

RETHINKING THE URBAN

DAKAM Publishing (D/PB)
November 2013 , İstanbul.

www.dakam.org
Meclis-i Mebusan Caddesi,24, Fındıklı, İstanbul, TR.

Rethinking the Urban, Second Volume
CUI '13 / Contemporary Urban Issues Conference Proceedings
November 4-6, 2013, İstanbul
organized by DAKAM (Eastern Mediterranean Academic Research Center)
hosted by İÜ (Istanbul University)

Edited by: Neslihan Çatak, Efe Duyan, Sinem Seçer
Design: Sibel Seyman
Cover Design: D/GD (DAKAM Graphic Design)
Print: Kaya Matbaası, Bağlar mah. Mimar Sinan Cad. Ünverdi sok. Atılım İş Hanı
No:48/1 Güneşli / İstanbul
ISBN: 978-605-5120-24-5

**RETHINKING THE URBAN
II**

**CUI '13
CONTEMPORARY URBAN ISSUES
CONFERENCE PROCEEDINGS
NOVEMBER 4-6, 2013
ISTANBUL UNIVERSITY**

DAKAM Publishing

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Informality: Rethinking the Urban

The International Contemporary Urban Issues Conference is aiming at fostering discussions of theory and research on urban issues by DAKAM (Eastern Mediterranean Academic Research Center). Focusing on a multidimensional urban phenomenon, this international conference aims to deepen the understanding of informality by opening it to discussion with contributions from various disciplines like architecture, urban planning, sociology, history, economy and anthropology. Emergence of informality as a concept in scholarly discussions can be traced back to the 1970s when “the informal sector” was first used by ILO reports on employment and poverty. The results of the global economic restructuring -such as the flexibilization of production and employment relations, deterioration of collective responsibility and welfare functions of the state- damage the security of urban poor in terms of housing and working. Meanwhile, recent socio economic public policies seem to intensify the condition of informality. Now, it is widely accepted that informal way of living is a necessity for the urban poor as a survival strategy. Hence, informal work and housing constitute a significant proportion of urban economies and policies.

What is new in the neo-liberal age is the extending scope of informality. Today, the boundary between the formal and informal is blurred more than before since most urbanites, including the middle classes, experience both formal and informal encounters in their everyday life. Besides, even the urban rich contribute to informality by the development projects on the invaded peripheral land. Consequently, contemporary informality affects not just a marginal segment of the society but a majority of people living in urban space.

DAKAM’s annual CUI Conference symposium offers a platform for specialists and young academics to interact and share knowledge with non-governmental organizations, businesses and policy makers, as well as fellow researchers. These academic activities serve to bring the gap between research and practice, expanding the opportunities for positive cross-sectoral collaborations in response to the challenging realities of cities in the 21st century.

Sinem Seçer

A CONCISE CRITIQUE ON INFORMAL LAND USE IN ATHENIAN SUBURBS: THE RESTRICTIONS AND THE POTENTIAL OF LOCAL AUTHORITIES AND NATIONAL POLICIES

EFTHIMIOS BAKOGIANNIS, SITI MARIA

ABSTRACT

Land Use formulation is a part of spatial and urban planning in cities, which is inextricably related to the detailed city-plans, development plans and master-plans, deriving immediately from the state's responsibility and authority. City-plans define centralities, networks, geometrical characteristics and therefore land uses. However, several times has been observed, that the predicted land uses are disregarded both by individuals and authorities in the local level.

Informality in urban planning, in Greece, encompasses a variety of illegalities regarding informal settlements, informal individual housing, disrespect of building regulations as well as illegalities in land use policies. The latter, regarding informal land uses and governance, will be explored in this paper as observed in the Greek environment which will also be specialized in a specific municipality in Athens.

Many synonyms have been used in scientific research and literature to refer to informal land use. These include spontaneous, irregular, unplanned, marginal, squatter and informal settlements (UNHSP, 2003c), though in this paper, the term 'informal land use' is used to describe implemented land uses that are in opposition to the official planning regulations.

Recent empirical observations have shown (World Bank, 2006; Bakogiannis, 2012) that the above is an expression of inadequate control and governance, sometimes inappropriate, failed or not up-to-dated regulations. The delays in city-plan' implementation (in several cases even more than 20 years) and the lack of plan revisions are common phenomena in various Greek cities which create inconsistencies between existing and statutory land uses, due to different development trends or circumstances (traffic conditions, noise levels, new urban theories etc.).

This paper explores cases of informal land uses in affluent Athenian suburbs such as Kifissia, New Erithrea, Halandri etc. In such cases, the statutory land uses indicate purely residential areas which allow retail relevant to daily necessities (grocery, bakery, pharmacy etc.), although the current situation presents growing urban centres. The rapid population growth and the coming development created new needs, not predicted by the previous city plan framework, which led to a number of violations regarding planning regulations. Supermarkets, cafe-restaurants, offices et cetera have managed to fit in areas with the permission of 'ultra vires' local council decisions.

This is perceived as an overall status developed in these upper-class parts of the city, which were initially created solely for residential areas, and highlights the lack of provision for the detected tendencies of urbanization by the urban planner.

The complexities that will be analyzed lie within the legislative framework that allows and/ or does not cease a particular level of intervention of local authorities in the formulation of the national planning policies as well as within the new status quo of those areas that surpassed the planning standards.

KEYWORDS: informal land use, planning policies, local urban governance, urbanization

INTRODUCTION

Among the various issues related to building and organization of urban space, informal housing ranks first in the Greek context in terms of its impact in the rapid urbanization and the constantly updating legislative framework. The notion 'Informal housing' is used to describe in general any construction, development, building that is carried out violating the provisions of existing planning and building legislation, such as; building off the city plan's limits disregarding the associated planning regulations, overlooking specific building regulations and land use provisions etc. The phenomenon of informality in planning, through all the above aspects, has affected both positively and negatively, on the Greek urban environment, developing through years a kind of statutory 'social housing' policy. The Greek state approved and sometime promoted informal housing as a means of social housing, while also managed to incorporate it in its political agenda - unlike to other countries where social housing was immediately deriving from the state. Numerous legalization processes have embodied illegal housing in the city plans degrading on one hand the urban setting, whereas on the other hand managing to avoid somehow the urban and consequently social segregation as seen in the modern cities of various countries in the European periphery.

Overall, it is observed that informality of all kinds is, sooner or later, incorporated in the building process as well as in the urban, residential, social and fiscal policy, either directly through regularization laws (L. 4178/2013, L. 4014/2011, L. 3843/2010), or when it comes to land use policies through amendments and reconfigurations in the city plans.

The latter is a rather common issue especially in the developing north Athenian suburbs, where the statutory urban planning is not able to follow and/ or control the rapid urban growth.

It should be noted here that this type of informality is not based on the common issue of economic exclusion of social groups but, on the contrary, explores the informality on the exact opposite side; where the affluent suburbs capitalize their housing stock in order to cover everyday needs and contemporary urban lifestyle.

AIMS AND OBJECTIVES

The issues of inconsistencies in city plans regarding the differences in implemented and statutory land uses, along with the complexities created by the constantly evolving legislative planning framework, will be the main objectives of the current paper.

Lack of planning provision by the urban planner? Incompatibility between

regulatory policy levels (i.e. national vs local authority)? OR market as a key factor of land use determination?

These are some of the many questions this paper will try to address, while identifying the evolution of informality in the Greek context. The first part of this analysis demonstrates the current situation of managing building and land use informalities in Greece while also focuses on cases of land use complexities regarding delays in city plan implementations and inconsistencies in governance and state control. The second part presents a listing of several indicative cases where the existing land uses are in opposition to the statutory ones, stressing the role of relevant local governance policies and politics. Special emphasis is given in areas designed to be 'solely residential' - affluent suburbs in the Athenian conurbation - where rapid urbanization phenomena and real estate market have led to various alterations in the urban form.

Lastly, the concluding discussion examines the actual need for alterations in the legislative framework dealing with building informalities and land use determination as well as the governance level in which guidance and inspection could be applied. This particular time, a draft bill regarding the above is issued for consultation in the Greek parliament, posing the facilitating of the strained financial situation by fast track investments.

ILLEGAL BUILDING WORKS IN THE CURRENT GREEK ENVIRONMENT

Illegal building in Greece is a historical phenomenon, regarded as a social and planning issue since 1923, especially rising in the period during 1945-1960 where almost 380.000 buildings were built in the two major Greek cities (Athens, Thessaloniki), known as 'the first generation of arbitrary structures' (Xynomilaki, 2004). This first era of informality can be partially explained due to the lack of social welfare policy (i.e. social housing) and spatial planning, though after the 70's different issues occur in the urban environment related to the dynamic boost of real estate market, land fragmentation for maximum exploitation, second houses as a means of social upgrade et cetera. Since the 90's, illegalities do not emerge to cover only housing needs or policy inconsistencies but rather capitalize the housing stock, where various phenomena of land speculation appear on the Greek urban scenery. Common illegalities in the latter era vary from balcony closures to changes of permitted use (i.e. auxiliary spaces into main rooms), aiming directly at the maximum possible exploitation of building permissions, while land use violations appear mostly in growing urban centers as well as in environmentally protected zones, seashores, forests, archaeological sites etc. Since 1923, the Greek state in an effort to fight, regulate and/ or legalize illegal construction, has come up with a multitude of draft bills, laws and decrees which in most cases partially annul one another (Varelidis & Varelidis, 2012). Two of the most recent laws (L.4014/11 & L. 4178/13) attempt to tackle in a more specialized way the issues of illegal construction works- though in an inadequate way- aiming mostly at covering the growing economic deficit. It is worth mentioning that during the first month from the enactment of L.4178/13, 29.513 cases of regularization have been submitted -almost 1.000 per day- while the fines are expected to reach 142 million Euros.

Consequently, the current situation presents a chaotic regularization environment where most of the previous illegalities are being regularized, impacting greatly on the aesthetics and functionality of the Greek urban structure, while at the same time promoting the thought that every structure informality -previous, present or even future- could be regularized for 30 years if the fine is paid. This leads to the overall argument that such illegalities are the result of structural issues and shortcomings in the administrative framework of the construction sector, inefficiencies in enacting land-use policies, bureaucracy, political instability, speculative real estate market and poor organization of public services responsible for planning and control of the housing policy (Pettang and Tatietse, 1998; Mahmud and Duyar-Kienast, 2001; Huchzermeyer, 2003).

Regarding land use policies, the numerous issues that emerge are related to the establishment and monitoring of their implementation, a responsibility shared by the state and the local government bodies. The various land uses (housing, retail, recreation, industry etc.) are defined in categories (i.e. urban center, residential, industrial, tourism etc.), each of them combining a number of uses according to the city plan. The above categories do not differ significantly from the standards of the EU, though, specifications take place in the case of residential areas. There are two different categories involving the aforementioned; solely residential use and general residential, with the first including housing, retail for daily needs, small recreational and cultural facilities etc. and the second being more flexible in the case of retail. Land use violations as examined in this paper lay on the intersection of this; a subject not thoroughly researched in the academic sphere that highlights planning deficiencies and rapid urbanization phenomena as well as lack of strategic monitoring at local level. It is worth mentioning though that such violations are not usually regularized through the above typical procedure but follow a complete different approach that has a great impact on the wider urban and regional planning process; alterations and modification in future urban planning studies tend to incorporate them, transforming the initial vision for the development of the areas.

LAND USE INFORMALITIES IN GROWING ATHENIAN SUBURBS

Land use determination as a part of the wider national spatial and urban planning framework constitutes the basis for any specific city plans. According to Article 24 (§2) of the Greek Constitution, the responsibility of the above is directly conferred upon the State, throughout the entire country, in order to achieve a uniform development of settlements and the best possible welfare of people.

On its mission, the State must comprehend with rational and scientific methods, without being influenced from private interests, aiming at its key purpose; excluding the risk of disrupting the unity of the design at a national level. The Greek PD 23.2.1987 identified and categorized specific land uses in areas subject to general masterplan of cities. Local authorities can designate specific uses from a specific category, but are not authorized to change the category itself (i.e. from residential to mixed-use).

Consequently, local authorities have limited eligibility in intervening (i.e. abolishing, updating, changing etc.) to the official city plans, though they are entitled to promote and assure their implementation as well as ask and suggest

modifications according to contemporary needs in given time periods with adequate justifications. Numerous urban planning studies, strategic plans and masterplans have been funded by the Ministry of Environment and Spatial Planning throughout the whole country in the last 30 years, however authorization processes are perplexing in the chaos of bureaucracy delaying substantially their implementation. An important issue is that original city plans are expected to be implemented in subject areas 10-20 years after the respecting study period, presenting a completely different profile compared to the initially studied. Moreover, there is a number of city plans that present severe inconsistencies regarding specific attributes, such as unclear location of neighborhood centers, extensive zoning of activities, deficiencies in delineation of forest areas et cetera.

Solely residential land use category, as defined by the Greek PD 23.2.1987, includes apart from others, 'retail stores serving daily needs of the residents (grocery store, drugstore, stationary etc.)'. This 'etc.' -as seen in the law- can interpret various uses similar to the indicative aforementioned in the parenthesis. Legislators did not record an extensive listing of further uses falling within the concept of retail stores, considering that commercial activity cannot be limited in such forms and also appreciated the longevity of the law. What they clearly wanted to ensure was the minimum disturbance to the residents; which is why they used the notion 'serving daily needs of residents'. Consequently, local authorities and their respective technical services are entitled to implement current provisions, grant authorization and manage any compliance with the law. Solely residential zones are located in very limited spatial entities in the Greek urban environment, mostly seen in the upper income classes suburbs in north and northeast Athens (Kifissia, Halandri, Psihiko, Maroussi). Those suburbs present an autonomy in housing and mobility, considerably depended on private cars and suburban single housing culture; based on limitless space and energy consumption. Developed initially to support inner-city immigration to more green and quiet areas, are now being transformed into growing supra-local urban centers disregarding planning regulations to serve the housing estate boom. Rapid urbanization - a process of 10-15 year period- on these suburbs generated major activities and services as seen in urban centers due to the downgrade of old city centers and the reallocation of residents (almost 50% population increase in 20 year period time), which together with the tolerance of local authorities and market requirements, brought eventually more shops and leisure facilities than the predicted and permitted ones from the city plans.

Thorough research and analytical recording of the existing situation was conducted in the spatial entity of New Erithrea (Municipality of Kifissia), which presents striking contrasts between statutory and existing land uses (Image 1).

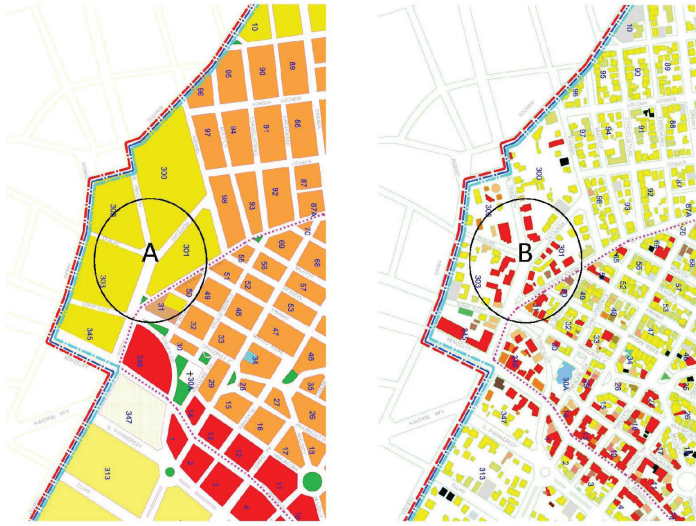


Image 1: Comparison of existing and statutory land uses in the area of New Erithrea, Kifisia.

Source: Authors' research recordings

Despite the fact that urban blocks 301, 300, 305, 303, 345 are indicated to facilitate solely residential uses [A], large shopping malls, cosmetic chain stores, electronic and household appliances stores are illegally located at their street fronts [B].

Numerous other cases have been recorded in neighbouring suburbs (Halandri, Maroussi) where Geotechnical Engineering Laboratories, shops selling LPG cylinders are located in residential zones with the temporary permission of the Ministry of Environment! In many cases local authorities and citizens address to the Council of State against ministerial decisions, that permit individual location of contradictory uses, to prove that such endeavors are unconstitutional and they surpass the role of local authorities. The case of a 6.000 sq.m. building, located in a solely residential zone in Maroussi, was built with the permission of a rather individual legislative regulation to cover the demand for health care or speculative interest, to be proved later by the Council of State as illegal use that burdens the existing urban environment. Current city plan has incorporated the construction itself, however altering the permitted land use in business/ office services. During research, among others the largest shopping mall in Greece expanding in an area of 75.000 sq.m (outside the city plan limits), the Mall Athens, is evidenced to also have an illegal building permission due to the lack of environmental permits.

The mechanism which allowed and promoted cases similar to the aforementioned, laid mainly on the inadequacy of planning regulations and indecisiveness of politicians and inspection bodies. The 'etc' part of the law is interpreted as almost every retail activity... land use permission is given to supermarkets as consecutive permissions for a grocery store, a fish shop, a bakery, a dairy and many more, creating eventually a mega-structure in quiet neighborhoods.

Relative practices implement the operation of restaurants-cafes, offices and other utility services. Moreover, there is a number of cases where specific land uses which were allowed by the previous planning regulations are ordered to be removed in a period of 5-8 years, though retailers prefer to sustain their enterprises and pay the rather small applicable fines.

But, what is the role of planning and how does it face and regulate such transformations in the urban environment? Future city plans are profoundly obliged to study thoroughly the existing situation of the area and propose restoring measures which would relieve the suppressed cityscape and enhance its functionality. Hence, the planner, appreciating the current trends, ends up incorporating the new status quo and attempting to find the ideal equilibrium between the new conflicting and burdensome land uses and the original developmental vision of the place. Thereby, previous quiet suburbs -often accused as city dormitories- create through informality and population growth new centralities in the Athenian urban conurbation, known as Intermunicipal Centers (with Wide Spatial Impact). Intermunicipal Centers are secondary centers or systems of centers in the spatial entity of Attica basin, presenting multifaceted development and considerable impact on their surroundings. They highlight the particular identity of the spatial unit they dominate and gather a number of supra-local metropolitan activities. Constitute complementary multipurpose centers networks of activities maintaining both their operational autonomy and heterogeneity, while also promoting internal cohesion and balanced development. These new centers are categorized according to many criteria such as: geographical position within the settlement network, optimal interaction with national and interregional transportation networks, level of administration services provided, social welfare, education, population size, level of employment, social cohesion, housing growth prospects et cetera.

DICUSSION AND CONCLUSIONS

Greek planning regulations as mentioned above are greatly characterized by a continuous attempt to manage and control informal housing, in a way though that every new regulation seemingly incorporates the previous generation of informalities, let them be illegal housing or informal land uses. The existing Presidential Decree regarding the categories and context of each land use group, dates back to 1987 and allows for numerous misunderstandings and/ or intentional abuses in the current system. As predefined uses (by the City Plan) cannot be changed according to the actual needs or profit based tendencies of an area, City Plans tend to be updated or altered even before their actual implementation. The need for a new framework regarding land use rationalization, which will prevent similar attitudes and phenomena, and have clearly defined directions and prohibitions, is evident, however there should be noted that apart from the development prospects it should regard the cease of perpetual urban sprawl and retention of car-dependent mobility.

The land use category of 'solely residential' and its components, should be reconsidered for a number of reasons; the effects on the neighboring centralities, the level of service of its residents and their autonomy, the disrupt in social cohesion, the current trends of new urbanism regarding city-dormitories and mixed-use

areas. Any new legislative regulation should encounter the level of consultation as the maximum possible agreement among local authorities and citizens is required, in order to achieve its further actual implementation. New land use categories should be concise and clear, without letting misunderstandings and interpretation doubts. Most importantly, given the background of illegalities and consecutive regularization processes in Greece, an ex-ante monitoring mechanism could be established in the local level, which will guarantee the unimpeded operation of the city plan. This monitoring mechanism could involve experts appointed by the local council for a period of 4-5 years as an independent body, though without the right of re-nomination, in order to avoid political dependencies and interpersonal relationships in favor of further informalities. The current proposed legislative regulations by the Greek government attempt to tackle completely the cease of urban informalities of any kind, however the question remains whether these combined actions will actually be last legalization procedures.

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