



## Production and social sustainability of private enclaves in suburban landscapes.

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## **Gated Communities: Social sustainability in contemporary and historical gated developments**

Editors: Ola Uduku and Samer Bagaeen

**Renaud Le Goix  
Delphine Callen**

### **(Chapter 6)**

#### **Production and social sustainability of private enclaves in suburban landscapes.**

Local contexts and path dependency in French and US long-term emergence of gated communities and private streets<sup>1</sup>.

#### **Abstract**

This paper aims at demonstrating that gated communities, though often presented as a recent unsustainable trend of security-oriented urbanism, which have spread all over the world in the last two decades, are indeed a classical and generic form in urban sprawl and suburban landscape. In attempting this, we apply a theoretical approach that views the private residential community as a *club economy* to analyze the planning, managing practices and social interactions at the local level.

We balance how private communities might be pro social sustainability tools or in contrast put urban equilibrium (political fragmentation, social interactions) at risk on the suburban edge of sprawling cities. We think that social sustainability issues connect to the genesis of urban edges' morphologies and requires analyzing the underlying forces that structure them. A first section analyses the long term trends in the local emergence of private residential governance, in order to get a better understanding of the diffusion of gated communities and how offer, demand and the local nexus of actors interact. Next, we consider how the local adoption of private urban governance models is structured by the nexus of laws, planning and residential strategies. More specifically, we analyze appropriation strategies of public space by private enclaves residents, and argue that local policies and discourses of intervening actors are often guided by locally driven interests and rent-seeking strategies that might contradict social equity principles. At last, we argue that local path dependency truly explains the success stories of gated communities according to local social and political patterns and local institutional milieus.

Considering the nexus of law, but also the practices of development industries and layout of neighborhoods, the findings balance on one hand the strategies of local actors targeting the building of sustainable communities from the owners and entrepreneurs point of view, and on the other hands the equity principles at a more general level. This demonstrates that common goals of private communities is about getting control over nearby environment (control over public space, amenities, etc.) and guarantee property values. Nevertheless, field studies and residents interviews, empirical data describing political behaviors of GCs and social relations of the residents reveal path dependencies in the local manifestations of private communities. Whatever the legal context, local actors, residents strategies, public bodies of governments and entrepreneurs find ways to meet a continuous demand of local control. This can be met either by the means of private urban governance, or by a local body of public government, depending on how local institutional milieus have structured decision making, fiscal regulation and social exclusion patterns. This concurs to demonstrate that private residential areas political behaviors and social interactions are eventually familiar and consistent with more casual patterns in a suburban world.

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In capitalist cities market, speculation and location rent are preeminent forces structuring the urban space. Thus, the patterns supporting the development of private and gated neighborhoods seem to be mostly characterized by the action of land developers (on the offer side) and a growing desire to control the quality, the safety, security and the tidiness of the residential environment on the demand side (Le Goix, Webster, 2008). In this context, investigating gated communities under the scope of social sustainability requires to consider the broader context of *sustainability of communities* and *social equity*. In this paper, we consider the extent to which gated neighborhoods are sustainable communities comprehends how private streets and gated communities promote social interactions within communities, demand side analysis for safety, control over the neighborhood and its stability by the residents and ultimately protection of property values. Social equity includes how gated enclaves interact with access to public space, public services and the range of location choices, strategies and constraints of owners and renters. This paper discusses arguments that have yet little been expressed in the literature : the dichotomy between public and private space in private residential enclave is more apparent than real, and these new “private residential” spaces are less different, and less unprecedented than often claimed (Kirby, 2008). Following this thread of analysis, this paper aims at demonstrating that gated communities, though often presented as a recent unsustainable trend of security-oriented urbanism, which have spread all over the world in the last two decades, are indeed a classical and generic form in urban sprawl and suburban landscape. In attempting this, we apply a theoretical approach that views the private residential community as a *club economy* (Webster, 2002) to analyze the planning, managing practices an social interactions at the local level.

We balance how private communities might be pro-social-sustainability tools or in contrast put urban equilibrium (political fragmentation, social interactions) at risk on the suburban edge of sprawling cities. We think that social sustainability issues connect to the genesis of urban edges’ morphologies and requires analyzing the underlying forces that structure them. A first section analyses the long term trends in the local emergence of private residential governance, in order to get a better understanding of the diffusion of gated communities and how offer, demand and the nexus of local actors interact. Next, we consider how the local adoption of private urban governance models is structured by the nexus of laws, planning and residential strategies. More specifically, we analyze appropriation strategies of public space by private enclaves residents, and argue that local policies and discourses of intervening actors are often guided by locally driven interests and rent-seeking strategies that might contradict social equity principles. At last, we argue that local path dependency truly explains the success stories of gated communities according to local social and political patterns and local institutional milieus. We elaborate on empirical evidences from spatial patterns of political and social interactions by residents in gated communities and private streets in order to demonstrate that private residential areas social interactions are eventually familiar and consistent with more casual patterns in a suburban world. This ultimately reduces the range of arguments describing the peculiarity, unusualness, antiurban attributes of gated enclaves in a suburban context.

## **1. Long term trends and emergence of private residential governance in France and in the US.**

Assessing the social sustainability of gated communities requires to get a better understanding of how demand and offer for residential private urban governance locally emerge. This indeed connects to social equity in terms of local government bodies strategies in housing and access to open space vs. privatized commons, and how local governments promote equity and spatial justice in a context of suburban growth.

To understand the phenomenon of private communities, we first must understand the arguments put forth by current scholars. Since the early 1990's a discourse has been growing gated communities or privately governed urban territories. Their rise was initially fastest in the US and Latin America, where the media and academic commentators were quick to describe the phenomenon in terms of security-oriented privatized urbanism (Davis, 1998 ; Flusty, 1994 ; Low, 2001; Marcuse, 1997). A popular critique easily followed, warning of the social fragmentation of the city; out-of control urban segregation; secession, etc (Blakely, Snyder, 1997; Caldeira, 2000; Glasze, Frantz, Webster, 2002; Low, 2003). Others view the shift from the 'public' city to urbanization by private enclaves as a "secession" of the elite and a regressive redistribution of resources and wellbeing. While the discourse on gated urbanism seemed to spread from American sources, the phenomenon itself, had its own local history in every continent and country (Caldeira, 2000; Carvalho, Varkki George, Anthony, 1997; Thuillier, 2005): in China (Giroir, 2006; Webster, Wu, Zhao, 2006), South-East Asia and Australia (Burke, 2001), Europe (Billard, Chevalier, Madore, 2005; Glasze, 2003), Eastern Europe (Lentz, 2006), South Africa (Jürgens, Landman, 2006) and the Arab world (Glasze, 2000; Glasze, Alkhayyal, 2002). Gating may thus be interpreted as a global trend. It is undoubtedly influenced in many ways by U.S. models but it is developed according to local political, legal and architectural traditions (Glasze, 2005; Glasze, Frantz, Webster, 2002).

This section reviews long term trends in the production of residential areas and how they contribute to explain the local emergence of gated communities. The issue raised connects to the genesis of urban edges' areas, and the underlying forces that structure them. Indeed, private actors contribute to the production of space (professional territorial management, real-estate developers...) ; local public authorities have key strategies (control on land-use, social selection of residents, urban sprawl or slow-growth policies) ; and publicly-owned and managed areas tend to disappear, yielding an urbanism in which private residential developments are key features.

As several threads of lineation make GCs classical features in suburban areas, this section analyses the heritage of legacy gated enclaves, and push forward the argument that getting a better understanding of the diffusion of GCs requires to correlate them with how public bodies of government manage urban growth.

### **Lineation of gated communities : CIDs, exclusivity, fear**

The shift from global 'spread' to local 'emergence' as an underlying explanation naturally leads to the study of locally specific antecedents to gated communities (from now GCs). GCs have a long history. Private urban governance emerged in 19<sup>th</sup> century industrial European cities such as London and Paris, in which the new industrial bourgeoisie sought in privately operated and enclosed suburban neighborhoods, a quiet retreat from the busy city center (Foldvary, 1994; McKenzie, 1994). Le Parc de Montretout, in Saint-Cloud, France, developed in 1832, probably

being the first of its kind (Degoutin, 2004; 2006). In the US, the spread of gated communities has roots in a long standing ideology of suburban development. One early thread of influence is the romantic suburban utopias and utopian-influenced projects. Haskell's Llewellyn Park was probably the first modern gated community built in the U.S. It has continuously operated a gatehouse and a private police force since 1854 and introduced private governance of shared amenities based on deed restrictive covenants that protected the stability and homogeneity of the neighborhood (Jackson, 1985). A second thread links America's modern gated communities to the historical processes that brought Common Interest Developments (CIDs — a form of co-ownership tenure and organization —) and exclusionary restrictive covenants laws from Europe to the U.S. McKenzie (1994) explores the long European history of restrictive covenants and residential associations (observable since 1743 in London). The first homeowners association *per se* was created in the US in 1844 in Boston's Louisburg Square. Llewellyn Park and Roland Park (1891) were the first large privately owned and operated luxury subdivisions, yielding exclusive neighborhoods. They established consumer and real estate developer expectations and legal and organizational approaches that helped shape contemporary private urban governance in the U.S. McKenzie writes "to maintain the private parks, lakes and other amenities of the subdivisions, developers created provisions for common ownership of the land by all residents and private taxation of the owners. To ensure that the land would not be put to other uses by subsequent owners, developers attached 'restrictive covenants' to the deeds." (McKenzie, 1994, 9). In the first half of the XXth century, this kind of high-end subdivision became quite common (Mission Hills, Missouri in 1914, Kansas City Country Club District in 1930s, and Radburn in 1928). Along with landscaping and architectural requirements, the idea of social preferences as a commoditized attribute has become common in CIDs. Exclusive lifestyle developments became common by the turn of the 1960-70s, designed as mass-consumption real estate developments, financed by large corporations attracted by potential profits and backed by the Government through the Department of Housing and Urban Development (McKenzie, 1994).

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### GCs as generic patterns in suburban sprawl

On a scenic hill, overlooking the Seine river, the *Parc de Montretout* in Saint Cloud is a pioneer. The private estate used to be part of the royal domain of Saint-Cloud, and had been a residence for guards and officers. In 1832 the domain was partially dismantled and sold to a private developer, and a homeowner association (*l'Assemblée syndicale des propriétaires*) was incorporated<sup>2</sup>. The first development was planned for 37 properties, and there are today almost 50 distinct units housing about 400 persons. 1855 covenants set several restrictions enforced to protect the property values. Housing units were to be built within the three years following the purchase of a lot, and businesses, cafés and ballrooms were prohibited in the development. In 1932, the regulations were amended in order to prevent any lot to be subdivided below a 1000 m<sup>2</sup> surface, and to restrict the building of non-residential structures. The development has always been gated (Figure 5), but security was not a preeminent goal in the original concept: the restrictive covenants only mention a janitor's booth near the main gate<sup>3</sup>. There is no reference to the gate itself in the Covenants, and the walls and gate are physical remainders of the former park enclosure. The gate can be considered as a resilience of former land-use : it used to be a gated residence for officers and royal guards.

<sup>2</sup> Association incorporated on June 5th, 1832, according to the deeds, restrictive covenants and regulations recorded by Mr. Leroy, notary in Saint Cloud on September 28th, 1855. Although substantially amended, these original covenants are still in use today.

<sup>3</sup> Article III of 1855 Restrictive Covenants.

According to a resident<sup>4</sup>, only one burglary has occurred in a five years period of time, but many residents perceive safety concerns as an important issue and relies on the gate to provide more security. This concern seems to be relevant especially among the homeowners who recently moved in. Former residents consider the janitor and the monumental gate as effective enough to deter crime; but some residents (such as *Front National*'s leader Mr. Le Pen and some national and CEOs and top industry executives) requested the installation of electronic devices to control the gate. The implementation of a video-surveillance at the gate was proposed but declined because illegal: it would have recorded public traffic on a public street for private purposes. Finally, the bucolic landscaping cautiously maintained by the association is regularly disturbed by journalists and TV reporters because of the political activities of the extremist leader in his headquarters.

Montretout was a very early example of a private gated development, but this is not an isolated case in Paris. Many apartment buildings and small individual houses are indeed located in a private street with private square or in small streets where public traffic is banned. There were (according too a 1977 survey) 1,500 *villas* and private streets in Paris (Figure 8), operated by property owners associations. The *Villa Montmorency* in the upper-scale Western side of the city (16th district) is one of the archetypal examples of gated residential villas in Paris and was built in 1853 with the completion of the Auteuil railway (Restrictive covenants were set up in 1853; all lots were sold by 1857) (Pinçon, Pinçon-Charlot, 1994; 2001). Although sources are unclear whether the Duchesse de Montmorency or the Comtesse de Boufflers<sup>5</sup> was the last owner, the land used to be a former gated aristocratic property. The villa is composed of 120 luxury units, large estates, and used to be the home of poet A. Gide and philosopher H. Bergson. Security concerns are far stronger than in *Montretout*, and the gatekeeper strictly enforces the access restrictions.

Gates and private streets in the early 19th century are not restricted to the upper classes. Working-class villas and small private developments were also built, especially near the Southeastern industrial outskirts of Paris along the Seine River. In Athis (nowadays near Orly airport), the *Villa des Gravilliers* was built in 1897 for 75 inhabitants and was the property of a cooperative mutual society of factory employees in Paris. The mutual society built the private street and the fences, and a lottery was organized to designate the future occupants. The residents were given a 7 years lease with an option for purchasing the lot. It must be mentioned that this kind of mutual society stood then close to the utopian socialism, thar latet inspired Howard's Garden City. Usually, the villas are small developments built during the first half of the XXth century, as the property ownership for the working class was favored by a public policy allowing preferential loans (laws Ribot & Loucheur).

Some common patterns can be drawn from the examples in Paris. Preeminently, the enclosure is often inherited from a former fenced land use. *Montretout* and *Montmorency* used to be some aristocratic domain, which were fenced. It has also be documented that suburban development in the late XIXth and early XXth century in Paris partially occurred in former aristocratic forests, properties and hunting domains, some part of them being designed as fenced areas (Bastie, 1964). *Montmorency*, the large developments of Maison-Lafitte, Le Chesnais near Saint-Germain-en-Laye forest, as well as the blue-collar smallest villas on the Southeastern side

<sup>4</sup> anonymous interview in 2000 with the help of S. Degoutin.

<sup>5</sup> Contradictory information is provided by the *Nomenclature des rues de Paris* (2002) and by the *Guide Bleu* (1995).

of Paris, were all developed on such former domains. The street patterns of these neighborhoods also recall the former hunting-trails (“*chasses royales*”) (Pinçon, Pinçon-Charlot, 1994; 2001). It is at this point of interest to mention the recent development of small upper and middle-class neighborhoods, for example along the Bièvre valley, 20km south of Paris, in the municipality of Bièvres. The three gated developments were built between 1985 and 1990, and are located within the walls of the former *Parc de la Martinière*: when the lots were developed after being sold by the municipality, the development maps fit the original limits of the park, and one of the neighborhood even maintained the original wall. This development’s purpose was, in accordance with municipal authorities, to help to finance the maintenance of the domain, the park and the estate. As a consequence, when purchasing the lots, the homeowners were charge a fee to fund the maintenance of the public park (Callen, Le Goix, 2007).

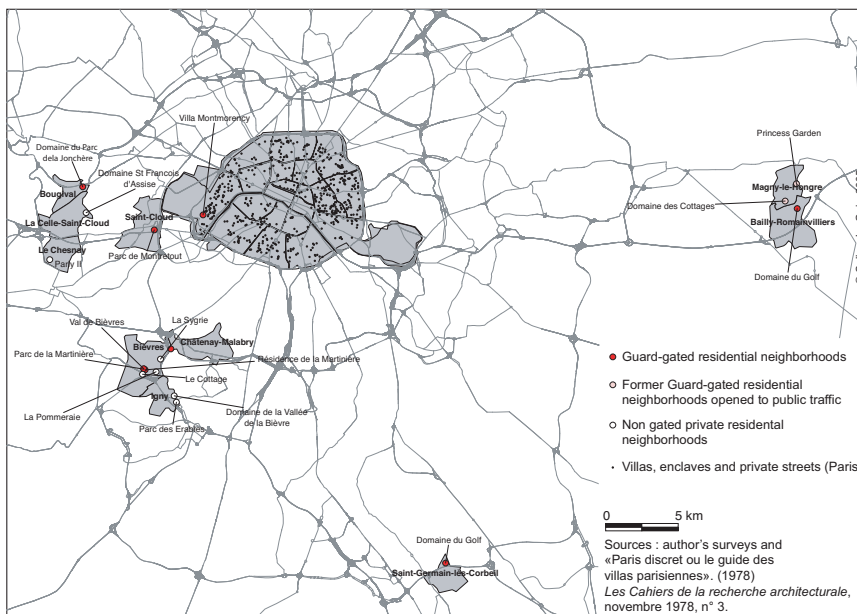


Figure 1. Villas, private streets and gated enclaves in Ile-de-France.

## GCs and urban growth

Whatever the historical and cultural context, the enclosure is motivated by the sense of property (private streets of Saint Louis, Montretout, Villas and contemporary gated communities) and their effects on maintenance and tidiness in order to protect the property values. This well-known effect of gating (Brower, 1992; Newman, Grandin, Wayno, 1974; Webster, 2002) thus contributes in some cases to protect and increase property values (Lacour-Little, Malpezzi, 2001; Le Goix, 2002; 2007). Such common economic values among club-members are not exclusive of high-ends development and this sense of property among members has also motivated the gating of private streets in Paris’ suburb based on a trade-union membership, as previously mentioned about the *Villa des Gravilliers*.

Whether public authority rely on private urban governance to manage urban growth is still an academic debate. Some empirical researches help structuring the debate in the case of Los Angeles. The alleged guaranty of property values is nevertheless instrumental in enabling public authorities to manage growth with greater fiscal sustainability. Figure 2 shows that gating is highly correlated with the pace of urban growth, especially in Orange, San Bernardino and Riverside counties. Rolling Hills (1935) and Bradbury (1938) were the first gated communities in Southern California. After World War II, these were accompanied by well-known developments such as Hidden Hills (1950) and the original Leisure World at Seal Beach (1946). Although there were 1,700 gated housing units in the Los Angeles area by 1960, the development of enclaves such as Leisure World (1965) and Canyon Lake (1968) resulted in 19,900 gated units by 1970 (Le Goix, 2003)<sup>6</sup>. Since developments after 1970 were smaller, the growth rate decreased: 31,000 gated housing units existed in 1980; 53,000 in 1990; and 80,000 in 2000. In 2000, these units represented approximately 12 % of the new homes market in Southern California.

Gated communities now represent a significant share of the housing stock in the fastest growing parts of the Los Angeles region, especially in Orange and Riverside counties where the population has boomed since the 1960s. Since 1990, the growth rate has remained high, averaging 14% between 1990 and 2000. By providing their own security, infrastructure and services, these developments reduce public financial responsibility. As compensation, homeowners are granted exclusive access to their neighborhoods, a condition which enhances location rent and positively affects property values (Le Goix, 2007). Thus, these developments are instrumental in transferring the cost of urban sprawl from public authorities to private developers and homeowners.

Also, to the extent that gating increases property values, a municipality's property tax revenues also increase. Not only are cities exempt from paying for most of private communities' security, service and infrastructure, but also rising property values increases funds to pay for enhanced public programs and goods. For instance, in Calabasas (west of Los Angeles), where 30% of the housing stock is locked behind gates, the City reinvested in 2001 13% of its operational budget in landscaping and leisure centers, such as a public golf course. All of these facilities are within the vicinity of Calabasas Park, the main gated area. This represents a complex synergy in which the municipal government derives fiscal benefit from private enclaves while subsidizing the provision of leisure amenities to enclave residents (Le Goix, 2006).

This may cease to be the case if club residents were able to opt out of certain tax municipal obligations, but even then, they may be willing to pay more for private urban governance than for public urban governance. Up to now, Courts have rejected requests by gated community to opt out from municipal taxation (i.e. : the double-taxation debate). Some tax rebates have been occasionally granted, but these are exceptions (Kennedy, 1995).

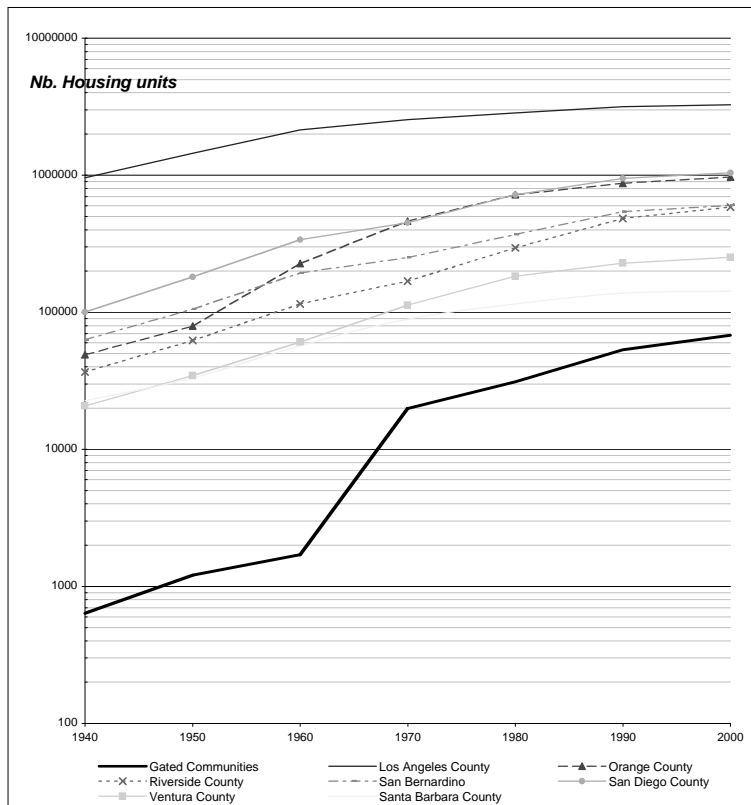
Although some developers are able to maintain profits while producing affordable developments, the vast majority perceive that planning regulations, such as requirements for open space, land dedications, and water systems layout and hookup fees, are excessive (Ben-Joseph, 2004; McKenzie, 2003). Indeed, private communities proliferate under several interesting dynamics, involving on one hand, public governments enlarging their tax-base and on the other hand,

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<sup>6</sup> Interestingly, some developments occupied land that was originally fenced and gated. For example, Rolling Hills and Hidden Hills used to be farm and ranching land and were gated to control cattle. Developers kept and reconditioned the former gated entrance of the ranch to make it their own. Canyon Lake used to be a summer camp and trailer park - also a gated land-use. It became a 9,500 person gated residential development in 1968.



developers seeking to offset the burden of public planning regulations through flexible design within private subdivisions.



**Figure 2 — Gated communities growth in the Los Angeles region (nb of housing units, 2000).**  
Housing units in 162 *gated communities* and counties compared. Sources : 1990 Census, *Population and Housing count 1990 CPH-2-1*, 2000 Census, Base de données Gated Communities.

## 2. Global product vs. local actors in the production of gated communities

This section examines how the local adoption of private urban governance models is structured by the nexus of laws, planning and residential strategies. More specifically, we analyze appropriation strategies of public space by private enclaves' designers and residents, often guided by locally driven interests and rent-seeking strategies that might contradict social equity principles.

As earlier mentioned, gating may undoubtedly be interpreted as a global trend, and a large part of the literature has contributed to foster this idea. It is influenced in many ways by U.S. models but it is developed according to local political, legal and architectural traditions (Glasze, 2005; Glasze, Frantz, Webster, 2002). Further, it has been widely discussed that gated communities proliferate within a climate of growing security concerns. In Argentina, Brazil, the U.S., Mexico and Europe, gating is associated with a lack of confidence in public law enforcement (Caldeira 2000; Querrien and Lassave 1999; and Low 2001). Nevertheless, in different historical and local contexts, gated enclaves have spread according to comparable patterns, and have in common the same legal and functional roots.

GCs and exclusive lifestyle developments are often considered in Europe as a quite recent trend of security-oriented urbanism imported from the United States by international global residential, disregarding the historical gated streets that for instance have existed for 150 years at least in France. Some might argue that heritage street gating of the industrial city cannot be compared to recent mass-consumption oriented large scale private schemes of the post-industrial era. We nevertheless argue that the rise of private urban governance could not have happened without a local legal and social context, and without urban planning tools, firms and local actors, to support it.

This argument is sustained (1) by the *New Urbanism* set of theories that has been heavily publicized in the 1990s among city planners and managers ; (2) this has contributed to forge a global product that has indeed been adapted and targeted towards local markets by both global and local firms. (3) How this local adaptation operates also relies on local strategies of residents and actors, attracted by private urban governance in order gain local control over nearby public spaces and resources.

### Homogenization of planning practices

The gated street model, although already a success among the rich and famous of the golden ghettos in the early 1850's, became popular among land planners and developers in the 1970s. The theory of gating as defensible space was developed by Newman (1972) and the *Institute for Community Design Analysis*. These practices are now commonly called *Crime Prevention through Urban Design* and are intended to increase safety in residential areas by changing spatial perception, controlling public circulation, and increasing private ownership. The erection of street barriers in retrofitted residential neighborhoods is a way to enforce public safety and control gang activities. Managers and developers have employed these practices in several low-income and public housing subdivisions, such as Mar Vista Gardens and Imperial Courts in South Central Los Angeles (Leavitt and Loukaitou-Sideris 1994). This set of guidelines became considered as good planning practices when the U.S. *Department of Housing and Urban Development* released in 1996 a new version of Newman's report (*Creating Defensible Space*). These practices have been exported, by legal and city experts. For instance, dozens of reports and comparative studies (Body-Gendrot, 1998 ; 2001; Donzelot, Mevel, 2001) have been published in France in order to

implement *Defensible Space* in city planning and renewal strategies of decaying public housing (Ocqueteau, 1999).

Protagonists in *Defensible Space* planning usually argue that preeminent reason for gating relates to (1) enhance feeling of property by residents and tenants (2) the exclusive use of a private site and amenities, in order to prevent any free-riding and unwanted visitor. Gated enclaves are operated like a club, the members paying for its private services. According to Newman, in Saint-Louis (Missouri), 47 streets have been progressively closed between 1867 (Benton Place) and the early 1920s (University Hills, Portland Place, Westmoreland Place). Built in 1922, University Hills is a 187 units subdivision with nine manually-operated gates, only one of them being opened each day according to a planning only released among the residents. If entrance was not completely prohibited, through traffic was diverted to other streets. The private streets have then been extended to several early suburbs in Saint-Louis. It was reported that residents chose to privatize the streets and gate them in order to locally control zoning and land use and to protect property values. It furthermore appeared that the municipality of Saint Louis was unable to provide the residents with correct infrastructure, thus raising the need for local private arrangements (Lacour-Little, Malpezzi, 2001; Newman, Grandin, Wayno, 1974). It clearly appears that the exclusiveness is originally designed to protect an infrastructure paid in common by associated private property-owners. Defined as a club realm (Webster, Glasze, 2006; Webster, 2002; Webster, Lai, 2003), this association is neither a complete private realm (with complete exclusiveness of property rights) nor completely public (with collective consumption rights and free-riding). In a club, Webster explains that property rights over a local public good (roads and infrastructure) are shared within a group, and denied to all external person. Purchasing a house within a gated community, comes along with a required association membership that conditions the use of collective goods and shared amenities included in the development.

The diffusion of reports and comparative studies though urban planning authorities has contributed to popularize private urban governance and enclosure as a powerful model for urban renewal and growth strategies.

### Global firms or local developers ?

Different intervening actors are commonly considered as playing major role in the diffusion of residential models, the first of them being the developers. They buy building sites, negotiate with local authorities the layout and development permits of the program, they contract with architects and promote their products on the market. Traditionally, this sector is considered as one of the most "national", with local developers working with local producers for a local demand. But, in France, global firms appeared and developed at the turn of the 1990-2000's.

A survey on real-estate advertising journals<sup>7</sup> shows that in the urban region of Paris, in the early 2000's, these firms and their different branches (Kaufman-and-Broad, Bouygues Immobilier, and more recently Nexity, Bouwfonds International) represent, depending on the districts, from one-tenth to half of the offers of new residential and individual developments. From this point of

<sup>7</sup> The survey in Ile-de-France is based on 3 major advertising journals in the new housing industry : Immo-neuf, Le Guide du Neuf, L'indicateur Bertrand. New enclaved schemes and programs by international developers have been surveyed in 2000, 2001 and 2002. Among 806 published advertisements, 204 were published by international developers and/or clearly state the program is enclaved, gated, or is named by a term denoting an enclosure.

These first results correspond to the test-phase of a large survey currently conducted on residential production between 2000 and 2008 in Paris greater region. The full survey will be released in 2009. See <http://gated.parisgeo.cnrs.fr> for further information.

view, there is no doubt they have influenced the rise of a standard model of urbanism. The US-based firm Kaufman-and-Broad is commonly considered as one of the global firms that participate to the diffusion of an American pattern of security-oriented development, based on community and social homogeneity. Their standardized schemes have standard suburban patterns, standard houses (usually they propose 4 or 6 models with different architectures, superficies), standard sets of services. But the link between the globalization of a few developers and the production of gated enclaves at the local level is not as obvious as it appears at first glance.

A study of the advertising discourse illustrates this view : the trend towards enclosures, either symbolic or concrete is embodied by the commercial names of every new developments. Many schemes are qualified as closed and can be found in almost every suburban areas (terminology used being "clos", "closerie", "domaines", "villas"). In Paris suburban area, between 2000 and 2002, these terms have been found in 15 % of new programs ; although actual gated neighborhoods represented less than 5 % of these schemes). Such denominations are used by almost all developers (local as well as international) for their commercial programs.

Nevertheless, in Paris suburban area, the sample of advertisements shows that neither Kaufman nor Bouygues Immobilier have produced any gated community (or any community presented as "gated" in the ads). Only one closed program was produced by the "Groupe George V" (which has since merged with Nexity).

Interestingly, gated residential developments are indeed mostly produced by local developers and the enclosure appears as a *niche* market for national or regional developers like Promogim or "Maisons France Confort" in Paris suburban area. Moreover, there is a regional specialization for enclosure in France that could be linked to the presence of regional developers specialized in enclosure: Monné Decroix in a large South West (Toulouse), Merhill in the South near Montpellier (Billard, Chevalier, Madore, 2005; Madore, 2004).

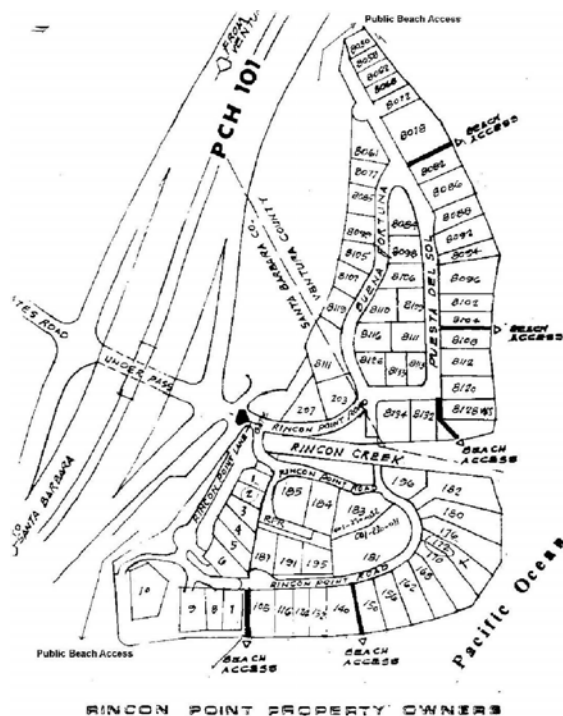
If the exclusive disposition and the community appear as positive values in the global marketing discourse in Europe, global firms act as if to be efficient this discourse had to stay more symbolic than physical. The site exclusivity is indeed produced either by a physical enclosure, a symbolic one, or local strategies promoting isolation and privatism.

### **Valuating public space by design : enclosures, location and rent-seeking strategies**

Beyond a project of social separation, the enclosures also promote monopolizing strategies of public places and facilities. Such strategies seek to protect and enhance life-style, exclusivity of site rental, control over local environment. This section reviews some of these settlement strategies resulting in an appropriation of public space by design. This gives insights on the following apparent paradox : residents' demand and developers strategies in designing enclosed neighborhoods value public leisure facilities and public spaces, thus blurring the boundaries between private urban governance and publicly owned and managed spaces.

The usage and regulation of rights of way to public areas has produced a rich corpus of court settlements and local usage to illustrate this point. For instance, many gated enclaves were build along a water body and are required to maintain a public right of way along the stream, the lake,

or the sea-shore. Large gated enclaves, s.a. Canyon Lake or Leisure World actually maintain public right of way along the rivers going through their servitude. In Rincon, a gated community in Santa Barbara county, along the Pacific Ocean, the *Rincon Creek* streams through the limits of the private gated enclave. The POA maintains public right of way to the river banks (Figure 3). Many properties also have rights of way on their premises to grant access to the State Beach. Although not gated at the origin, the neighborhood has been retrofitted with gates in the 1970s in an attempt to regulate parking and access to the beach (a great surf spot). “The purpose of the gate was then to settle a private space and to avoid a prescriptive right of way through the community to the beach. Actually the parking issue was important too: the gate forces the people coming to park on the two parking lots around the gated community, with a direct access to the beach.”



residents see the enclosure as a means to avoid non-resident to get into the premises. In 1998, the *Capistrano Unified School District* proposed to build the first public primary school ever inside a gated community : 20 classrooms, and 400 students, mostly – but not exclusively — for children living in the GC. Asked to do so by local parents, prospective buyers and GC resident, the developer (Lennar Homes) eventually offered to rent 1\$ a year a lot to the district. In order to accommodate the growing population of a GC still under development, Lennar Homes also agreed to pay \$500,000 for the school's parking lot and base-ball field. This project was nevertheless violently rejected by non-residents and some homeowners. The non-resident parents, first, were reluctant to send their children through the gates of a private neighborhood, because of the restrictions of their fundamental freedoms (Kennedy, 1995) and especially their free right of access to school and public facilities. Residents had on their side considered that a public school would have required the POA to deliver permits to pupils, parents and staff, the same way the permit access to the private school that already existed in Coto de Caza. Some argued that delivering more permits would have created a risk of crime inside the walls ; so far, the POA used to deliver in the 1990s an average of 35,000 temporary permits a year. Indeed, opponents actually feared that a public facility located inside a GC would have required the POA to leave the gates opened during business hours. Courts settlements have indeed banned the gating of streets if a public facility (s.a. a City Hall, Hidden Hills case, 1992) is located within the premises (Ciotti, 1992; Stark, 1998). Citizen groups, such as documented in the 1994 *Citizen's Against Gated Enclaves (CAGE) vs. Whitley Heights Civic Association* case, have successfully sought to ban the gating of public streets, arguing that gates would have forbidden the free access to a public property, even though the residential association proposed to pay for the cost of gating and street maintenance (Kennedy, 1995). In march 1999, 84 % of the 1700 residents voted against the school project in Coto de Caza.

By the means of rights of ways, public space nearby gated communities might as well be instrumental in valuating gated communities. Near Paris, *La Sygrie* exemplifies this kind of location strategies (Figure 3 & 4). Residents wish to gate the private driveway, despite the public right of way going through the domain : the private street is the most convenient walking access for City of Bièvres residents to a public park (*Parc Ratel*) and municipal sport facilities (tennis courts, kindergarten, gym, city meeting hall). Despite the right of way, City residents walking through the private neighborhood might feel like trespasser, when passing by the “private street, no walk-thru, residents only” sign posted at the entrance of the subdivision. Resident push for the erection of a gate, that would *de facto* privatize the only convenient access to the newly remodeled park ; the alternative access gate being more convenient by car, in contradistinction with the walking scale of French street patterns in such suburban village-like communities. The city has sued the homeowners association in 2002, in order to guaranty the right of way that has been settled in the neighborhood development permit. The homeowners take nevertheless profit of this valuable proximity, the public park and facilities being in usage considered as an extension of their own backyard.

Le *Parc de la Martinière* is another small 8 units gated subdivision, along the Bièvre riverbank. Although a right of way has been defined by the city authority in the development permit in the late 1980's, to grant the general public a convenient access to a public park, the homeowners have set up an automated gate, denying access to the park from the scenic walk along the river.

Pedestrian must go around the development, on a narrow and congested road, without any proper sidewalk to access the public park. In France, planning regulation stipulates that restrictions (s.a. a public right of way) cease to apply 10 years after the development permit is filed, unless public authorities explicitly seek to renew the restrictions. In the present case, the public right of way is now null and void, and the city of Bièvres gave up and never engaged into a legal dispute. Residents of the *Parc de la Martinière* did not “privatize” public space ; but a nearby public space has been instrumental in a rent seeking strategy, by openly denying public access from the river pathway to the parc.

In contradistinction to common wisdom, there are usually no public facilities being privatized inside gated communities. Nevertheless, public space is instrumental in valuating gated communities. At a local level, private urban governance implies resident-side strategies of appropriation of nearby public facilities and by doing so, social distinction. Because of this appropriation by design, private communities value public facilities, yielding an appropriation of public areas by members of residential clubs. To a certain extent, some examples (*Rincon, La Sygrie*) clearly demonstrate that at a local level, privatization strategies and gated streets are designed to control access to public space.

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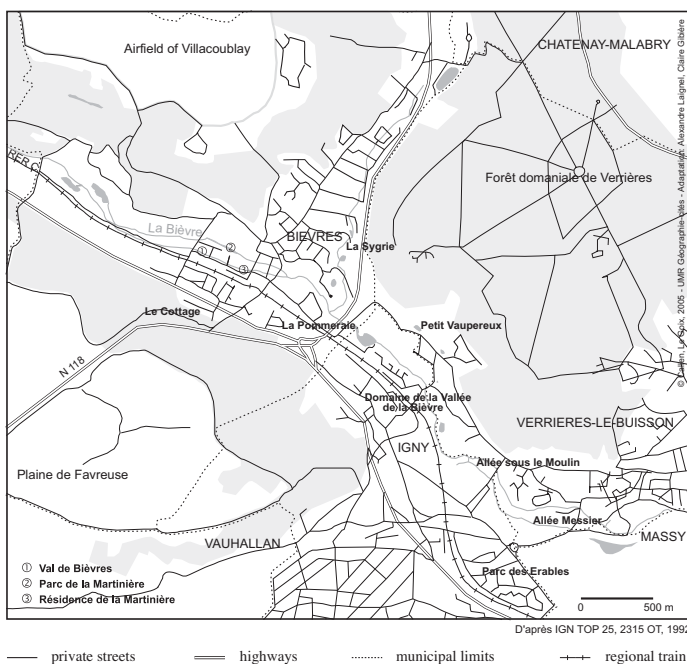
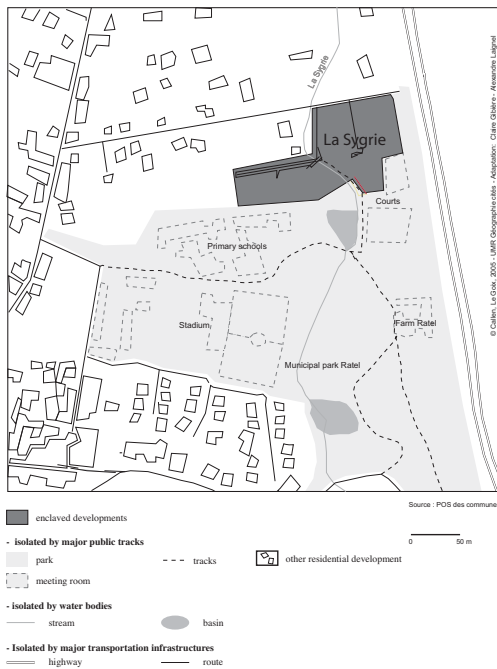


Figure 4. Location of private streets and gated enclaves in Bièvres (Ile-de-France)



**Figure 5. “Location, location, location”: public space and rent-seeking strategies (La Sygrie – Bièvres)**

### **3. Local path-dependency : private neighborhoods, local strategies and institutional milieu**

The preceding section have sought to demonstrate that gated communities relies more on local developers targeting “niche” markets and local rent-seeking strategies than on the engineering, designing and financing of housing at a global level. Local patterns have preeminent influences on how gated communities and private neighborhoods are adopted by housing developers, local bodies of governments that authorize them, and at last, prospective buyers. We argue that local path dependency truly explains the success stories of gated communities according to local social and political patterns and local institutional milieus. We elaborate on empirical evidences from spatial patterns of interactions by residents in gated communities and private streets in order to demonstrate that private residential areas political and social interactions are eventually familiar and consistent with more casual patterns in a suburban world. Two sets of empirical data are exposed, in the US and in France, that demonstrate how gated enclaves indeed rely on the municipal level in order to make their governance effort sustainable in the long run.

#### **Gated communities as local small-scale governance in the US**

By the year 2000 over 15% of the US housing stock was in CIDs and the number of units in these privately governed residential schemes rose from 701,000 in 1970 to 16.3 million in 1998 (McKenzie, 2003; 2005; 2006). The Community Association of America estimated in 2002 that 47 million Americans were living in 231,000 community associations and that 50% of all new



homes in major cities belong to community associations (Sanchez, Lang, 2005). Only a proportion – up to 30 % in the region of Los Angeles for instance (Le Goix, 2003) – of these private local government areas are gated.

The breaking down of municipal management into smaller units might in the end deliver a more sustainable urban political economy on the whole, but only at the expense of marginalizing those excluded from the “club economies” as in *minimal cities* (Miller, 1981). How sustainable this is depends on the wealth redistribution institutions that arise.

The relationships between gated enclaves and public authorities are mostly governed by the fiscal gain GCs might produce (see *supra*) at almost no cost except general infrastructure (freeways, and some public utilities). It has been demonstrated that GCs are particularly desirable for local governments, especially in unincorporated areas (without municipal government, the county being the only local governing body), where suburbanization, lower densities, growing cost of infrastructures and lower fiscal resources are part of the preeminent paradigm (McKenzie, 1994). When developing private neighborhoods, the homeowner pays for the provision of public services. Indeed, Common Interest Developments (CIDs) are both public actors and private governments. The developer and the subsequent homeowner association substitute for the public authority and privately provide a public service s.a. streets, sidewalks, landscaping, utilities networks, etc. (Kennedy, 1995; McKenzie, 1994). But some gated communities also transform into public entities by incorporating into autonomous cities or taking part in a broader incorporation process. This issue is important in understanding the nature of the new territorial maps built by gated enclaves.

It is a paradox that gated communities, often perceived as a rejection of public governance models, might indeed seek to become public actors of their own. The sprawl of gated communities is not, however, to be understood as “secession” from the public authority, but as a public-private partnership, a local game where the gated community has utility for the public authority, whilst the Property Owners Association (POA) is granted autonomy in local governance, and especially in financing the maintenance of urban infrastructure. But this user-pays paradigm creates a high cost for the homeowner, charged with the property taxes, the district assessment and homeowners’ fees. This higher ‘entry-fee’ contributes to the protection of property values but also to socio-spatial selection and segregation. It may then seem a paradox that gated communities also transform into public entities by incorporating into autonomous cities or taking part in a broader incorporation process. This issue is important in understanding the nature of the new territorial maps built by gated enclaves.

Le Goix (2005) analyzed the recently incorporated Los Angeles area municipalities that are predominately composed of gated communities : to sum up, incorporations have occurred for two primary reasons<sup>9</sup>. On the one hand, they aimed to prevent a potential annexation by a less affluent community looking for an extended tax base (Rolling Hills, Hidden Hills, for instance, or Rancho Mirage and Indian Wells in the Palm Springs area). On the other, they aimed to protect local lifestyles, values, and planning control (Leisure World, Canyon Lake, Dana Point, Calabasas). After incorporation, local affairs have been shared with private homeowners associations, which take charge of road maintenance, security and compliance with land use regulations and

<sup>9</sup> Incorporated gated communities include Bradbury and Rolling Hills (1957); Hidden Hills (1961); Canyon Lake (1991); and Leisure World (1999). Enclaves incorporating as part of a new city where a substantial part of single-family housing developments is gated include Dana Point (1989); Calabasas (1991); and Dove Canyon (incorporated with Rancho Santa Margarita in 2000). For details, see Le Goix, 2005.

restrictive covenants. These *minimal cities* also reduce operation costs by contracting with the county and other public agencies to supply public services, such as police, water, sewers and fire (Miller, 1981). Instead of acting as a separate entity, minimal cities are extensions of their HOAs.

By incorporating gated communities as municipal governments of their own, local leaders seek :

- to prevent their upscale fiscal basis from being redistributed in other (poorer) areas, a common goal in incorporation driven by upscale U.S. developments (Miller, 1981);
- to legally transfer public resources and assets for the profit of exclusive and enclosed neighborhoods ;
- to legally obtain public infrastructure financing within gated areas. Thus, in some circumstances, fragmentation yields short term efficiencies at the expense of long-term system disruption with potentially high recovery costs (Le Goix, 2006).

Homeownership inside a gated community is primarily a real-estate investment — offering property security. Secondly, it offers security of lifestyle. And thirdly, it is a private attempt to gain local control over a local environment – which adds to the security of property and lifestyle.

### **Private and gated streets and the significance of the municipal level in France**

In the US, gaining local control over local environment is a key in understanding the success of gated communities. In Ile-de-France, gated communities have been classical features since the original development of Le Parc de Montretout in 1832. As previously discussed, private street have been a much longer term trend, but has never reached the striking amplitude of the phenomenon in the US. The reasons for this containment of gated communities and private streets are not to be sought in morphology (suburban residential developments with lollipops and dead-ends are common in France), but rather in local practices by residents.

This discussion elaborates on a survey conducted in 2002 in 11 private neighborhoods (4 being gated and 7 non gated but enclaved private streets) in the Bièvre valley, in south-western Ile-de-France<sup>10</sup>. Located in the upper-middle class urban edge of the 1980s, socio-economic patterns are among the most homogeneous and average 20,000 €/year/person. In a green belt setting made of national forests and farming, this area has been suburbanized in the 1970s and 1980s, accompanying the rise of nearby industrial and high-tech districts of Saclay (nuclear research), Clamart Villacoublay (aerospace, automotive and IT industries) and Orsay (University research park), this valley has offered a privileged yet protected residential area (Figure 4), efficiently connected to downtown Paris by freeways and regional trains, and minutes from Orly Airport (mostly domestic and short haul flights). The small-town-like environment is an important feature that value the valley : in this close-knit high density individual housing residential sprawl, the small town center has its city hall, its market place and some basic businesses and grocery stores. Around the traditional town centers, public spaces and promenades along the Bièvre river have recently being remodeled by public authorities, by the means of a Special District. It is important to mention that residents frequently consider their local life as a village-like, idealized, setting. This is obviously embodied by local events reviving local heritage, handycraft, rural celebrations (s.a. the annual “Strawberry Celebration”), etc.

<sup>10</sup> On an average 350 housing units, 93 household have been sampled and received the survey. The survey yielded a 80,6 % response rate. For methodological review and full results, see Callen, Le Goix, 2007.

The survey aimed at characterizing households, their residential strategies both in terms of location and choice for private streets, and their socio-spatial practices at the metropolitan and local levels. 34 variables have been collected, based on confidential answers. A first series of question was designed to characterize lifestyle and lifecycle (age, children, occupation, etc.). A second set of questions describe residents daily practices and local involvement : memberships in local groups, charities, sports and leisure clubs (at the municipal level or in the neighborhood); usage of local facilities (municipal meeting hall, public sport facilities) ; frequent use of parks and forests in the surroundings ; and daily trips to works. At last, information has been collected regarding residential strategies, describing both the choice for a specific house and residential subdivision (qualitative aspects, investment strategies, proximity with families), and the location choice at city level (closeness to work, to friends and families, qualities of city amenities, lifestyle options, etc.). Table 1 summarizes the average profile of surveyed residents for relevant variables.

**Table 1. Average profile of responses (selected variables)**

<b>1. Household and residents characterization</b>			<b>3. Local practices</b>	
Average age	50-60 y.o.		Club membership with other residents of the private neighborhood	37%
University degree	66%	40%*	Membership in a municipal sport / leisure club	43%
Children per household	2,3		Children membership in a municipal sport / leisure facility	42%
Persons per household	3,4	2,6	<i>Public parks and forests</i>	
Owner-occupied	95%	66%	- 1+ weekly trip Bois de Verrières	66%
Years in same residency	14,6		- 1+ weekly trip to river walk and lakes	40%
			- 1+ weekly trip to parks in other municipalities	8%
<b>2. Place of work and commuting</b>			<b>4. Residential strategies</b>	
Same département (Essonne - 91)	33%	18%	<i>a. Subdivision level</i>	
Hauts de Seine (92)	20%		Quality of the subdivision and environment	79%
Paris	15%		Quietness of the subdivision	65%
Yvelines (78)	15%		Buying a home in this subdivision perceived as a secure investment	31%
Val-de-Marne (94)	8%		<i>b. Municipal level</i>	
Other countries in Europe** (5 persons)	6%		Lifestyle and quality of the built environment	86%
			Convenient location to work	41%
			Closeness to family network	17%
			Quality and efficiency of municipal facilities	7%

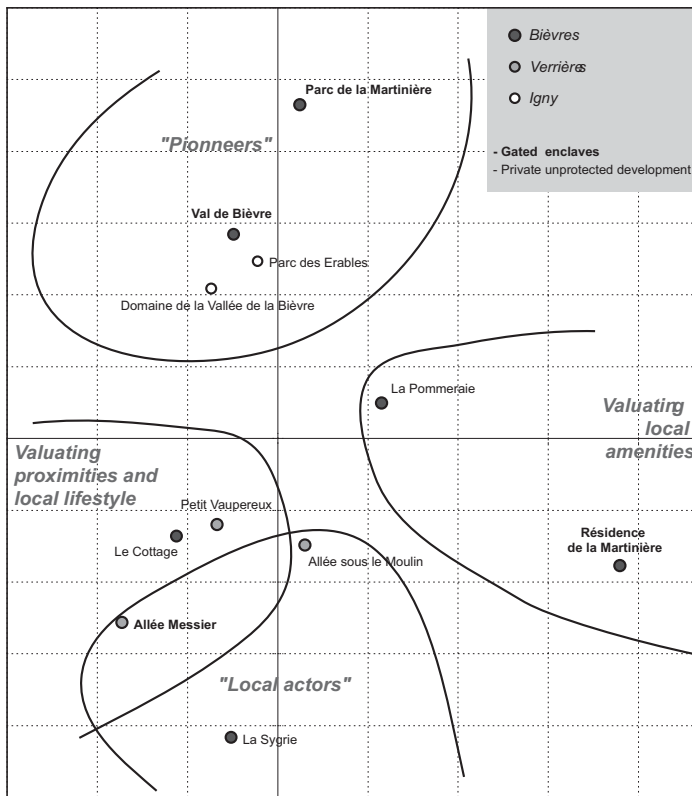
\* Comparative information at the municipal level provided where applicable (1999 Census)

\*\* 5 persons have declared their main place of professional occupation in another European country. This is explained (1) by the proximity with Orly Airport (2) by the high level of education and responsibilities of some of the residents.

According to a typology of residents based on collected data, four types of answers are to be distinguished (figure 6)<sup>11</sup> :

<sup>11</sup> Principle components analysis conducted on 34 variables and 11 subdivisions. The 4 principal factors account for 72 % of total variance. With only 11 individuals we limit the interpretation to factors 1 & 2 (43% of total variance). See Callen, Le Goix, 2007.

- a first category of respondents are seeking to value *proximity* and *lifestyle*. Respondents in these developments consider that environmental characteristics of the housing lot, as well as its quietness, access to parks and gardens, and perceived security of the investment are preeminent aspects of their residential strategy. They have on average a good knowledge of the municipal environment and have been well informed of local investment opportunities. Closeness with parks and forest clearly accounts, as well as local social networks. Households with children explain the involvement in local clubs. At last, data suggest that proximity with relatives in the same municipality have played a role in location strategies.
- Others have strategies valuating municipal resources and amenities. Respondents in these subdivisions mostly work in the same municipality or district (*departement de l'Essonne*). A location close to work has thus been preferred, and respondents subsequently make extensive use of local public resources, making good profit of short distances and commuting time. These characteristics are correlated with a higher level of education than the average profile.
- A third category of subdivision can be characterized as *pioneers*. Respondents are older than the average profile and have been owners since the origin of the developments. The number of commuters with Paris and south-western industrial and business districts (*Les Yvelines*) is above average profile. This well and long established residency favors local social networks and acquaintances at the municipal level.
- A last, a fourth category is composed by developments where residents may be considered as *actors*, active in private governance. In these subdivisions, residents are active members of the property owners association, and are characterized by employment location in furthest districts : *Hauts-de-Seine (La Défense)* or *Val-de-Marne*. They value the quality of their investment, and the “quality of life” in the valley.



**Figure 6. Survey results : private streets residents as local actors** (factor analysis)

The contrasting strategies suggest that gating is only a weak characterization of the subdivision, and does not clearly correlate with residential strategies. Gated districts are found in different categories of the typology, but some common patterns appear. Two gated neighborhoods are characterized by *pioneers* strategies. In general, residents of gated streets considerably value the local municipal milieu. If they are poorly involved in local clubs and in private governance management, local patterns are structured by closed social networks and nearness to family members. Residents, and their children, also make an extensive use of municipal youth clubs and public gardens and leisure facilities.

But, despite these generalities, data show that respondents' use of local facilities and public spaces is more related to educational attainment, age and occupation than the gating structure of the development. Moreover, variance in residential strategies, perception and usage of the local milieu by respondents is mostly determined at the municipal level ; the contribution of gated structures seems in this regard weak. In a majority of subdivisions, respondents show strong ties to the municipal level : public facilities, social networks, closeness with relatives, public parks, and this clearly demonstrate that sociability cannot be reduced to an hypothetical "community" created by gates, walls, and subdivision limits.

## Path dependency and local institutional milieu

Elaborating from this result, we wish to push further our argument : the significance of the enclosure truly depends on the local context ; this local milieu thus explaining how gated patterns adapt and correspond to residents behaviors, social strategies and economic demand. Gated communities being a success in the US, where local governance is structurally weak, contrast with France, where gated enclaves have been long term trend, by never emerged as a dominant form. The local institutional milieu – the nexus of laws and practices that shape local property markets, development industries and land regulations – create path dependencies in the local manifestation of the global trend towards private cities. They raise and lower the attractiveness of the private urban governance model. For instance, the absence of gated communities in Germany is usually seen as resulting from the absence of legal structuring of horizontal residential co-ownership (Glasze, 2003). In France, the existence of 36,600 municipalities (communes), most of them with 500-2000 inhabitants, does not favor the diffusion or invention of gated communities especially in the outer suburbs with an average population of 800. Their municipal powers in regulating land use, zoning, and allocating resources are very strong and clearly favor social homogeneity of residential suburban schemes. In this context, suburban fragmentation is to be understood as a function of the institutional structure of French municipal government (Charmes, 2005; 2007). There is less of an institutional gap at the neighborhood level than in most other European countries and less scope for the creative destruction of public urban governance models. Yet there is something of a paradox here. Gated communities in France are not a recent innovation. In 1978 a comprehensive survey found that there were 1,500 private neighborhoods (villas) and private streets in the centre of Paris. In France, the 1804 *Code civil* sets up a condominium law and regulates property rights, enclosures, rights of ways, contractual agreements and; subsequent laws on planned unit developments (1923, 1976, 1986) derive from this legal framework : every new land subdivision in the country has been required by law to set up restrictive covenants and, in the case of private streets, a homeowners association. Streets can be either public (retrocession) or private. Under France's strong urban municipal culture, these have remained relatively under-used and minor elements of the overall urban governance infrastructure (much as town and parish councils have in the UK). In parts of the world where the state is not so successful at delivering civic goods and services or not so minded to do so, the borrowed and adapted French 1804 condominium idea has provided the legal basis for entrepreneurs to supply not just homes but entire neighborhoods complete with governance structures and private management (private versions of town halls for groups of anything from 200 to 200,000 residents). Co-ownership institutions, such as the French Condominium law can, in principle, reproduce many of the features of politically organized municipal government. But that has apparently not been necessary in France, at least partly due to the scale and fiscal design of municipal government units. Because of this path dependency in structuring local suburban governance, the debate over social sustainability of suburban private communities mostly derives from the structuring of municipal governance and its redistributive patterns.

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## Conclusion

The debate over social sustainability of gated communities in a comparative perspective yields balanced conclusions. By the means of an exploration of global and local lineation of residential

private urban governance, considering GCs as a global U.S. model of private urbanism yields a simplistic yet commonly accepted view. An exploration of the historical threads of gated communities connects their diffusion dynamic with suburban growth, which landscapes are built according to an urban semiotic and set of regulations made of exclusivity, community, privacy, and local control over land use and amenities. GCs have emerged in various forms for different reasons in different places, according to local political, legal and architectural traditions.

If a well known global diffusion of a set of tools has progressively homogenized planning practices (*New Urbanism*), it may seem a paradox that global developers are not preeminent actors in building gated enclaves. Promoters of enclosure are to be found among local smaller developers, whose strategies focus on “niche” markets. Indeed it seems that getting a better understanding of the spread of gated communities requires considering the nexus of law, but also the practices of development industries and layout of neighborhoods. This demonstrates that common goals of private communities is about getting control over nearby environment (control over public space, amenities, etc.) and guarantee property values. In brief, if local actors target the building of sustainable communities from the owners point of view, this is often a contradictory goal according to equity principles at a more general level.

But empirical evidences based on political behaviors of GCs and social relations of the residents reveal path dependencies in the local manifestations of private communities. Whatever the legal context, local actors, residents strategies, public bodies of governments and entrepreneurs find ways to meet a continuous demand of local control. This can be met either by the means of private urban governance, or by a local body of public government, depending on how local institutional milieus have structured decision making, fiscal regulation and social exclusion patterns. Indeed, French small suburban communes are powerful enough — and oligarchic enough — to exclude undesired populations; why then rely on another level of regulation s.a. restrictive covenants and private urban governance to reach the same goal of local exclusivity ?

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