiness to trumpet alarm at any given “threat”...

In this us-versus-them mental landscape, them refers to new immigrants, blacks, young people, renters, non-property-owners and people perceived to be poor.
Diversity of …

• Types of gated communities
• People who live in them
One of 5 gated cities in California
“Eco-Friendly” Master-Planned Gated Community
Manufactured Home Gated Community
Rental Apartment Gated Community

http://stmedia.startribune.com/images/ows_138984407023862.jpg
Single-Family Detached Rental Gated Community
Who Lives in Gated Communities?

- Total Occupied Units
- Non-Black + Non-Hispanic Occupied Units
- Black Occupied Units
- Hispanic Occupied Units
- Owner-Occupied Units
- Renter-Occupied Units
- Senior (65+) Occupied Units
- Below Poverty Occupied Units
## Total Occupied Units

<table>
<thead>
<tr>
<th>Metric</th>
<th>2001</th>
<th>2009</th>
<th>Change</th>
<th>Change Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Occupied Units</td>
<td>106,261</td>
<td>111,806</td>
<td>5,545</td>
<td>100%</td>
</tr>
<tr>
<td>Access secured with walls/fences</td>
<td>7,033</td>
<td>10,759</td>
<td>3,726</td>
<td>67%</td>
</tr>
<tr>
<td>Share</td>
<td>6.6%</td>
<td>9.6%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special entry system present</td>
<td>3,990</td>
<td>6,091</td>
<td>2,101</td>
<td>38%</td>
</tr>
<tr>
<td>Share</td>
<td>3.8%</td>
<td>5.4%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Non-Black + Non-Hispanic Occupied Units

<table>
<thead>
<tr>
<th>Metric</th>
<th>2001</th>
<th>2009</th>
<th>Change</th>
<th>Change Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Occupied Units</td>
<td>83,155</td>
<td>85,074</td>
<td>1,919</td>
<td>35%</td>
</tr>
<tr>
<td>Access secured with walls/fences</td>
<td>4,890</td>
<td>7,029</td>
<td>2,139</td>
<td>112%</td>
</tr>
<tr>
<td>Share</td>
<td>5.9%</td>
<td>8.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special entry system present</td>
<td>1,245</td>
<td>4,090</td>
<td>2,845</td>
<td>148%</td>
</tr>
<tr>
<td>Share</td>
<td>1.5%</td>
<td>4.8%</td>
<td></td>
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</tr>
</tbody>
</table>

## Black Occupied Units

<table>
<thead>
<tr>
<th>Metric</th>
<th>2001</th>
<th>2009</th>
<th>Change</th>
<th>Change Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Occupied Units</td>
<td>13,292</td>
<td>13,993</td>
<td>701</td>
<td>13%</td>
</tr>
<tr>
<td>Access secured with walls/fences</td>
<td>1,035</td>
<td>1,738</td>
<td>703</td>
<td>100%</td>
</tr>
<tr>
<td>Share</td>
<td>7.8%</td>
<td>12.4%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special entry system present</td>
<td>592</td>
<td>940</td>
<td>348</td>
<td>50%</td>
</tr>
<tr>
<td>Share</td>
<td>4.5%</td>
<td>6.7%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Source:** Adapted by Arthur C. Nelson from American Housing Survey for 2001 and 2009.
## Hispanic Occupied Units

<table>
<thead>
<tr>
<th>Metric</th>
<th>2001</th>
<th>2009</th>
<th>Change</th>
<th>Change Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Occupied Units</td>
<td>9,814</td>
<td>12,739</td>
<td>2,925</td>
<td>53%</td>
</tr>
<tr>
<td>Access secured with walls/fences</td>
<td>1,108</td>
<td>1,992</td>
<td>884</td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>Share</td>
<td>11.3%</td>
<td>15.6%</td>
<td></td>
</tr>
<tr>
<td>Special entry system present</td>
<td>553</td>
<td>931</td>
<td>378</td>
<td>13%</td>
</tr>
<tr>
<td></td>
<td>Share</td>
<td>5.6%</td>
<td>7.3%</td>
<td></td>
</tr>
</tbody>
</table>

## Owner Occupied

<table>
<thead>
<tr>
<th>Metric</th>
<th>2001</th>
<th>2009</th>
<th>Change</th>
<th>Change Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Occupied Units</td>
<td>72,265</td>
<td>76,428</td>
<td>4,163</td>
<td>75%</td>
</tr>
<tr>
<td>Access secured with walls/fences</td>
<td>3,097</td>
<td>5,337</td>
<td>2,240</td>
<td>54%</td>
</tr>
<tr>
<td><strong>Share</strong></td>
<td>4.3%</td>
<td>7.0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special entry system present</td>
<td>1,524</td>
<td>2,682</td>
<td>1,158</td>
<td>28%</td>
</tr>
<tr>
<td><strong>Share</strong></td>
<td>2.1%</td>
<td>3.5%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Renter Occupied

<table>
<thead>
<tr>
<th>Metric</th>
<th>2001</th>
<th>2009</th>
<th>Change</th>
<th>Change Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Occupied Units</td>
<td>33,996</td>
<td>35,378</td>
<td>1,382</td>
<td>72%</td>
</tr>
<tr>
<td>Access secured with walls/fences</td>
<td>3,936</td>
<td>5,422</td>
<td>1,486</td>
<td>108%</td>
</tr>
<tr>
<td><strong>Share</strong></td>
<td>11.6%</td>
<td>15.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special entry system present</td>
<td>2,466</td>
<td>3,409</td>
<td>943</td>
<td>68%</td>
</tr>
<tr>
<td><strong>Share</strong></td>
<td>7.3%</td>
<td>9.6%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Senior 65 years and over

<table>
<thead>
<tr>
<th>Metric</th>
<th>2001</th>
<th>2009</th>
<th>Change</th>
<th>Change Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Occupied Units</td>
<td>21,812</td>
<td>23,095</td>
<td>1,283</td>
<td>23%</td>
</tr>
<tr>
<td>Access secured with walls/fences</td>
<td>1,414</td>
<td>2,339</td>
<td>925</td>
<td>72%</td>
</tr>
<tr>
<td>Share</td>
<td>6.5%</td>
<td>10.1%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special entry system present</td>
<td>790</td>
<td>1,405</td>
<td>615</td>
<td>48%</td>
</tr>
<tr>
<td>Share</td>
<td>3.6%</td>
<td>6.1%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Below Poverty

<table>
<thead>
<tr>
<th>Metric</th>
<th>2001</th>
<th>2009</th>
<th>Change</th>
<th>Change Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Occupied Units</td>
<td>14,602</td>
<td>15,739</td>
<td>1,137</td>
<td>21%</td>
</tr>
<tr>
<td>Access secured with walls/fences</td>
<td>1,087</td>
<td>1,832</td>
<td>745</td>
<td>66%</td>
</tr>
<tr>
<td>Share</td>
<td>7.4%</td>
<td>11.6%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Special entry system present</td>
<td>590</td>
<td>923</td>
<td>333</td>
<td>29%</td>
</tr>
<tr>
<td>Share</td>
<td>4.0%</td>
<td>5.9%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

# Multifamily Secured Units

<table>
<thead>
<tr>
<th>Metric</th>
<th>2001</th>
<th>2009</th>
<th>Change</th>
<th>Change Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Occupied Units</td>
<td>24,609</td>
<td>25,915</td>
<td>1,306</td>
<td>100%</td>
</tr>
<tr>
<td>Multiunit access secured</td>
<td>5,330</td>
<td>7,211</td>
<td>1,881</td>
<td>144%</td>
</tr>
<tr>
<td>Share</td>
<td>21.7%</td>
<td>27.8%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Surprises

• The Non-Black/Non-Hispanic shift to gated communities in the 2000s is nothing less than **staggering**.
• The Black shift to gated communities is a **BIG surprise**.
• Surprising **surge in rental units** in gated communities → Maybe Great Recession?
• **Staggering change** in structures with locked or guarded entries.
Key Gated Community Drivers

- Sense of community comes at the cost of detachment from the larger society.
- Emphasizes self-interest of the gated community over the collective interests of the larger community.
- Can manifest itself as voting blocks against many community-wide interests.
In Part, the Monster Planning Created

- “Internalize externalities” by having new communities pay for all their costs.
- Many new communities privatize roads allowing for smaller roads and other non-standard features but gating is then used to reduce traffic demand.
- Many local governments implicitly require gating as a condition of approval.
In Part, the Monster Planning Created

• “Internalize externalities” by having new communities pay for all their costs.
• Many new communities privatize roads allowing for smaller roads and other non-standard features but gating is then used to reduce traffic demand.
• Many local governments implicitly require gating as a condition of approval.
What can Planners Do?

[Adapted from Grant & Curran 2007]

• Moderate demand for private streets by reducing excessive standards for local residential streets.
• Allow at least for public pedestrian, cycling, and public transportation.
• Require public access easements where access is needed.
• Control signage to avoid creating landscapes of exclusion.
• Minimize the number of units built on private roads.
• Require mix of housing types and costs to encourage social mix.
Gated Communities
The Antithesis of Connectedness?

Frank Duke
Planning Director, City of Baton Rouge
Gated Communities – The Antithesis of Connectedness?

- A ubiquitous development type since 1980

- Intended to ensure “safety, security, quiet, and a sense of community”
  – *Fortress America*, Blakely and Snyder, 1997

“I feel much safer living in a gated community.”
Issues with Gated Communities

• “The gated community represents the segregation of the population. Those who are gated are choosing . . . to protect themselves from the rest of the city. This is contrary to the vision of a democratic and open city […]. The outcome is that the urban pattern becomes more segregated, more differentiated. This is not socially admirable or economically productive”

  – Joan Clos I Matthieu, Executive Director of UN Human Settlements Programme
Local Prohibitions on Gated Communities

- Few localities prohibit gated communities
  - Some prohibit indirectly
Legal Considerations


Legal Considerations

  - Neighborhood improved a pond to allow access to ocean
  - Private property under Hawai‘i law
  - US sued arguing improvements resulted in extension of navigable waters

- “One of the most essential sticks in the bundle of [property] rights . . . The right to exclude others.”
• **Nollan v. California Coastal Commission**, 983 US 825, 832 (1987) – Government required easement as condition for new construction

• Requiring public access to private property is “a permanent physical occupation”
Political Considerations

• “Enclaves to preserve the values of the west.”
  – Slouching toward Gomorrah, Robert Bork, 2003

• Gated communities are popular
  – 40% of all new homes in California
Baton Rouge and East Baton Rouge Parish

- Louisiana’s second largest city
- Louisiana’s most populous parish
- Explosive population growth since 1990
  - Among the fastest growing in the South in 2000s
- High levels of income inequality
  - 10th highest in the nation
Gated Communities in East Baton Rouge Parish

- 4% of all subdivisions
- Virtually all in the suburban southern area
Early Gated Communities

- Vehicle-centric
- Single entry
- No connections to broader community
Impact on Transportation System

• Second most congested midsize city in US
• Problem is the lack of connectivity
  – “an inadequate street system with a lot of cul-de-sacs”
    • John Fregonese, Portland, OR planner
  – “a completely irrational design”
    • John Congelese, developer
Addressing the Problem

• Learn from history
Addressing the Problem

• Create potential for future grid system through Plan
• “new neighborhoods should be connected both within the community and to the City-Parish’s overall transportation network”
  – FuturEBR, 2011
Addressing the Problem

• Implement future grid through code revision

• Connectivity Ratio
  – Number of street links divided by number of nodes, including cul-de-sac bulbs
Addressing the Problem

- Required external connections
- Reflect character of area
  - Urban
    - 1,000 linear foot separation
  - Suburban
    - 1,400 linear foot separation
  - Rural
    - 2,600 linear foot separation
- Consider surrounding development pattern
Addressing the Problem

- 20 gated lot subdivision approved in 2016
- Stub required to vacant property to west
- No stub required to south
  - Fully developed
- No stub required to east
  - Drainage canal
Conclusion

• Local governments unlikely to prohibit gated communities

• Ensure future connections remain possible
Urban form, connectivity and walls

Brenda Scheer, FAIA, FAICP
Professor of Architecture and Planning, University of Utah
Why?

- Security
- Nuisance
- Exclusivity
- Perception of crime
- Traffic
- Loss of sense of community
- Neighborhood identity
- Community of interest (i.e. elderly)
- Resort
- Protect property values
• Appeals to those who feel they cannot rely on public regulation.
Formal signals of prestige and wealth: Timgad, Dallas, and London
Ancient walled cities: monitor entry, collect trade taxes, protect from invasion, define “inside and out”, multiple gates
Vienna

medieval view
The end of walls: Vienna
US Cities with walls: St. Augustine, New York, Boston, Charleston...
Connectivity and suburban form
How we got here

- Twentieth century change in how cities are planned (street network)
- From city plats to uncoordinated developer subdivision

Source:
Scheer, Anatomy of Sprawl, 2001
Lack of connective street network after 1960's
Subdivision islands cause arterial disorder
Arterials become barriers themselves
Urban Arterials: the scourge of disconnection
Measuring Connectivity
Axial map of connectivity (space syntax)
Lack of connectivity

- Isolation of income groups
- Auto-dependency - lack of pedestrian pathways
- Larger, more congested arterials
- Many fewer walkable, public-oriented places
- Less natural surveillance - more need for “target hardening”
To Gate or Not to Gate: Options for Law Departments Caught in the Crossfire

John Travis Marshall
Assistant Professor of Law
Georgia State University
Going with the flow?: Counseling Cities on Mitigation Measures

**Challenge:** can legal departments swim against a tide of mayors, council members and market demand?

**Solution:** just what Chris, Brenda, Frank and Victor said . . . .

- comprehensive plan policies, ordinance provisions, and design guidelines to prioritize neighborhood connectivity.
Bucking the Trend? Preventive or Corrective Interventions

Adopting a local ban on gated communities.
  • consider: a legitimate use of local government police power rather than an unlawful intrusion onto private property rights of landowners?

Auditing local comprehensive plan and code to eliminate provisions that foster gated community development, including removal of provisions: *
  • requiring that new subdivisions form community associations to handle open space maintenance; and
  • allowing taxpayer subsidies for services to gated communities.

* S. Siegel, The Public Interest and Private Gated Communities, 55 Loyola L. Rev. 805 (2009)
Amending local code to include provisions discouraging gated community development by:* 

- requiring local government to accept dedication of new subdivision streets or, at minimum, prevent municipality from categorically refusing dedication; and
- require new streets conform with local government standards for construction.

*S. Siegel, The Public Interest and Private Gated Communities, 55 Loyola L. Rev. 805 (2009)*
Amend local code [or state statute] to include provisions signaling local government readiness to re-integrate gated neighborhoods by allowing:

- delivery of public services to gated communities in exchange for removal; and
- public financing of upgrades to gated community infrastructure to facilitate dedication and public access.

*S. Siegel, The Public Interest and Private Gated Communities, 55 Loyola L. Rev. 805 (2009)*