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JANE JACOBS REVISITED: DO SOCIAL SERVICE ORGANIZATIONS HAVE A PLACE IN REDEVELOPING COMMUNITIES?

Ian Hitchcock

INTRODUCTION

Despite its small town feel, Frederick is the second largest city in Maryland, trailing Baltimore.¹ Its position as a crossroad for several major highways has made it prime real estate for those looking to escape the high prices of the suburbs around our nation's capital.² Located just 50 miles from the center of Washington, D.C., Frederick has seen an explosion of growth in the past 10 years, not just in its suburbs, but in its "Old Town" area as well.³

Frederick has seen an undeniable redevelopment in Old Town, most noticeably through several high-end residential projects at its "South End."⁴ Yet at the heart of the South End lies the Frederick Community Action Agency (FCAA), a hub for much of the social service activity in Frederick City and County.⁵ The FCAA has felt the pressure of the redeveloping "neighborhood"⁶ and is at a crossroads

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1. *U.S. Census Bureau Delivers Maryland's 2010 Census Population Totals, Including First Look at Race and Hispanic Origin Data for Legislative Redistricting*, U.S. CENSUS BUREAU (Feb. 9, 2011), <http://2010.census.gov/news/releases/operations/cb11-cn20.html> [hereinafter U.S. CENSUS BUREAU].
 2. *Introduction to Fredrick, Maryland*, CITYTOWNINFO.COM, <http://www.citytowninfo.com/places/maryland/frederick> (last visited Dec. 14, 2011). *Compare Living in Western Maryland*, LONG AND FOSTER REAL ESTATE, INC., http://maryland-homes.longandfoster.com/Western_MD_Real_Estate/Homes_in_Western_MD.aspx (last visited Dec. 14, 2011); *with Living in Washington, D.C. Suburbs*, LONG AND FOSTER REAL ESTATE, INC., http://maryland-homes.longandfoster.com/Washington_DC_Suburbs/Homes_in_DC_Suburbs.aspx (last visited Dec. 14, 2011) (explaining that Frederick is not a suburb of D.C.).
 3. U.S. CENSUS BUREAU, *supra* note 1 (showing from 2000-10, Frederick's population grew by 23.6 percent).
 4. Katherine Heerbrandt, *Plans Afoot to Rejuvenate South End*, FREDERICK NEWS POST, Aug. 22, 2004, at A1, available at http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=46064.
 5. *Frederick Community Action Agency*, CITYOFFREDERICK.COM, <http://www.cityoffrederick.com/index.aspx?nid=183> (last visited Dec. 14, 2011) [hereinafter FCAA].
 6. Jane Jacobs refers to neighborhoods as "mundane organs of self-government." JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 149 (1993). In this article, neighborhood appears in quotes when it is being referred to as an organ with the capacity to self-govern.

itself: does the FCAA have a place amid the redevelopment in Frederick or should it fold under the pressure and relocate?⁷

There has been considerable research conducted on urban redevelopment.⁸ One pioneer on the subject is Jane Jacobs, author of “The Death and Life of Great American Cities.”⁹ Jacobs’ groundbreaking book thoroughly discusses how a city should aim to redevelop itself.¹⁰ However, there is little, if any, research that has examined social service organizations (SSOs) caught in the middle of redevelopment, such as a community trying to strengthen its tax base.¹¹

I am of the position that social service organizations are needed in many communities. With that position in mind, this paper seeks to explore, through the lens of Jacobs’ original theories expressed in her book “The Death and Life of Great American Cities,” whether social service organizations have a place in urban redevelopment. In the first Section, I briefly explore SSOs in general and perceptions people have about them. In Section two, I explore Jacobs’ thoughts on urban redevelopment, particularly mixed-use districts, and their self-destruction. In Section three I discuss Frederick’s experience with redevelopment and the FCAA’s experience throughout. In Section four, I explain the place of SSOs from a mixed-use perspective, why SSOs are generally unwelcome in communities, and how to protect them amid redevelopment.

I. SOCIAL SERVICE ORGANIZATIONS

Broadly speaking, SSO and community organizations play an important role in American society and have operated in the United States for more than 200 years.¹² These organizations can have an isolated purpose or can serve a variety of needs for the community, featuring services like medical clinics, soup kitchens, food banks, cold weather day shelters, and overnight homeless shelters.¹³ In addition, SSOs include various charitable organizations, though their presence may be more discrete because the scale of their services is smaller than larger SSOs.¹⁴

7. *Infra* Section III and IV.

8. See generally John R. Nolan & Jessica Bacher, *Zoning and Land Use Planning*, 37 Real Est. L.J. 234 (2008), and Susan J. Popkin et al., *A Decade of Hope VI: Research Findings and Policy Challenges* (Urban Institute May 2004) (unpublished research report), available at http://www.urban.org/UploadedPDF/411002_HOPEVI.pdf.

9. JACOBS, *supra* note 6.

10. JACOBS, *supra* note 6.

11. See JACOBS, *supra* note 6.

12. Xi Zhang, *Comparison Between American and Chinese Community Building*, COMM-ORG, <http://comm-org.wisc.edu/papers2004/zhangxi.htm> (last visited Dec. 14, 2011).

13. FCAA, *supra* note 5.

14. See *How to Decide: Thoughts and Choosing Charities to Support*, CHARITABLE CHOICES, <http://www.charitychoices.com/geninfo.asp> (last visited Dec. 14,

Despite all the positive attributes of SSOs, their presence frequently elicits feelings of indifference from the community.¹⁵ In one study, although only 9 percent of respondents reported that they had a negative impression of a home for the mentally disabled,¹⁶ 46 percent felt that the home had no effect on their community.¹⁷ The “no effect” responses are especially interesting because the same respondents gave overwhelmingly positive responses to such neighborhood features such as parks, restaurants, and grocery stores.¹⁸ Some of the negative responses to the homes were focused almost entirely on behavioral issues that neighbors witnessed in public spaces and primarily on neighborhood streets, for example: “They harass you for money when you go to the store;”¹⁹ “I had a problem with someone yelling across the street;”²⁰ “Because of the fact that there are people with behavioral difficulties;”²¹ “They just roam the streets.”²² A few respondents also noted that they believed the residential sites negatively affected the value of their home, partly due to residences not being “well managed.”²³ The study found a majority of the negative responses were due to anecdotal reactions, while many of the positive responses focused on the greater good the services provided.²⁴

Another survey found that negative reactions to the psychiatric homes were based on a perceived lack of support for social services policies, and the respondents felt psychiatric homes should be located anywhere but in their back yard because “the residents could not successfully be integrated into the community.”²⁵ Thus, the respondents recommended locating the homes in lower income areas, other areas of the city, or areas zoned for institutions.²⁶ However, neither the respondent’s awareness of a psychiatric home nor the proximity of their house to a site was associated with a level of satisfaction to a statistically

2011) (“Charities that appeal to very specific groups of people – those with a rare disease or minorities or residents of a certain community – may have higher costs because its harder for them to raise money from the general public.”).

15. Allison Zippay & Sung Kyong Kee, *Neighbors’ Perceptions of Community-Based Psychiatric Housing*(No. 3), 82 SOC. SERVICE REV. 395, 404 (Sept. 2008).

16. *Id.* Although SSOs are broader in scope than just homes for psychiatric patients, many SSOs have clients that have mental health issues and the research can be generalized for the purposes of this article.

17. *Id.*

18. *Id.* at 402.

19. *Id.* at 410-11.

20. *Id.*

21. Zippay, *supra* note 15, at 410-11.

22. *Id.*

23. *Id.* Respondents stated that the homes could better supervise residents or could upkeep the property better. *Id.* at 411.

24. Zippay, *supra* note 15, at 409.

25. Myra Piat, *The Nimby Phenomenon: Community Residents’ Concerns about Housing for Deinstitutionalized People*, HEALTH & SOC. WORK 25 (2): 127, 131 (2000).

26. *Id.*

significant degree.²⁷ But, similar to the study above, the survey concluded that although the negative reactions were present and needed to be reconciled, they were based on the person's individual considerations as they pertain to the community, rather than the community as a whole.²⁸

Because of these impressions, one study found that up to 50 percent of newly established SSOs experience opposition from neighbors.²⁹ Opposition is most often expressed through complaints to local public officials and agency housing sponsors, vocal protests at community meetings, and efforts to use local building codes and ordinances to block approval for the site.³⁰ The protests typically focus on the potential negative effects of the SSOs on the "neighborhood's" quality of life, such as perceived threats to personal safety and a decline in property values.³¹

Perhaps unsurprisingly, neighborhood demographics are typically cited as the most significant predictors of opposition to SSOs.³² The "neighborhoods" least likely to oppose an SSO are those characterized as low-income, socially liberal or tolerant of diversity, ethnically diverse, and having low rates of home ownership.³³ In fact, many SSOs tend to be located in more dense, mixed use neighborhoods that are close to commercial districts.³⁴ Further, the residents of neighborhoods that have a variety of uses are more likely to report that a SSO is positive addition to the community.³⁵

The next section explores a SSO caught in the middle of redevelopment. The community's perception to the SSO is remarkably similar to the perceptions described in the studies above.

II. FREDERICK, MARYLAND

Founded in 1745, Frederick, Maryland has historically been the capital city of a farming county.³⁶ Well into the twentieth century, Frederick remained relatively untouched by the sprawl happening in suburbs outside of Washington, D.C.³⁷ But as cities along Interstate 270 grew more congested and expensive, residents started to drift northwest

27. Zippay, *supra* note 15, at 407.

28. Piat, *supra* note 25, at 131.

29. Zippay, *supra* note 15, at 395.

30. Piat, *supra* note 25, at 127.

31. Piat, *supra* note 25, at 128.

32. See Zippay, *supra* note 15.

33. See Zippay, *supra* note 15, at 396-97.

34. Zippay, *supra* note 15, at 397.

35. Zippay, *supra* note 15, at 406.

36. See Francis A. Randall, *History of the City of Frederick*, THE CITY OF FREDERICK MARYLAND, <http://spires.cityoffrederick.com/cms/page/index.php?id=249> (last visited Dec. 14, 2011).

37. *Compare Living in Western Maryland*, LONG AND FOSTER REAL ESTATE, INC., http://maryland-homes.longandfoster.com/Western_MD_Real_Estate/Homes_in_Western_MD.aspx (last visited Dec. 14, 2011).

from Rockville, Gaithersburg, and Germantown searching for more room or for something different.³⁸ Because of the large area Frederick encompassed, it was able to accommodate more residents and its population soon grew so much that it was second largest city in Maryland.³⁹ However, Frederick's Old Town area had issues with crime, drugs, and violence well into the 1980s.⁴⁰ Part of the trouble stemmed from several housing projects in the Old Town area and general community disarray.⁴¹

Near the center of Frederick is the Frederick Community Action Agency (FCAA), a SSO located in an old train station.⁴² It runs along the center of the north/south street of Frederick (Market Street) and two blocks south of the east/west dividing street (Patrick Street).⁴³ The FCAA, which has been in existence since 1968, chose its location in the South End of Old Town (the South End) because it was home to a number of low-income residents.⁴⁴ The FCAA worked with the community and several other SSOs that were concentrated in the South End⁴⁵ to help develop a community center and programs to make the South End a better place to be.⁴⁶

Though the FCAA and the South End had had their share of troubles with crime in the area, Frederick became a safer place to live.⁴⁷ As Frederick transitioned out of its troubled past, a then-recent explosion of houses in nearby Urbana⁴⁸ caught the attention of Old Town residents. In particular, a group of residents formed "The South End Coalition" ("SEC").⁴⁹ The SEC formed to promote economic devel-

38. *Id.*

39. See U.S. CENSUS BUREAU, *supra* note 1.

40. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Apr. 27, 2011).

41. *Id.*

42. *Frederick Community Action Agency, FREDERICK MD. GIVES* (Oct. 28, 2008, 3:34 AM), <http://frederickmdcharities.blogspot.com/2008/10/frederick-community-action-agency.html>.

43. FCAA, *supra* note 5.

44. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Apr. 27, 2011).

45. *Id.*

46. *Id.*

47. *Id.*

48. Krista Brick, *Interstate Utopia: Urbana, Maryland: A Desirable Location, Committed Developers and Increasing Business Buy-In Keep the Promise of an Ideal Planned Community Alive in Urbana*, THE BUSINESS VOICE FOR FREDERICK & WASHINGTON COUNTIES, <http://www.mdbusinessvoice.com/articleDetail.aspx?id=102> (last visited Dec. 14, 2011).

49. *South End Coalition Inc.*, NCCS, <http://nccsweb.urban.org/orgs/profile.php/311525677?popup=1> (last visited Dec. 3, 2011). Though I attempted to interview the SEC, the president turned down my request out of anxiety that their words would be used against them. My inferences about the SEC come from newspaper articles and Todd Johnson (in an informal capacity).

opment in the South End; specifically, they wanted to promote home-ownership.⁵⁰

The South End starts immediately south of the man-made Carroll Creek, which serves as a dividing line in Old Town.⁵¹ Just north of Carroll Creek, there are a number of boutique shops and restaurants. In comparison, the blocks immediately south of Carroll Creek and next to the FCAA had no thriving businesses or especially aesthetically attractive properties.⁵² It was apparent that *something* was keeping residents and businesses at bay. That *something* may have been the reputation of the area itself.⁵³ It is also possible that that *something*, based on Frederick's (rumored) racist past,⁵⁴ may have been the poor, minority population, often seen loitering outside the FCAA. Based on the studies in section one *supra*, that *something* could have just been an unfounded perception that the FCAA was a magnet for troublesome activity.⁵⁵

The first stirring of emotions between the SEC and the FCAA centered around a property that the FCAA wanted to acquire.⁵⁶ Located just across the street from it, the FCAA was interested in acquiring a store-front that had been vacant for two years in order to expand its weatherization services.⁵⁷ At a Board of Aldermen meeting in March of 2000, the SEC brought roughly 45 supporters to block the acquisition of the building.⁵⁸ The group complained that Frederick had "persistently concentrated welfare agencies in their neighborhood, attracting a bad element, and crippling economic development" and that the office would create "a greater public welfare presence in

50. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Apr. 27, 2011).

51. See GOOGLE MAPS, http://maps.google.com/maps?hl=en&client=safari&rls=en&q=south+End%2Bfrederick+md%2Bcarroll+creek&gs_sm=e&gs_upl=4417314886011489741141410101012011205410.11.211310&bav=on.2,or_r_gc.r_pw.,cf.osb&biw=1098&bih=584&cum=1&ie=UTF-8&sa=N&tab=wl (last visited Dec. 14, 2011).

52. See Steve Miller, *South End Office Plan Stirs Heated Debate*, FREDERICK NEWS POST, Mar. 9, 2000, at A1, available at http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=6084 (stating that people living in the South End were concerned that welfare agencies in the area were creating a bad reputation for the area); See Katherine Heerbrandt, *Plans Afoot to Rejuvenate South End*, FREDERICK NEWS POST, Aug. 22, 2004, at A1, available at http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=46064 (demonstrating hope for development for the South End, which has been known as "less-than-desirable" and a "once popular hangout of drug dealers and prostitutes.").

53. See Miller, *supra* note 52.

54. It has been rumored that Frederick County has connections with the Ku Klux Klan. See 20th CENTURY-KU KLUX KLAN, <http://www.kkklan.com/various.htm> (last visited Dec. 14, 2011).

55. See Miller, *supra* note 52.

56. See Miller, *supra* note 52.

57. See Miller, *supra* note 52.

58. See Miller, *supra* note 52.

[their] neighborhood.”⁵⁹ Despite the SEC’s continued insistence that the new building would draw vagrants and drug dealers into the area, cause further deterioration to the South End, and reduce property values, the FCAA received the property.⁶⁰ Though the new office did not have any of the effects the SEC foretold, one alderman could sense the weight of the decision and stated that it could tear the South End community apart.⁶¹

Undeterred by their unsuccessful attempt to block the FCAA, the SEC continued its mission of injecting economic life into the South End.⁶² In 2004, the local newspaper announced that the South End was about to get “fashionable.”⁶³ The article touted plans for high-end townhomes and condos, an upscale restaurant, and development along the man-made, Carroll Creek promenade, while deploring the South End “for its proliferation of social service establishments, including the FCAA. . .”⁶⁴ The article goes on to state that developers were “grasping the potential of the once-popular hangout of drug dealers and prostitutes,” with plans to renovate a block of historic homes into condos.⁶⁵ The article mentions additional plans to replace a thrift store and homeless shelter with a restaurant and luxury condos and that investors were not offended or dissuaded by the presence of SSOs, such as the FCAA, in the immediate area.⁶⁶ Further, the article credited the SEC, not only for their role in increasing home-ownership, but also for their “instrumental” role in reducing crime in the area.⁶⁷

While the South End grew, the FCAA had plans to grow as well.⁶⁸ In 2005, it attempted to acquire the property next door to expand its food bank services, while at the same time expanding its healthcare clinic.⁶⁹ However, when the plan was disclosed to the City, the City held up the expansion by requiring it to be submitted for open review at a public hearing.⁷⁰ Neighborhood residents once again com-

59. See Miller, *supra* note 52.

60. Steve Miller, *FCAA Wins South End Battle*, FREDERICK NEWS POST, March 17, 2000, at A1, available at http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=6231.

61. *Id.*

62. *Id.*

63. Katherine Heerbrandt, *Plans Afoot to Rejuvenate South End*, FREDERICK NEWS POST, Aug. 22, 2004, at A1, available at http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=46064.

64. *Id.*

65. *Id.*

66. *Id.*

67. *Id.*

68. *Id.*

69. Liam Farrell, *Taking Action*, FREDERICK NEWS POST, Sept. 28, 2005, at A1, available at http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=52655.

70. *Id.*

plained that SSOs were “taking over the community.”⁷¹ Comparing the expansion to the acquisition in 2000, the director of the FCAA stated, “At that time [the FCAA was] criticized as holding the South End back from economic revitalization. Now we don’t fit in.”⁷² He went on to state, “There can be good gentrification. There can be gentrification without displacement. In my opinion that’s not happening in Frederick.”⁷³

The SEC countered the FCAA’s proposed expansion by bringing their complaints to Mayor Jennifer Dougherty.⁷⁴ A news conference was held outside the FCAA to condemn the proposed expansion and the FCAA’s continued blight upon the neighborhood.⁷⁵ The solution? Move the FCAA— not just out of the South End— but out of the Frederick City limits entirely.⁷⁶ The proposed move would relocate the FCAA and other SSOs to a “community park,” a sort of “one-stop-shop” for a patron’s service needs.⁷⁷ A feasibility study was proposed to see if the FCAA should be moved.⁷⁸ Once again, the SEC spoke at a meeting.⁷⁹ A spokesperson stated, “The changing demographics in the South End of the city will inevitably move the [FCAA]. The political will of City Hall was absent [in the past] and it was easy to ignore [residents].”⁸⁰ The feasibility study was approved, conducted, and showed that it was not worth the cost to the City to move the FCAA.⁸¹

As investors poured money into the city, the property values and taxes increased, forcing some residents to leave because they could no longer afford their homes.⁸² Developments in the South End created luxury condos and homes that ranged in value from \$170,000 to \$250,000 on the low end and \$500,000 to \$750,000 on the high-end.⁸³ Just a few years before, these spaces had been a Greyhound Bus Sta-

71. *Id.*

72. *Id.*

73. *Id.*

74. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

75. *Id.*

76. *Id.* See also Liam Farrell, *Officials: Study Should Remain*, FREDERICK NEWS POST, Feb. 18, 2006, at A1, available at <http://www.fredericknewspost.com/sections/archives/results.htm>.

77. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

78. See Farrell, *supra* note 76.

79. See Farrell, *supra* note 76.

80. See Farrell, *supra* note 76.

81. Liam Farrell, *Relocation study OK'd for CAA*, FREDERICK NEWS POST, March 7, 2006, at A1, available at http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=56102; Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

82. See Erin Henk, *Local Experts Explain How Gentrification May Affect City*, FREDERICK NEWS POST, Sept. 4, 2006, at A1, available at http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=60648.

83. *Id.*

tion, a parking lot for the FCAA, and a family owned tire center.⁸⁴ Frederick's then-Deputy Director for Planning, Chuck Boyd, stated that the development was an "organic" and "natural gentrification" rather than some "planned, governmental scheme."⁸⁵ When asked about displacement, Mr. Boyd was not sure if it was happening, but if it was, it was merely because of the law of "supply and demand."⁸⁶ As "supply and demand" displaced people from conversions, the local government made no effort to develop programs to preserve low-income or affordable housing.⁸⁷

Then the mortgage crisis hit and, while the projects in the South End continued forward, the other residents of Frederick sought housing assistance and counseling from the FCAA.⁸⁸ Frederick's homeless population increased as well. From 2007 to 2008, the homeless population increased 12.7 percent (268 to 302) and from 2008 to 2009, it increased by another 9 percent (302 to 324).⁸⁹ The number of people staying in one of Frederick's shelters reached 67, compared to 22 in 2008.⁹⁰ The major men's shelter in Frederick was often filled to its maximum capacity of 80 beds, with 274 individuals regularly visiting the shelter.⁹¹

Despite all the contention, the FCAA remains standing today in the same location it has been for the past 43 years.⁹² However, it still struggles to serve its population as discretely as possible because of the concerns from the SEC and the community.⁹³ The following are some examples of the FCAA's attempts to assuage the SEC's and the community's sensitivities in the changing South End:

- In response to complaints of patrons "loitering" on the sidewalk outside the FCAA while waiting for the soup kitchen to open, the FCAA first asked the patrons to not queue up until the doors opened.⁹⁴ However, because of the rush of people trying to get food at service time, the FCAA now queues the patrons inside the building, snaking a line of up to 150 people through the building's nar-

84. *Id.*

85. *Id.*

86. *Id.*

87. *Id.*

88. See Ike Wilson, *Foreclosures Hit Home in Frederick County*, FREDERICK NEWS POST (May 3, 2008), http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=81961.

89. Adam Behsudi, *Data Shows Homelessness in Frederick Rising*, FREDERICK NEWS POST, Apr. 1, 2009, at A1, available at http://www.fredericknewspost.com/sections/archives/display_detail.htm?StoryID=95118.

90. *Id.*

91. *Id.*

92. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

93. *Id.*

94. *Id.*

row halls, while presenting the facade of a friendly, historic train station.⁹⁵

- In response to complaints of vagrants along the Carroll Creek Promenade and in the main county library two blocks away, the SEC petitioned the city to set up a police sub-station inside the FCAA.⁹⁶ The city turned down the request for two reasons. First, the vagrants were doing nothing wrong and were using the Promenade and library appropriately, more than the residents themselves were using them.⁹⁷ Second, the police already had a sub-station located nearby—just two blocks away.⁹⁸

What started out as an “organic” community response by the SEC to increase the “livability” of the South End, evolved into a purging, with the FCAA labeled as public enemy number one.⁹⁹ The experiences of the SEC and FCAA lend credence to the studies which are cited in Section 1 *supra*: that although the SSO may have a positive net effect on the community, individuals’ negative perceptions of the SSOs could block their ability to continue their mission in the community. Should the FCAA have to move amid redevelopment? I now turn to Jane Jacobs research to see, if in her original thoughts on redevelopment, she contemplated such a situation.

III. REDEVELOPING COMMUNITIES

In 1961, Jane Jacobs wrote her critically acclaimed book, “The Death and Life of Great American Cities.”¹⁰⁰ Jacobs brought a commonsense approach to urban city planning and heavily criticized the traditional “pseudoscience’s” “familiar superstitions, over simplifications, and symbols.”¹⁰¹

A. *The Parts of the City*

Jacobs seemed especially interested in analyzing the city as a whole and recognizing each piece’s importance.¹⁰² She found that each individual piece, or “neighborhood,” could not work at cross-purposes

95. *Id.*

96. *Id.*

97. *Id.*

98. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

99. See Henk, *supra* note 82.

100. Lloyd Rodwin, *Neighbors Are Needed*, N.Y. TIMES, Nov. 5, 1961, at BR10, available at <http://www.nytimes.com/packages/html/books/jacobs-cities.pdf>. “A great book, like a great man, ‘is a strategic point in the campaign of history, and part of its greatness consists in being there.’ Jane Jacobs has written such a book.” *Id.*

101. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 18-19 (1993).

102. See generally *id.*

to each other without economically weakening the city of which they are a part.¹⁰³ Further, Jacobs found that the lack of economic or social self-containment was natural and necessary to city neighborhoods.¹⁰⁴

Jacobs separated the city into three kinds of neighborhoods: city wide, street neighborhoods, and city districts.¹⁰⁵ She felt it impossible to say that one unit is more important than the others.¹⁰⁶ According to Jacobs, successful street neighborhoods are not discrete units: “they are physical, social, and economic continuities—small scale to be sure, but small scale in the sense that the lengths of the fibers making up a rope are small scale.”¹⁰⁷

Jacobs focused much of her economic discussions on the district level.¹⁰⁸ According to Jacobs, a district should be big enough to fight city hall, but not so big that street neighborhoods are unable to draw distinct attention and “to count.”¹⁰⁹ She found that their chief function was to mediate between the street neighborhood and the city as a whole.¹¹⁰ In addition, Jacobs found that districts help bring the resources of a city down to where they are needed by street neighborhoods and help translate the experiences of real life into policies and purposes of the city as a whole.¹¹¹

However, one difficulty that she found with districts was that few people could identify with the “abstraction” of a district or care much about them.¹¹² Further, most residents personally identify with a place in the city because they use it, and districts are too large to have that personal connection.¹¹³ Nevertheless, Jacobs cautioned putting too much stock into street neighborhoods: “What do [street] neighborhoods do, if anything, that may be socially and economically useful in cities themselves?”¹¹⁴ Jacobs felt that believing street neighborhoods to be self-contained or introverted units was dangerous and hindered the progression of a city’s economic development.¹¹⁵

103. *Id.* at 198-200.

104. *Id.*

105. *Id.* at 153.

106. *Id.*

107. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 157 (1993).

108. *Id.* at 158-68.

109. *Id.* at 170.

110. *Id.* at 158.

111. *Id.* at 159.

112. *Id.* at 169.

113. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 160-70 (1993).

114. *Id.* at 148.

115. *Id.* at 148-150.

B. City Diversity and Mixed Use

Jacobs felt that in order for a city to be successful, its districts should be diverse.¹¹⁶ She laid out four primary conditions that are required for generating diversity in city streets and districts.¹¹⁷ By inducing these conditions, the city's vitality would be enhanced.¹¹⁸ The four conditions are:

1. The district must serve mixed, primary uses;
2. Most blocks must be short; the streets and opportunities to turn corners must be frequent;
3. The district must mingle buildings that vary in age and condition, thus varying the economic yield they must produce; the mingling should be close grained; and
4. There should be a sufficiently dense population of people.¹¹⁹

Contrary to zoning practices at the time,¹²⁰ Jacobs saw exclusionary zoning as detrimental to the city and mixed-use as a key to a district's success.¹²¹ Thus, she proposed the following:

The district, and indeed as many of its internal parts as possible, must serve more than one primary function; preferably, more than two. These must insure the presence of people who go outdoors on different schedules and are in place for different purposes, but who are able to use many facilities in common.¹²²

There are several aspects to Jacobs' idea of mixed-use districts. The main aspect is that each district should be composed of more than one primary use, function, or purpose.¹²³ Jacobs defined primary uses as "those which, in themselves, bring people to a specific place because they are anchorages."¹²⁴ Two such primary purposes are "business" and "residential" districts.¹²⁵ However, as Jacobs explained in a commonsense way, although these two primary uses are fine in their own right, they create problems when they are the only use of an area.¹²⁶ This is because business districts are mainly frequented during the weekday, and residential neighborhoods are frequented in the evening and weekends.¹²⁷

116. *Id.* at 198.

117. *Id.* at 196-97.

118. *Id.* at 197.

119. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES 196-97* (1993).

120. *Id.* at 188.

121. *Id.*

122. *Id.* at 198.

123. *Id.*

124. *Id.* at 209.

125. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES 209* (1993).

126. *Id.* at 211.

127. *Id.* at 199-200.

This brings up a key point in Jacobs' theory: districts can only achieve (economic success) by having people there to use them.¹²⁸ Having people on the streets not only allows a greater opportunity for people to be economically active, but it also allows for a sense of safety.¹²⁹ Therefore, residential and business districts are inverses of each other regarding the way people use them and the two districts need some balance by having people frequent the area consistently throughout the work day and into the evening.¹³⁰ A primary use cannot achieve this on its own; a district needs more than one primary use to have people on the street while it is awake.¹³¹

In addition to multiple primary uses, secondary uses/secondary diversity can achieve a similar result. Secondary diversity is the name for enterprises that grow in response to the presence of primary uses, in effect serving the people the primary uses draw.¹³² Such secondary diversity can consist of a variety of consumer needs, from restaurants down to specialized services.¹³³ However, having one group of secondary uses strictly in response to primary uses, such as luncheonettes, results in the same lack of diversity that a single primary use has.¹³⁴ The more intricately mixed the pools of primary and secondary uses are, the more people will come to use the uses, which in turn will produce more people on the streets at varying times.¹³⁵

If secondary diversity flourishes sufficiently and contains enough uses that it is unusual or unique, it seemingly can become, in the accumulation of its unique uses, a primary use by itself.¹³⁶ People can come specifically for that "shopping district."¹³⁷ However, secondary diversity seldom becomes a primary use in its own right because the district still needs people spread throughout the day because of fixed reasons.¹³⁸ Ultimately, a secondary-turned-primary uses can engender the same lack of diversity issues that primary uses have, yet the results can be much worse.¹³⁹

Jacobs has three suggestions for the effective mixture of primary uses. First, the people using the streets at different times must actually

128. *Id.* at 203-04.

129. *Id.* at 199.

130. *Id.* at 209.

131. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 211 (1993).

132. *Id.*

133. *Id.* at 212.

134. *Id.* at 211.

135. *Id.* at 213-14.

136. *Id.* at 212.

137. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 212 (1993).

138. *Id.*

139. *See infra* Section III.C. An example would be small businesses closing, meaning less people, which means more businesses closing, which means no people coming, which turns a lively area into blocks of vacant store fronts.

use the same streets.¹⁴⁰ If their paths are separated or buffered from one another, there is no mixture.¹⁴¹ Second, people using the same streets must include people who will use some of the same facilities.¹⁴² Thus, the people must not be sorted in some totally incompatible fashion, such as an opera house and low-income housing project.¹⁴³ Third, there must be a reasonable proportion of people using the streets throughout the day and night.¹⁴⁴

Jacobs had special concerns for primarily residential areas. She felt that in districts that are primarily residential, the more complexity and variety that can be cultivated, the better.¹⁴⁵ When residential uses were mixed with places of work, the districts would liven up in the evenings when the workers left for the day.¹⁴⁶

C. *Self Destruction of Mixed-Uses*

As aware as Jacobs was about the need for mixed-uses, she was just as cognizant about the effects of districts that became too successful.¹⁴⁷ She explained the "self-destruction" process and effect as such:

1. A district containing a diversified mixture of uses becomes outstandingly popular and successful as a whole.¹⁴⁸
2. Because of the location's success, competition develops because the area is a "fad." Prices are driven higher.¹⁴⁹
3. Because unique or less profitable businesses will no longer be able to afford the area, more popular uses will trump those unique or less profitable uses. The winners in the competition for space will represent a narrow segment of the uses.¹⁵⁰
4. These winners will grow to be those that are most profitable in the locality. These businesses will be repeated, crowding out, overwhelming, and then overtaking the less profitable forms of use.¹⁵¹
5. The triumph is hollow because the locality will start to be deserted by people not using it for purposes that have emerged triumphant.¹⁵²

140. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 213 (1993).

141. *Id.*

142. *Id.*

143. *Id.* at 213.

144. *Id.*

145. *Id.* at 228.

146. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 228-29 (1993).

147. *Id.* at 316.

148. *Id.* at 317.

149. *Id.*

150. *Id.*

151. *Id.* at 318.

152. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 318 (1993).

6. The lack of diversity equates to less people. The area will then have to start the diversity cycle all over again.¹⁵³

The self-destruction of diversity often results from the need or desire for urban residences.¹⁵⁴ Jacobs heavily criticized the redevelopment of a neighborhood or district into a primarily residential area.¹⁵⁵ She found that most city residential districts had never possessed the four fundamental conditions for generating exuberant diversity in the first place, so building more residences only enhanced the lack of diversity.¹⁵⁶ In addition, she found that when many people want to live in a locality, it becomes “profitable to build (residences), in excessive and devastating quantity, for those who can pay the most.”¹⁵⁷ The effect is that families are crowded out, variety is crowded out, and enterprises unable to support the increased costs are crowded out.¹⁵⁸ Even though other areas of the city or localities could use the residences to strengthen their diversity, and the redeveloped area could use the diversity it is forcing out, the hunger for profit is insatiable and the redeveloped residential area will eventually falter because of a lack of diversity.¹⁵⁹

As one can see from above, the self-destruction of diversity is caused by the success of a district, not by its failure. During periods of economic growth, some unique uses may be crowded out because they give low economic return for the land they occupy.¹⁶⁰ If the use is truly low value, then it should be crowded out.¹⁶¹ However, when the opportunity for redevelopment occurs, the use being replaced should optimally enhance diversity, not promote sameness.¹⁶² A district can and should maximize its value, but failing to modify the self-destruction process at a critical point will cause a malfunction and will cost more money trying to salvage the district than if diversity had been implemented in the first place.¹⁶³

IV. ANALYSIS

Frederick could be creeping closer to its critical point of self-destruction. For the overall success of the district, Jane Jacobs found that diversity is critical if a district wants to succeed. But are SSOs, like the FCAA, included within Jane Jacobs’ original idea of diversity and

153. *Id.* at 328.

154. *Id.* at 325.

155. *Id.* at 211 (“Any primary use whatever, by itself is relatively ineffectual as a creator of city diversity.”).

156. *Id.* at 325.

157. *Id.*

158. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 326 (1993).

159. *Id.*

160. *Id.* at 328.

161. *Id.*

162. *Id.*

163. *Id.* at 334-35.

mixed-use?¹⁶⁴ If so, why are they still not wanted in redeveloping neighborhoods? The following analysis answers these difficult questions.

A. *Social Service Organizations and Diversity*

Does Jacobs provide any guidance on the place of SSOs in mixed-use neighborhoods and districts? Despite a thorough examination of “The Death and Life of Great American Cities,” there is no explicit mention of any organization resembling an SSO.¹⁶⁵ What we do know is that Jacobs focused on the economic benefits that mixed-uses provide.¹⁶⁶ Based on economic production alone, a SSO serves no purpose in a community.¹⁶⁷ However, an SSO has other purposes that may overcome its own lack of economic productivity.¹⁶⁸

To begin, we should look at how SSOs generally function as an organization in the community. Essentially, SSOs function in multiple roles. First, they may deliver services to the community.¹⁶⁹ These services can range from a food bank, health clinic, social work services, and a soup kitchen.¹⁷⁰ In this manner, SSOs function as shops or small businesses. Second, SSOs have their own employees and bring people to their location.¹⁷¹ Thus, the additional people in the district increase the number of patrons who use the district’s secondary uses, such as shops or restaurants. Third, if the SSO has an overnight shelter in whatever capacity, either homeless, family, or half-way house, then the SSO functions as a residential use and supports the area’s secondary uses.¹⁷² As one can see, though an SSO has no economic production on its own, it can potentially lend a large amount to the surrounding secondary uses.

Jacobs anticipates this result with regards to organizations that do not produce their own economic output.¹⁷³ She stated that “public and quasi-public” bodies help to make up a district’s diversity.¹⁷⁴ These bodies include “parks, museums, schools, most auditoriums, hospitals, some offices, and some dwellings.”¹⁷⁵ Jacobs found these bodies produce the same effects that are described above.¹⁷⁶ In addition, an SSO can have its own unique effect on the economy of a city.

164. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 334-35 (1993).

165. *Id.*

166. *See id.* at 531.

167. *Id.* *See also* Farrell, *supra* note 69; *see also* Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

168. *See* Farrell, *supra* note 69.

169. *Id.*

170. *Id.*

171. *See id.*

172. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 211 (1993).

173. *Id.* at 315.

174. *Id.*

175. *Id.*

176. *See id.*

For example, SSOs get people off the streets and into programs they may need. This will reduce the amount of money spent on public programs.¹⁷⁷ Also, SSOs help people find jobs which helps the district's tax base.¹⁷⁸ Finally, SSOs help get people into houses which helps a city's statistics.¹⁷⁹ Therefore, one can see that if SSOs were not in a district, the district and its citizens may actually be worse off economically than if a repetitive use were in its place.

Jacobs suggests the following for the effectively mixing primary uses. First, the people must actually use the same streets; there is no reason that the population using the SSO would use different streets than the average citizen. Second, the people must use the same facilities; some, though not all, of the facilities would be shared. Third, the people must not be sorted in some incompatible fashion. Recall Jacobs' comment that placing an opera house next to a low-income housing project is incompatible. Are luxury condos so incompatible with an SSO that they make no sense being next to each other? As both examples deal with residential uses, the competing uses should be analyzed for compatibility. An opera house is only open in the evenings and on weekends and its patrons come solely for the event and do not otherwise contribute to the immediate tax base. Many SSOs are used all day and into the evening, offering some services on the weekend, and its patrons do utilize the local businesses to increase the tax base. Therefore, the situation in Frederick is not so incompatible that the uses should not be next to each other. Thus, it is clear that although Jacobs did not explicitly state SSOs are included in diverse districts, an inference can be drawn that they do fit in and would be beneficial to the district.

B. *Ruinous Uses*

The discussion does not end at whether SSOs generally fit in with the idea of mixed-use and diversity. One argument against diversity is that it invites "ruinous uses."¹⁸⁰ Jacobs posed the question as, "Is permissiveness for all (or almost all) kinds of uses in an area destructive?"¹⁸¹ To answer this question, Jacobs identified additional uses,

177. See generally Sarah McGraw et al., *Adopting Best Practices: Lessons Learned in the Collaborative Initiative to Help End Chronic Homelessness*, 37 J. BEHAV. HEALTH SERV. & RES. 197, 197-212 (2010) (describing the challenges of social service organizations in providing housing and treatment for the homeless).

178. See generally Maryland Governor's Interagency Council on Homelessness, *Maryland's 10-Year Plan to End Homelessness* (Dec. 2005), available at <http://dhr.maryland.gov/transit/pdf/ich-plan.pdf> (detailing Maryland's plan to focus on job training and creation for impoverished and homeless persons with the help of social service organizations).

179. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

180. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 290 (1993).

181. *Id.* at 300.

which, though diverse, may or may not harm a street neighborhood or district.¹⁸²

The first are “destructive uses,” identified as those uses which contribute nothing to the general convenience, attraction, or concentration of people.¹⁸³ These uses are destructive because they make demands upon the land that non-destructive uses do not make.¹⁸⁴ Jacobs identifies junkyards, used-car lots, and abandoned or underused buildings as destructive uses.¹⁸⁵ Jacobs found that successful districts are not successful because they lack these uses, but rather the districts lack these destructive uses because the city district is successful.¹⁸⁶ Further, if a city wants to avoid these uses, it should cultivate an environment of diversity.¹⁸⁷

The next category of ruinous uses is “harmful uses,” defined as those “conventionally” considered harmful by planners and zoners.¹⁸⁸ Such uses consist of bars, theaters, clinics, businesses, and manufacturing facilities because these uses “do not belong” in residential districts and because they flounder in dull, gray areas of the city.¹⁸⁹ Jacobs found that these uses are not inherently harmful to a neighborhood, and that in lively districts, they cause no harm and can be quite successful in achieving diversity.¹⁹⁰

She identifies two uses “conventionally” considered harmful: the glue factory and the mortuary.¹⁹¹ The two are considered harmful because of the *images* they produce, not because they are inherently harmful.¹⁹² In addition, mortuaries are identified as harmful because they provide no extra retail advantage.¹⁹³ That said, she criticizes the critics because “like so much of orthodox planning, the presumed harm done has been somehow accepted without anyone asking the questions, ‘Why is it harmful? Just how does it harm and what is the harm?’”¹⁹⁴ She concludes that it is doubtful that there are any legal economic uses that can harm a city district “as much as a lack of abundant diversity harms it.”¹⁹⁵

Jacobs identifies a final category of “distracting” uses that, unless their location is controlled, are harmful to diverse city districts.¹⁹⁶

182. *Id.* at 301.

183. *Id.*

184. *Id.*

185. *Id.* at 301.

186. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 301 (1993).

187. *Id.* at 302.

188. *Id.*

189. *Id.*

190. *Id.*

191. *Id.* at 303.

192. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 303 (1993).

193. *Id.*

194. *Id.* at 305.

195. *Id.*

196. *Id.*

These include “parking lots, large or heavy truck depots, gas stations, outdoor advertising, and enterprises which are harmful not because of their nature, exactly, but because in certain streets their scale is wrong.”¹⁹⁷ Jacobs admits that these uses can and will be profitable enough, but because of their nature, they act as street “disorganizers.”¹⁹⁸

With regard to uses of the “wrong scale,” a large street frontage can be a street “disintegrator and desolator,” though the same kind of uses in a smaller scale are assets.¹⁹⁹ Examples include supermarkets, large cafeterias, and large factories.²⁰⁰ Jacobs suggests controls on street frontage, not zoning for uses, to solve such problems.²⁰¹ Thus Jacobs finds that “harmful” uses are not ruinous, but “destructive” and “distracting” uses should be controlled.²⁰²

Where do SSOs fit in with these categories of uses? As defined by Jacobs, SSOs are not inherently “destructive” because by their nature, they contribute something “to the general convenience, attraction, or concentration of people.”²⁰³ However, whether SSOs are “harmful” or “distracting” is another matter.²⁰⁴

i. Perceptions of SSOs

SSOs are probably perceived as a “harmful” use. As mentioned above, there are certain uses, while not inherently harmful, which nevertheless invoke negative images that cause residents to not want the use in their neighborhood.²⁰⁵ Jacobs found mortuaries invoked negative images of death.²⁰⁶ SSOs can invoke a similar negative image.

A larger SSO like the FCAA has its presence felt beyond its bricks and mortar. As patrons wait for services or chat with friends afterward, they loiter around the area, discard used cigarettes on sidewalks or other property, and have loud conversations.²⁰⁷ In addition, some patrons are intoxicated, mentally unstable, or unsanitary.²⁰⁸ In situa-

197. *Id.*

198. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 305-06 (1993).

199. *Id.* at 306.

200. *Id.* at 306-07.

201. *Id.*

202. *See, e.g., id.* at 300-07.

203. *Id.* at 301.

204. *See infra* Sections IV.B(i)-(ii).

205. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 231 (1993).

206. *Id.* at 303.

207. *See A Home for a Soup Kitchen*, *BALT. SUN* (Jan. 18, 2000), available at http://articles.baltimoresun.com/2000-01-18/news/0001190343_1_daily-bread-catholic-charities-soup-kitchen (discussing difficulties in relocating a soup kitchen because local businesses and residents have noted that some of the people served by the soup kitchen have drug addictions which has led to problems).

208. *The Health of the Homeless-Substance Abuse*, *LIBRARY INDEX*, <http://www.libraryindex.com/pages/2322/Health-Homeless-SUBSTANCE-ABUSE.html> (last visited Dec. 14, 2011).

tions where the public is exposed to individuals with some problems, the public has been found to feel uncomfortable around the individuals.²⁰⁹ Thus, when there are a large number of these individuals in one area, people will want to stay away from the area—resulting in lost revenue for businesses.²¹⁰ Based on Frederick’s past history with criminal activity,²¹¹ common sense would suggest that even if the FCAA is not currently presenting a negative impression, since it was at one time associated with negativity, the negative perception may continue until its presence is removed. A similar feeling has been experienced when a community has been forced to help those in need.²¹² These perceptions can lead to a kind of “not-in-my-neighborhood” mentality that is bad for district diversity and may be present in Frederick.²¹³ In fact, patrons of the FCAA and the FCAA’s existence have not been connected or correlated with any incidents of crime in their long history.²¹⁴

Though these perceptions exist, they were part of the problem to begin with.²¹⁵ Jacobs found a common criticism about diversity was that mixed-uses “look ugly” and invite “ruinous uses.”²¹⁶ However, these “myths” helped to “rationalize city building into the sterile, regimented, empty thing it is.”²¹⁷ She found that the images people had were based on images of unsuccessful districts that had too little, not too much diversity.²¹⁸ And because they were recalling those images, they recalled the worst of those images in unsuccessful districts: the low-value land uses such as junkyards or used-car lots.²¹⁹ People often resort to this “end of the world” thinking, and are more willing to

209. See Bernice A. Pescosolido, P.h.D., et al., “A Disease Like Any Other?” *A Decade of Change in Public Reactions to Schizophrenia, Depression, Alcohol Dependence*, 167 AM. J. PSYCHIATRY 1321 (2010). When given a vignette of a person with some mental illnesses, the majority of the participants expressed an unwillingness to work (62 percent for schizophrenia and 74 percent for alcohol dependence) or socialize with those persons (52 percent for schizophrenia and 54 percent for alcohol dependence). *Id.*

210. See *id.* at 1321-23.

211. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Apr. 27, 2011).

212. See Vicki Been, *Comment on Professor Jerry Frug’s The Geography of Community*, 48 STAN. L. REV. 1109, 1112 (1996) (“the siting of homeless shelters or other social service facilities has not promoted a greater compassion for the poor or “others” and that day to day exposure to the poor may lead to compassion fatigue.”).

213. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

214. *Id.*

215. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 222 (1993).

216. *Id.* at 290.

217. *Id.*

218. *Id.*

219. *Id.*

hold on to safe notions than to risk a “disaster.”²²⁰ However, as Jacobs stated, “cities can aim for areas of great diversity and, because real differences are thereby expressed, can get results which, at worst, are merely interesting, and at best can be delightful.”²²¹ Therefore, I assert, and Jacobs agrees, ill-perceivers need to accept that SSOs are not “harmful” uses of city space: poverty and SSOs are an aspect of city living.²²²

ii. The Placement of SSOs in the District

Even if the negative perceptions disappear, a problem remains with the placement of SSOs in the district. The patrons of SSOs often need several different types of services that an SSO could provide.²²³ Using the FCAA as an example, a certain patron could come to the FCAA for the food bank, health clinic, soup kitchen, social work programs, or any number of other programs. Thus, for several reasons, if there is a greater concentration of services in one area, the ability to serve needy patrons will be positively affected. First, if the patrons do not have a car or easy mode of transportation, having the services in one area allows for a “one-stop-shop.” Second, by having the services concentrated, it allows easier outreach because if patrons need a service, they can be referred to a nearby program.

This concentration can be accomplished in two ways: either having all the services in one building or having several services in close proximity of each other. However, both ways of concentrating the services in one area conflicts with diversity in two ways. The first, having all the services in one area, may be a “distracting” use of the space. This is because the scale of the facility is “wrong,” even though if the different services were broken up, the individual providers would promote diversity. It is easy to conceptualize this problem if one thinks of the large SSO as a Wal-Mart of social services. As great as Wal-Mart can be in concentrating many things in one area for ease of access, it does not belong in the middle of a city district. Though the FCAA is nowhere near the size of Wal-Mart, it currently takes up about 1/3 of each small block it fronts.²²⁴ Its sheer size can be distracting to the “neighborhood,” which only adds to the “harmful” perception it currently has.

220. *Id.* Jacobs states, with regards to negative thinking, that “. . . these disadvantages [of diversity] are fantasies, which like all fantasies that are taken too seriously, interfere with handling reality.” JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 291 (1993).

221. *Id.* at 299.

222. *See id.*

223. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

224. *See generally* Frederick Community Action Agency, CITYOFFREDERICK.COM, <http://www.cityoffrederick.com/DocumentView.aspx?DID=608> (last visited Dec. 14, 2011).

The second way to increase the concentration of social services in an area is to cluster multiple buildings with different services in a district or neighborhood. If the services are too far apart, the patrons will have a difficult time to accessing each one. However, if the services are clustered too close to each other, the area may become a “social services district,” possibly resulting in two negative effects. First, the area’s primary use may convert to “social services” and secondary uses would sprout to “support” the social services. Less desirable fronts may open (liquor stores, bail bonds places) and the fronts that might otherwise attract money and attention (upscale restaurants and boutiques) may stay away. Second, and more generally, clustering the services together endangers diversity. Jacobs identified such an occurrence in San Francisco.²²⁵ When several upstanding public buildings were placed in close conjunction with each other, these buildings repelled vitality and gathered blight around them.²²⁶

Thus, there is an inherent tension between providing services and the location of the services themselves. If the services are large and centrally located, the facility and its patrons will be distracting or create less diversity in the district. However, if the services are spread out, the district or neighborhood will be more diverse, but the ability of the SSOs in the area to provide services will probably be impacted. Although there is not a clear solution to the tension created, there is merit in keeping SSOs, especially major community hubs like the FCAA, in central locations so that their services are more readily available or deliverable.

C. *Protecting the SSO in Redevelopment*

SSOs can be just as important to the city as any business. Though the bricks and mortar of a city may impress, and its businesses may bring people in, SSOs help in ways those entities cannot.²²⁷ Therefore, to protect these SSOs amid redevelopment, two different zoning techniques could be used.

The first is inclusionary zoning. Through inclusionary zoning, governments require or encourage developers—both residential and commercial—to create affordable residential units as part of any new development.²²⁸ Inclusionary zoning seeks to counter the ills of exclusionary zoning; many communities disguise their exclusionary zoning practices as a way to “preserve the community character.”²²⁹

225. See JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 225, 294 (1993).

226. *Id.* at 172. These buildings formed a “civic center” composed of an opera house, library, city hall, and various municipal offices. *Id.*

227. See *supra* Section I.

228. Brian R. Lerman, *Mandatory Inclusionary Zoning—The Answer to the Affordable Housing Problem*, 33 B.C. ENVTL. AFF. L. REV. 383, 385 (2006).

229. *Id.* at 387. This “preservation” supports the “nimby-ism” discussion *supra* Section III.C(i).

However, the motivation behind exclusionary zoning is a financial concern for the impact on property values, but can involve prejudice against those of lower income.²³⁰ SSOs could use mandatory or voluntary inclusionary zoning,²³¹ not in a residential sense, but could expand the zoning to include community centers to serve the community.²³² Specifically, Frederick has a number of residential units going up around the FCAA²³³ and inclusionary zoning could ensure both that there is mixed income housing and a place to come for help.

A more compelling protection is mixed-use zoning. As the name suggests, mixed-use zoning attempts to facilitate mixed-use projects in the same community or building.²³⁴ Therefore, mixed-use projects require flexible zoning that will allow integrated uses that cannot be combined in other areas, and that will allow planning and design concepts that are restricted or prohibited in other zoning areas.²³⁵ Flexible, mixed-use zoning can address some of the difficult issues of a mixed-use project or area while protecting SSOs in at least two ways. First, mixed-use zoning can integrate mixed-use developments with facilities that serve the larger community or vice-versa.²³⁶ Second, it can foster a sense of community among those of mixed-incomes.²³⁷ For example, the Old Town has had a number of mixed-uses and mixed incomes that have worked well over the years,²³⁸ and some protection should be given to protect its diversity.

Jacobs had suggested such defenses to protect diversity. She uses the terms “zoning for diversity” and “mixed-use zoning.”²³⁹ These zoning techniques would ensure that changes or replacements, if they occur, will not be overwhelmingly of one kind.²⁴⁰ Jacobs found that through protecting diversity, the long-term potential of the tax base would be protected.²⁴¹

230. Lerman, *supra* note 228, at 387.

231. Lerman, *supra* note 228, at 389.

232. Lerman, *supra* note 228, at 387.

233. Clifford G. Cumber, *Local Nonprofits Get OK for MPDU Homes*, FREDERICK NEWS POST (Oct. 11, 2006), http://fredericknewspost.com/sections/archives/display_detail.htm?StoryID=61620.

234. See Cecily T. Talbert, *Creating Flexible Zoning Tools for Successful Mixed-Use Developments*, AMERICAN PLANNING ASSOCIATION (May 1, 2008) www.ancelglink.com/publications/Successful%20PUDs.pdf.

235. *Id.*

236. *Id.*

237. *Id.*

238. See Liz Atwood, *Flourishing Frederick Growth*, BALT. SUN. (Dec. 2, 1997), http://articles.baltimoresun.com/1997-12-02/news/1997336069_1_frederick-city-downtown/2.

239. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 330 (1993).

240. *Id.*

241. *Id.* at 332.

Jacobs offered another suggestion specific to public buildings; she suggested that they should be “staunch.”²⁴² During planning, cities should establish public buildings or facilities at points where they will effectively add to diversity in the first place.²⁴³ Then amid redevelopment, they should stand staunch no matter how valuable the property becomes of surrounding success.²⁴⁴ Though Jacobs only suggested “staunchness” for public buildings such as libraries or community centers, SSOs could fall into this category, especially if they are community hubs, like the FCAA. Jacobs did warn that these protections serve only as “windbreaks”—they can stand against the “gusts” of economic pressures.²⁴⁵ Zoning and staunchness are defensive actions, but they will give under too much pressure from other sources.²⁴⁶

CONCLUSION

Jacobs’ literature about city diversity has forever changed the way planners think about developing a city for optimum economic output.²⁴⁷ There is no doubt that diverse neighborhoods and districts can achieve the results she witnessed and foresaw.²⁴⁸ Yet a diverse district can mean different things to those living in neighborhoods with the more diverse uses such as SSOs. As stated before, Jacobs found people related more to street neighborhoods than “abstract” districts.²⁴⁹

A “neighborhood” may want different things than what the city wants. In Frederick, the SEC is acting out of its own best interest because it perceives its neighborhood being negatively affected.²⁵⁰ However, in other neighborhoods residents may be more interested in making the whole district better without maximizing their individual assets.²⁵¹

242. *Id.*

243. *Id.* at 333.

244. *Id.* at 332.

245. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 332 (1993).

246. *Id.*

247. See Robert Campbell, *She Began a City-Planning Revolution Jacobs Thought Small but Smart*, *BOSTON GLOBE*, May 7, 2006, at N6, available at 2006 WLNR 7981542.

248. See Anthony Flint, *An Urban Legacy In Need of Renewal*, *BOSTON GLOBE* (Nov. 11, 2011), available at <http://www.bostonglobe.com/opinion/2011/11/12/urban-legacy-need-renewal/vt0LqpF3cBfnELnnWPwAmO/story.html>.

249. See JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* (1993).

250. See Piat, *supra* note 25.

251. See Janice K. Tulloss, *Transforming Urban Regimes - A Grassroots Approach to Comprehensive Community Development: The Dudley Street Neighborhood Initiative* (Aug. 31, 1996) (unpublished article), available at <http://comm-org.wisc.edu/papers98/tulloss.htm> (discussing the Dudley Street Neighborhood Initiative in Roxbury, Massachusetts as a well-known example of a grassroots, redevelopment coalition that changed all aspects of their community for the better).

Yet the SEC should not be criticized for its actions. It joined as a neighborhood group and succeeded in turning its neighborhood into an aesthetically attractive area that is ripe for redevelopment. However, as Jacobs states, "As a sentimental concept, 'neighborhood' is harmful to city planning. It leads to attempts at warping city life into imitations of town or suburban life."²⁵² A perfect example of this warping is the SEC's demand that the FCAA wind the queue for its soup kitchen patrons through the building rather than on the street.²⁵³ By presenting the front of an appealing historic railroad station, the "neighborhood" is comforted by the perception that nothing disruptive to their ideals exists, but in reality, having more people on the street would present more advantages.

It can be pointed out to the SEC that their thinking is flawed in two respects. First, a strong assumption can be made that the SEC does not want the FCAA or other SSOs in the South End because of the negative perception attached to the SSOs. This negative perception can turn, and possibly already has turned, into a situation of "them" versus "us" and can evolve into something discriminatory. Though the "neighborhood" joined together to fight for the betterment of the South End, according to Jacobs, togetherness destroys cities and drives people apart.²⁵⁴ Togetherness, in effect, pushes "others" out.²⁵⁵ As the South End moves toward a wealthier tax base, each entity that cannot afford to be in conformity gets pushed out.

Similarly related, another reason why the SEC may have a negative impression of SSOs is because of privacy. As Jacobs states:

To understand why drinking pop on the stoop differs from drinking pop in the game room, and why getting advice from the grocer or bartender differs from getting advice from either your next-door neighbor or someone who you can trust, has to do with city privacy. Privacy is precious in cities.²⁵⁶

With an increased presence of individuals on the street, especially individuals which have been shown to cause uneasiness,²⁵⁷ the desire to hold on to privacy may intensify. Therefore, the desire to remove the SSO could be less discriminatory in nature and more about preservation of privacy. Regardless of why the "neighborhood" has a negative perception of the SSO, the perception is just that—a perception.

252. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 146 (1993).

253. Interview with Todd Johnson, Assistant Dir., Frederick Cmty. Action Agency (Feb. 18, 2011).

254. See JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 83-88 (1993). In one example from Jacobs, a neighborhood park was built without benches on purpose; "together," the neighborhood ruled the benches out because they might be interpreted as an invitation to people who cannot fit in. *Id.*

255. *Id.* at 81.

256. *Id.* at 76.

257. See *supra* Section IV.B.

A perception, by its very nature, can be perceived differently.²⁵⁸ How this can be accomplished is beyond the scope of this article, but if the “neighborhood” is not ready to have their perception dispelled, it will not occur.

The second reason why the SEC’s thinking is flawed is that they are not thinking about the “greater good”; that is, what is better for the district, Old Town, is ultimately better for them. Through enhancing the district’s overall diversity, the individual street neighborhood will have more staying power.²⁵⁹ Jacobs found that the best way to raise a city’s tax base was not to exploit the short-term tax potential of every site because it undermines the long-term potential of whole neighborhoods or districts.²⁶⁰ The South End’s current plan of concentrating development into one area may be great for investors, but it is not the best plan for the entire district.²⁶¹ Further, Jacobs found that the way to raise the district’s tax base was to expand the range of successful uses—not to cut out those uses that are not directly increasing the tax base.²⁶² Instead of making the South End primarily residential, Jacobs would recommend halting the excess duplications at one place, and divert them to other places where they will be healthy additions.²⁶³ Also, the diverted projects should go to areas of the district where the additions will have an opportunity for sustained success.²⁶⁴ The residential projects and shops can be sprinkled strategically through Frederick’s downtown area, not just the Old Town area, to increase the district’s diversity and all the benefits that come with it.

Ultimately, the district *is* more important than the “neighborhood.” As Jacobs stated, “The main responsibility of city planning and design should be to develop, insofar as public policy and action can do so—cities that are congenial places for the great range of unofficial plans, ideas, and opportunities to flourish, along with the flourishing of public enterprises.”²⁶⁵ Yet as important as the district is, a single organization, such as the FCAA, may be the center of a neighborhood, district, or city. If it is removed, a domino effect may occur. As Jacobs stated, “It is futile to plan a city’s appearance, or speculate on how to endow it with a pleasing appearance of order, without knowing what sort of innate functioning order it has.”²⁶⁶ The FCAA may be critical to Frederick’s order and it, like other SSOs, should be protected amid rede-

258. A definition of “perceive” is “to regard as being such.” MERRIAM-WEBSTER.COM, <http://www.merriam-webster.com> (last visited Dec. 14, 2011).

259. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 334 (1993).

260. *Id.*

261. *Id.*

262. *Id.*

263. *Id.* at 332.

264. *Id.*

265. JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 332 (1993).

266. *Id.* at 20.

velopment until it is no longer in Old Town's (the district's) best interest to do so.

Thus it comes down to the community, which is the bridge between the street neighborhood and the district. In the U.S., we can define a community as "a group of people united by the common objects of their love" or "a group of people working together actively to achieve a common goal."²⁶⁷ Both definitions apply to the situation in the South End, but they are competing against each other. Based on Jacobs' thoughts, the FCAA fits in with a diverse district, but not with the SEC's ideal South End. Only time will tell which "community" prevails.

267. Zhang, *supra* note 12.