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"Privatized suburbia: the implications of private roads"[1]

Abstract

Over the last few decades new residential developments increasingly feature private roads. Planners may see private roads as a strategy for permitting greater design flexibility. Without standard engineering requirements, narrower roads and street materials designed to slow traffic can create intimate and quiet residential environments. Developers who want to build at higher densities see private roads as a marketing device to offer privacy and exclusive amenities to residents. Municipalities may look to private roads as an effective way of avoiding long term infrastructure maintenance costs. Many planned unit developments and new urbanism style projects have turned to private roads to achieve their objectives.

The paper considers some of the implications of private roads. Some municipalities have faced requests for municipal services and interventions from residents on private roads, indicating the long-term risks for municipalities. Since home-buyers pay the costs of private roads, such developments prove more expensive and exclusive than conventional developments. Private communities may enjoy substantially better amenities (such as recreational spaces) than public communities, leading to different standards for different residents. Moreover, in parts of Canada, private communities with private roads are being gated: enclosed with walls and with access limited by gates or guards.

While private roads provide a useful tool for achieving design objectives and for transferring the burden of development to those who benefit from it, they also facilitate segregation and fragmentation of the urban landscape. The paper suggests that municipalities should examine the role of private roads carefully before deciding whether and when to permit them.

Introduction

Cities are constantly changing in response to transformations in the technologies of production and transportation, and in reaction to shifting values and social relationships. The suburbs, the leading edge in the process of urbanization, clearly reveal these shifts in their built form. Contemporary Canadian suburbs show evidence of shifting patterns and ownership of a basic component of urban form: the residential street.

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In recent decades, the line between 'public' and 'private' has become increasingly blurred in western cities. As Dear and Flusty (1998) note, the trend to privatization is strong in the postmodern city. Formerly public spaces like waterfronts and downtown streets have been renovated or revitalized in collaboration with private entrepreneurs: the resulting festival spaces are neither clearly public nor private (Defilippis 1997, Gottdiener 1997). 'Imagined' or 'imagineered' streets have become immensely popular commercial areas (Archer 1997, Banerjee 2001). Public sidewalks are leased to private businesses for sidewalk cafes (Livingston 2005), while private businesses such as malls allow their common areas to function as public places (Sorkin 1992). The nostalgic private streets of neo-traditional communities like Seaside, Florida, have become the photogenic background for fashion shoots (Falconer Al-Hindi and Staddon 1997) and movies (*The Truman Show),* and the proposed model for an improved public realm (Duany et al 2000, Katz 1994). By contrast, the barricaded private streets of gated communities have become the emblem of the city of fear (Blakely and Snyder 1997, Ellin 1997).

At one time, Larry Bourne and Trudi Bunting (1993: 183) wrote that 'All urban housing ... is at least in part "collectively" produced, in effect as variations of social housing.' Is that still true, or are private roads changing the urban calculus? Some economists have made a free market argument for 'de-socializing' roads: that is, turning more of them over to private builders and managers (Carnis 2001). Both in the United States and in Canada a considerable proportion of new residential development features private instead of public streets. A growing number of new housing units in the US are being built in common interest developments where a range of amenities and services are collectively provided (Barton and Silverman 1994, Blakely and Snyder 1997, McKenzie 1994, Sanchez and Lang 2002, Sanchez et al 2005). Private roads offer the benefits of being quiet, safe, and less congested. Our public policy decisions and market realities have made private roads an increasingly attractive choice for segments of the housing market. Not only do these projects with private roads employ different design standards from public roads, but they also imply social changes in the (sub)urban landscape.

This paper considers why private streets are becoming a popular suburban trend in some parts of Canada. It begins with a brief history of private streets before proceeding to discuss some of the spatial, socio-economic, and planning implications of the growth in this urban form.

A brief history of streets

Along with the provision of water and collective security, streets have traditionally been among the principal public services in cities. In planned cities, the state laid out and prepared the roads to move goods and people through space. While streets provided public spaces for economic and social activities, they also facilitated social control in cities, and served as symbols of social hierarchy (Grant 2001). Powerful rulers laid out avenues to move troops quickly and effectively, and hence to define state power. For example, in the ancient Chinese city of Chang'an (seventh century) broad streets led from the gates of the city to the palace in the north, but the streets in residential areas were closed at night to keep people in (Wright 1967)
The residential streets of unplanned ancient cities often appeared as residual spaces between buildings (Kostof 1985, Morris 1994). These routes provided access, but were generally private, narrow, and irregular. Japanese cities reveal similar processes: many residential streets have no names, lack sidewalks, have open drains, and vary in width according to the placement of buildings. While residential streets in Japan are public in that they are maintained by the state,

they function as private access ways to the homes they service (Grant 2000; Shelton 1999).

Both government and private interests have built streets through the centuries. Government often focussed on major routes, leaving residential streets to home builders. In London, England, from the seventeenth through nineteenth centuries, builders created a new kind of residential landscape. Private squares and parks were built on old estates in the burgeoning suburbs. Some of the private streets remained gated until the mid to late nineteenth century (Lawrence 1993).

Private streets provided a mechanism for developers to install services and limit access to only the residents of the neighbourhood. They functioned as a way of separating districts by class or ethnicity. Private streets appeared in the United States during the nineteenth century (Newman 1980, Southworth and Ben-Joseph 2003), and also in parts of Canada. Goheen (1994) reports that the proprietors of College Avenue residences petitioned the city of Toronto in May 1864 to construct gates to the street: the city refused. Entrepreneurs were building private streets in Cabbagetown though (Slawych 1999).

The function and control of public streets became an issue in the late nineteenth century, as cities grew and the role of municipal governments expanded. As Defilippis (1997) notes, public streets have never been fully inclusive: they have often excluded women, the disabled, and various unwanted populations. But in the nineteenth century various classes used the public streets used in different ways. Domosh (1998) describes Fifth Avenue and Broadway in New York. In the early mornings, working men and women hurried to their jobs in the city; between 11 am and 3 pm the upper class women promenaded for shopping and leisure; in the evening, streetwalkers and merry-makers took over the street. The classes each had their typical patterns and behaviours on the street. Goheen (1994, 2003) presents the contested views of appropriate activity on public streets in Toronto in the nineteenth century: as the middle classes tried to redefine the values associated with the public use of streets, the traditional activities of the working classes became increasingly subject to regulation and policing.

As Soja (1989) argues, space is socially-constructed. The meaning of public spaces such as streets changes with cultural transformation (Defilippis 1997, Ferguson 1988). The twentieth century brought shifting transportation options and economic patterns. For much of the century, the gap between richest and poorest narrowed. Working people were able to afford better housing. The implementation of housing standards and state spending to improve public roads and infrastructure, and to provide financing options for home buyers led to rapid urban expansion. The suburbs came to represent the dream of private ownership (Harris 2004).

By the late twentieth century, though, the gap between rich and poor was widening again. The post-industrial economy generated new tensions, and new spatial arrangements (Dear and Flusty 1998, Soja 1989). Private streets again became popular in suburban development in many regions. Soja (1989) says that class relations are expressed in space: if that is true, then private streets provide the physical cues that social distance between classes is re-emerging. While some may believe that private streets are merely extensions of the corridors in private apartment buildings – horizontal condominiums instead of vertical – others may argue that they represent a reshaping of the public city. Do private streets compromise the public realm, or are they nothing but long driveways to private homes?

Why the rise in private streets?

Transformations in North American economic, political, and social structure in the late twentieth century opened space for private streets. Several factors account for the shift. First, the cost of housing relative to income had increased, encouraging households to seek less expensive options for home ownership (Barton and Sliverman 1994). Second, changing rates of household formation brought an increase in small households. About 70% of condominium owners are single person or two person households without children (CMHC 2004). Third, increased longevity and declining birth rates contributed to rapid growth in the elderly cohort (Bourne and Rose 2001). About half of condominium households have at least one member over 55 years of age (CMHC 2004). The increased rate of household formation, rising levels of affluence, and growing market share for seniors affected urban form (Bourne and Rose 2001).

The debt crisis of the welfare state by the late 1970s generated an era of fiscal conservatism in the 1980s. Municipal governments soon felt the crunch as higher levels of government cut transfers and downloaded responsibilities (FCM 2001). To minimize expenditures, many governments introduced public-private partnerships, and systems of 'user-pays'. Programs that required developers to pay for or provide the infrastructure for new development, introduced in the 1950s with Don Mills (Harris 2004), became increasingly standard. Facing the expense of laying streets and services, developers sought strategies to reduce their costs and increase densities. Municipalities that permitted private roads allowed developers to reduce construction standards (eg, width, amenities, materials) in exchange for taking on the long term responsibility for maintenance.

The share of the homeownership market held by condominiums increased dramatically in the last two decades of the twentieth century. CMHC (2004) reported that in 1981 condos had 3% of the owner-occupied market; their share increased to almost 9% by 2001. Many of these condominiums were built as ground-oriented units on private streets.

In the nineteenth century, strong social mores governed public behaviour on the street. People knew their place, and knew what to expect from others: they respected the 'bourgeois code of the street' (Domosh 1998: 219). By the late twentieth century, though, social behaviour was changing. Middle class control over behaviour in public places created the perception of a loss of civility (Banerjee 2001). Consumers increasingly favoured strong controls on the built environment to protect their investment. The greater use of deed covenants in new development to set standards has been well-documented in the US (McKenzie 1994): Filion and Alexander (1995) have considered the impacts of covenants in the Canadian context. Private environments permit the application and enforcement of stronger land use controls than zoning provides (Fischel 2004).

Balula (2004) suggests that the rise of gated communities and private enclaves reflects a fear of difference. In the context of the diversity of the post-modern city, privatization and enclosure allow residents to use space and separation for controlling difference. Dear and Flusty (1998) argue that postmodern urbanism generates two responses to extreme diversity: 'polyanarchy' reveals a 'grudging tolerance of *difference'* while 'pollyannarchy' represents an 'exaggerated, manufactured optimism' (1998: 64). Optimistic responses to diversity inspire the public/private streets of festival marketplaces like Granville Island, the Byward Market, and St Lawrence Market; the reluctance to embrace difference generates gated communities and private residential streets.

What are the spatial implications?

Private residential streets prove more common in some parts of Canada than others[2]. Where growth is strong and market segmentation common, private streets appear with some frequency. In Ontario, for example, the back lanes of Cornell in Markham – a new urbanism project – are private, as are the streets of gated projects like Village-by-the-Arboretum in Guelph. Many new suburban streets in southern British Columbia are private, whether the projects are gated or not. In Nova Scotia private roads are widely used in exurban and cottage developments.

Visitors to areas with private roads will observe the application of different standards than those used in public streets. Developers may use alternative materials for paving. The width of pavement is usually narrow. Curbs and sidewalks may not be provided. Short block lengths and building setbacks are common. Many projects post signs of exclusion: 'private property' or 'private street; residents and guests only'. Very low speed limits and rules about parking are typically posted. Some projects have gates or guards to limit access to the streets.

By discouraging through traffic, private streets fragment the urban fabric and increase the grain size. Cars, bicycles, and pedestrians must navigate around the neighbourhood instead of passing through it. In some cases, the private streets may limit access to amenities. For instance, private property may cut off routes to public spaces like lakes or ocean front. In most cases, private streets demarcate differences of class in the urban landscape.

What are the socio-economic implications?

'[U]neven geographies of social change' (Bourne and Rose 2001: 113) are revealed in part by the proliferation of private streets. In Canada, most suburban communities with private roads are reasonably affluent[3]. CMHC (2004) figures indicate, for example, that the average senior condominium dweller is more affluent than seniors who own other kinds of housing. The tendency of developers to group housing by price point on streets encourages segregation by class in these neighbourhoods. Residents find themselves separated by lifestyle choices, sharing amenities with neighbours who are like them (Maxwell 2004). As class and status extremes grow in contemporary society, so does the perceived need for separation from those who can afford it. People search for residential environments that give them a sense of control and order (Grant forthcoming a). Private streets provide a mechanism for social and spatial distancing.

Barton and Silverman (1994: 303) suggest that the 'current ecology of neighborhoods' produces homogeneity. Private communities help people avoid conflict by reducing their contact with difference. As Low (2003) notes, the residents of gated communities are searching for 'niceness' and civility. They believe they find it in living with others like themselves. Balula

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[2] Data on the number or kilometres of private roads in Canada has proven difficult to locate. The researchers are in the process of collecting municipal policies on private streets.
[3] This may not always be true of rural communities that feature private roads. For example, in Nova Scotia developers have sometimes offered lots on private gravel roads as an inexpensive rural subdivision strategy. Such entry level homes meet the needs of households on modest incomes.

(2004:16) believes that in gated communities 'fear of social *difference* is the insidious rationale both for an increased privatization of public space, and for extending to public spaces the rules of private property'. 'The fantasy of the private realm involves intimacy, safety, and control' (Kohn 2004: 7). Private streets provide the essential spatial and legal mechanism to control the residential district.

For municipalities, private streets offer clear fiscal incentives. Municipalities generally gather full taxes from properties in private communities while having to provide few local services. Private streets can generate a net cash flow to cash-strapped local governments. Residents are responsible for snow removal, garbage collection, and road repairs on private streets: they pay monthly assessments to cover the costs. In some cases, though, the perception of 'double-taxation' has led residents to appeal for breaks on their property taxes. Although many municipalities refuse to waiver on their policies that private streets are private responsibility, some municipalities have agreed to appeals by residents to assist with services. For instance, in St John's in 2001 the city voted to take over McNaughton Drive, a private street from a former American air base. When the water system failed, residents petitioned for the city to make the street (the only way into a community recreational facility) public. After first refusing, the city paid to bring the water system up to standard and made McNaughton Drive into a public street (Sweet 2001, Telegram 2001a, 2001b). Poor maintenance and servicing on private roads has created issues in Halifax Regional Municipality in recent years. HRM has 900 private roads, mostly in its rural areas. With no mechanism to force developers or residents to pay for maintenance, some private roads have deteriorated (Moar 2002). Residents sometimes want the Region to assume responsibility, but HRM will only take over roads if they are built or upgraded to municipal standards. After fire services refused to cross a bridge in one area, the Region and residents reached an agreement for a special assessment to repair the bridge (HRM 2003). At present Council applies municipal standards to new private roads and has thereby obliterated their utility to developers.

In the US, legal mechanism of the homeowners association has the legal power to enforce rules and payments by those owning property in private communities. They have the power to take over property for non-payment of fees and to impose sanctions for violations of rules (Barton and Silverman 1994, McKenzie 1994, Nelson 2004). Condominium associations in Canada have less authority than homeowners associations do under American law (Maxwell 2003). They collect monthly fees, but many may not have sufficient reserves for major repairs. The mechanisms governing private communities in Canada may not provide the desired degree of certainty about the future upkeep of private roads.

If local residents are paying for their private roads, then they may want to keep people out and thereby reduce wear and tear on the streets. Such sentiments encourage the demand for gating. Christopherson 1994: 413) suggests that because private communities see their infrastructure as their own responsibility 'urbanity has been narrowed and redefined as a consumption experience'. Private streets allow residents to extend their understanding of their private property far beyond the bounds of their own home to the boundaries of the neighbourhood.

Extensive application of private streets may result in widely different standards in development. For example, private neighbourhoods often feature attractive green spaces, parks, and recreational amenities like pools or golf courses. Some, especially new urbanism projects, enjoy

high design standards. By contrast, public neighbourhoods may reveal conventional street designs and large regions of tract housing with garage-front streetscapes. With municipalities trying to manage their expenditures for parkland and green space, public communities may have less open space and fewer amenities. The result can be two-tiered suburbs.

What are the planning implications?

The European legacy of the Greco-Roman tradition associates beautiful public places such as squares, agora, paved streets with democracy and culture. Hence many commentators see the proliferation of private streets and festival marketplaces as evidence of the loss of the public realm and a threat to democracy and social justice (eg, Mitchell 2003, Sorkin 1992).

At the same time, though, private streets have provided a mechanism for achieving the design objectives of movements like new urbanism that seek to re-energize and enliven the urban environment in a cost-effective way for local governments (Handy et al 2003, Southworth and Ben-Joseph 2003). Private streets offer flexibility in design standards that allow narrower pavements and improved amenities in the residential environment (Ben-Joseph 1995, Berridge et al 1996, Ontario 1997). They facilitate developments at higher density by using local amenities for residents as trade-offs for smaller lots. In communities where municipalities have not adjusted conventional land use regulations, planners rely on development district provisions and private streets to accommodate projects that offer efficient use of space.

Private streets help to achieve some planning goals while hindering others. Because they contribute to higher construction costs for residential development, private communities tend to make goals like social mix difficult to achieve. Communities with private streets are generally affluent, and sometimes exclusionary. They may undermine efforts to promote social equity and instead contribute to spatial inequality.

The dominant planning principles today – including those associated with new urbanism, smart growth, and sustainable development – promote street connectivity, often in grid or modified grid layouts (Ewing 1996, Grant 2003). Planners are increasing designing to encourage public transportation and walking (Handy et al 2003). Unfortunately, though, most of the private communities are car-oriented, built in the urban periphery (Grant forthcoming b). Their streets may be too narrow to accommodate buses. The character of private streets may discourage outsiders from feeling comfortable: design standards that make the streets clearly 'private' may exclude cyclists and pedestrians even in the absence of gates. Private streets do not appear on city maps, so that those planning routes across the suburbs will rarely be tempted to cross them.

Private streets contribute to the fragmentation of the urban landscape. In some cases, communities have closed their streets to non-residents. Over 300 gated developments have been identified in Canada, and new projects advertise on the internet each month (Grant et al 2004). The closure of private roads to public access is especially common in British Columbia and has dramatic effects on the suburban fringe of cities like Kelowna, Abbotsford, and Vernon. It reveals the contemporary trend of using of elements of the built environment as disciplinary devices to facilitate surveillance and spatial control at a neighbourhood level.

Conclusion

Brill (1989) argued that designers have a nostalgic Euro-urbanist image of public space as a place for promenading, social interaction and political activity. That image of the city involved a public life based on civility and class dynamics that no longer hold. In contemporary times people no longer look as frequently to the street for public activity. They promenade and interact in controlled commercial spaces (Banerjee 2001, Defilippis 1997). Increasingly they appear to want their streets to be private: places for friends and family who behave in predictable ways. They choose to exclude those who are different from them from their streets in order to engage in a civil 'public' life among others like themselves.

In describing the widespread success of gated cities and suburbs in Sao Paulo, Brazil, Caldeira (1996) argues that enlarging the private realm is an effort to compensate for failure to manage the public realm in a way that results in public safety. If public spaces and streets feel threatening, then people retreat to a private realm where they feel they can control and predict behaviour. Private streets offer the possibility of protection from some of the problems people perceive in public streets. In part private streets are about protecting property values, but their growing popularity also reflects the desire of the affluent to safeguard an image of the good community in privatized suburbia.

Private streets have significant spatial, socio-economic, and planning implications that merit greater attention from planners. Their proliferation threatens the promise of an equitable and open city that many would see at the heart of contemporary urban planning.

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