

URBAN TRANSFORMATION DEVELOPMENTS TRIGGERED BY NEW LEGAL REGULATIONS IN ISTANBUL

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ABSTRACT

Urban transformation has been a rather recent phenomenon which a number of nations are facing. Istanbul is among them. Its aims are to improve the lives of the citizens through improving the built environment of the cities. Discussions on Urban Transformation have gained a legal status in Turkey, with a Law: "The Transformation of the Areas under Disaster Risk". It aims at generating a healthy, secure environment forming the principles of improvement, removal and renewal in those risky lands. Accordingly, In Turkey, in 10 provinces, 24 regions have been declared as risky areas. Some of these areas have been identified as risky by the municipalities, some by the people, and some by the Ministry. This research underlining the paper is empirically based on structured interviews in over 1000 household in Istanbul, as well in-depth interviews and focus interviews with the quarter headmen, realtors, and other social leaders in the community. The questionnaire has been conducted in three quarters of one of the major and largest transformation (sub-municipal) regions of Istanbul, namely Kagithane [1]. The preliminary results show that major issues include lack of knowledge and participation on behalf of the community members; lack of a holistic master plan for the sub-municipal region; and sacrificing for short-term goals of rent/profit, with the long term goals of sustainable cities. The socio-cultural, economic and spatial aspects of transformation at the end will be assessed in view of the dwellers whose houses have been in the transformation zone and who are either leaving their neighborhoods for good to the formal authorities; or selling their houses quickly by making agreements with the contractors instead.

Key words: Urban transformation, housing, legal frame, community participation.

Introduction

Urban transformation has been impacting a number of nations recently. In this paper, the intention is to examine the urban transformation phenomenon in view of its process and from the perspective of its major stakeholders. Such inquiry would be useful to better comprehend the dynamics of the housing sector, the tool of examination is a fast developing province in Istanbul, Kagithane. It has been chosen for research, because it has significant investments for Istanbul's transformation. Kagithane is located near a major freeway and is leading the process in the region.

In Turkey, in 10 provinces, 24 regions have been declared as risky areas. During early the 2013, the Ministry of Environment and Urban Planning has declared certain zones as risky areas, in such cities as Ankara, Istanbul, Bursa and Erzurum. If the Ministry accepts, 20,000 acres of land on 9 regions will be declared risky areas in those 4 cities. Some of these areas have been identified as risky by the municipalities, some by the people, and some by the Ministry. That means a total of 67,000 buildings and a population of 412,000 will be affected by this transformation, when completed [2].

The methodology of this paper is based on broader empirical research and on structured interviews in more than 1000 households in Kagithane province in Istanbul, as well as in-depth interviews and focus interviews with the quarter headmen, realtors, and other social leaders in the community. The survey has been conducted with a comprehensive questionnaire in Kagithane.

Theory Framework

Urban transformation aims to better the social, economic and spatial quality of the cities. Sustainability of urban renewal must be provided in planning. Urban transformation, urban rehabilitation and urban housing stock management must be integrated. Dilapidation of a neighborhood is an important consequence in the changing cities. Urban transformation takes place as part of the nature of the dynamics of the city. However, it can be planned and positively oriented through policies [3].

The assumption here is that new economies, political and cultural relations coming out of a transformation and experienced globally, are embedded in the space. The actors of the transformation must have some sort of an agreement if not a consensus among themselves to carry it out. The local, central authorities, CBOs and NGOs, etc. must participate and make a consensus. This chronological classification must be discussed in view of the role of the city on the national level as it influences the urban transformation processes. National as well as local resources shape it. These components must be supported by institutional infrastructures.

In the 21st century, the economical, political and social factors as well as spatial factors interact with the rapid transportation networks. These factors actually form the transformation processes. The components of urban transformation can be classified as "social", "economical" and "physical" [4]. The social components are: advanced educational level, improvement in quality of social infrastructure, and social

interaction. The economic components are: increase of the quality of the existing economic activities, the types of the economic activities, and the dependency of the areas in close proximity. The physical components are: increase of cultural and natural areas, rehabilitation of housing stock, generation of green areas and life corridors.

Relations with each other and relations with foreign partners become important when conceiving transformation projects. Lefebvre [5], Harvey [6], Thorns [7] and Castells [8] all have theorized about the urban land and its dynamics with emphasis on the lands' transformations. The pros are (a) various groups that begin to occupy the area, and (b) safety in view of earthquake. Urban dynamics leading to urban transformation require, according to Tekeli [9]: (1) Multi-actor participation; (2) Sustainable urban development; (3) Protective cultural inheritance; (4) Urban integration; (5) Marketable land, and (6) Viable cultural activities. New collaboration can be sought for source generating activities, i.e. with the IMF or the World Bank which play significant roles in economic globalization. Dynamics affecting the urban population after the 1980s are new technology, global economies, competing to become a world city, and the need for distinction (Tekeli, 2006). The two groups of factors of urban dynamics interact with each other as well as within. The National Report from the HABITAT II Conference and the process of involvement in the European Union have influenced the production of action plans to be sustainable within a sound and healthy life leading to the generation of new models for urban transformation projects.

The major properties of the transformation project are that it is a phased process and a neighborhood based housing renewal project and that priorities are given to the risky buildings which are to be mitigated. The idea has been to increase the low-density areas and decrease the high-density areas. In general, the transformation project was planned in such a way so as not to relocate the existing dwellers. There would be an increase of 50% in the number of new built areas, which is estimated to bring a 95% increase in total real-estate values. Commerce, housing, offices and such urban services as the like are to be built along the major transportation axes, with the housing areas deliberately intended to have sufficient services.

Legal Regulations: The Urban Transformation Law, No. 6306

On May 31, 2012, discussions on Urban Transformation have gained legal status in Turkey, with Law No. 6306: The Transformation of the Areas under Disaster Risk [10]. This law aims at generating a healthy, secure environment which is in harmony with technical standards and aesthetic norms; through forming the principles of improvement, removal and renewal on those risky lands. It is a constitutional right for all to live in a quality dwelling built in a healthy and planned urban environment, and governments should fulfill this requirement. The government is planning to demolish approximately 6.5 million risky dwellings and transform the risky urban areas within 20 years [11]. The law refers to those areas which are not suitable for settlement in terms of geological and ground characteristics of the land. This covers areas which have densely dilapidated buildings, unplanned and uncontrolled buildings, with

inadequate social and technical infrastructure, and areas which have experienced natural disasters.

According to the law, determination of the risky buildings should be made by licensed institutions, considering the regulations prepared by the Ministry of Environment and Urban Planning. Urban transformation decisions for the public lands should be given by the Council of Ministers based on the proposal of the Ministry of Environment and Urban Planning. Demolition of the risky buildings should only be possible with the consent of the property owners, and rent subsidy should be given to the owners who move to the rental housing units during the transformation process. In addition to the reconstruction process of the risky buildings, loans should be given for the buildings that were technically reported for need of reinforcement. Squatter areas should only be demolished after the allocation of appropriate dwellings or payment of the value of the dwelling to the owner.

Case Study: Urban Transformation of Kagithane

Kagithane's local administration is a sub-municipality of Istanbul. Its establishment dates back to the foundation of the Turkish Republic. Until 1964, it was a settlement with a population of approximately 3,000. After the area had gained the status of sub-municipality, in the early 80's, it joined the Greater Istanbul Municipality and regained its sub-municipal status in 1987. Today's Kagithane has 19 quarters (mahalle), and a population of 421,358 living on an area of 23 km² (Turkish Statistical Institute, 2012). The whole plan of the sub-municipality was completed by 2007 and 1000 dwellings have been newly built and transferred to the settlers in the "squatter housing prevention areas" as part of the transformation goal. The other 1000 dwellings are in the process of being constructed to be transferred to the inhabitants. In most cases, the dwellers in the new settlement are the former dwellers of the squatter houses; yet in other cases, the original dwellers may have to be removed. In-situ transformation and relocation sometimes take place together [12].

Since 2004, one-fourth of the housing stock within the sub-municipal boundaries have been planned to be renewed, which amounts to 45,000 independent housing units. The total number of housing stock in Kagithane is 180,000 housing units. The plan is to have all buildings transformed.

The types of urban transformation which the Kagithane Municipality has planned can be categorized as follows: Squatter housing prevention areas, transformation into new urban blocks and transformation of the industrial areas.

The first one is mainly public land, which facilitates the transformation; the second is difficult to implement because the dwellers in the existing houses on their individual and private plots have to agree with each other in order to join their plots to make larger housing estates. The third one may be the land belonging to the Treasury or to the private sector. There, the land use and the functions are changing. The municipality is encouraging transformation in the privately owned residential areas to be implemented in the form of urban blocks, rather than having individual transformation on the plots of the private houses. It gives 30% more development

rights to those dwellers who agree to the transformation of their dwellings by urban blocks, while giving only a 1.2 to 1.5% increase for development rights to the individual transformers. Yet, in any case the municipality tends to leave the transformation process to the private sector, without having to deal with the developers and the contractors. The sub-municipality is not inclined to identify the risky areas and/or risky buildings, however a recent law does allow them to decide as the law is not mandatory, but suggestive.

The Urban Transformation Law enabled the sub-municipality flexible implementation. If one would want to know the municipal perspective, it would be appropriate to look at what has been done in Kagithane starting with transformation law enactment:

- Illegal / unpermitted construction activity is prevented.
- Squatter housing prevention areas are identified.
- Revision to macro scale plans (1/5000) is made.
- 1/1000 plans are prepared.
- 134 rundown buildings have been torn down.
- Traffic and transportation projects for the large and small streets are implemented.

Demand from the investors and the projected urban transformation projects have doubled the prices. In the future, the municipality plans to transform the area to the one which has 250,000 m² commercial real estate, 100,000 new housing units. Factories, offices, residences will be built within 3-4 years. Once the transformation process is implemented, the whole settlement of Kagithane is expected to contribute an alternative labor supply to the Maslak region with its expected 25,000 workers.

The Greater Istanbul Municipality has selected Kagithane as one of the 15-20 urban transformation regions in Istanbul. The reasons are the new transportation investments in the area, including tunnels and metro connections; and infrastructural investments. Both have attracted the capital holders to invest in the area and a natural transformation has already started. Cendere Valley is a main axis which runs parallel to an existing Levent-Maslak CBD (Central Business District) axis with the tendency to become a rival development axis. In Kagithane large scale projects or mega projects are planned to be open to the public with large urban squares, in connection to pedestrian axis. Most of the existing industrial areas (approximately 300,000 m² area) in this region will be transformed into housing, including prestige housing, offices and shopping centers. The main focus is commercial projects.

The recreational areas planned for the Cendere Valley and regeneration of the historical railway, relocating factories to the periphery of the city have increased the overall value of Kagithane. This makes Kagithane another potential urban center of Istanbul; but at the same time carries the risk of relocation and gentrification which may harm the existing social pattern of the neighborhoods. Furthermore, the sub-municipality of Kagithane does not yet have a specific model for transforming the rights to the existing tenants who have been an integral part of the community for many years.

The actors selected are (1) lawmakers, who formulate the rules and principles of transformation (2) the local authorities, who have to interpret and guide the implementation of the law, (3) key persons in the community, such as contractors and CBOs (Community Based Organizations).

Local Authorities

Local authorities such as the municipality play a significant role during the process of implementing urban transformation projects and directing urban development. After the Ministry selects those urban areas to be transformed, local governments such as municipalities and sub-municipalities carry out implementation. The law is not exempt from some dilemmas. Areas identified as risky may not fulfill the aims of the law, and some seem to negate the principles of development legislature. Local governments' independency has been interfered with and public lands are opened for exploitation. Furthermore, the shelter rights of the residents have been disregarded. The profit controlling and boundary factors, such as ownership in urban land, legislation, and standards have been eliminated by the new system.

The relationship of the Greater Istanbul Municipality and Ministry directly influences the implementation of sub-municipality in Kagithane. There is no problem because Central and local governments are affiliated with the same political party, which is currently governing the nation.

During the interview with the Mayor of Kagithane [13], he declared that the level of community participation is higher than other areas in Istanbul. He also arranges weekly community group meetings. The Mayor also meets with CBOs and citizen associations. This is welcomed as a highly democratic attitude. The municipality has organized courses to provide occupational skills for the dwellers, and their locations are evenly distributed for easy access. The women, well-organized at the quarter level seem to be very active in the area. Furthermore they are well accepted by the sub-municipality, especially in organizing activities and educational opportunities for the children.

Community Leaders

In the interviews with the leaders of associations, they have expressed that they were able to convey their issues to the municipalities. Yet, this communication did not bring any solutions to these issues. The leaders were told by the municipal authorities that there would be an urban transformation but the locations were not specified. That the municipality did not make a meeting for informing the community on the urban transformation process in Kagithane caused a lack of information. However, the leaders thought that the process would start within a year.

Consequently, no meetings were held within the association, as there was no flow of information between the municipality and the leaders. The leaders of the associations claim that the municipal authorities ask individual homeowners to join and offer "urban block" transformation. They criticized this approach if the local authorities left

alone the owners to confront the individual contractors; and not control the transformation process. Furthermore according to them, those people with no title to the land were asked to pay 1,000 Turkish liras (corresponding to 500-600 USD) as a title fee-too high to be paid by these people. It must be reduced by half or one-third. One of the issues expressed is the fact that regardless of having a land title or not, everyone demanded the same number of housing units in the new projects as the one they had. The leaders proposed forming a commission to resolve this problem of demand; and they claimed that increasing the development rights in the plots such as adding one more story would be a good resolution.

The Contractors association leader has conveyed during the survey that has held more than one hundred meetings in the sub-municipal neighborhood, and at least 20 people were informed about the urban transformation and told about the problems of individual plot based contractor involvement. It was suggested they join plots for “urban block” transformation. The municipality encourages the neighbors to combine their plots of land by giving them more development rights.

Furthermore a resident can view the website of the Ministry of Environment and Urban Planning for a list of licensed contractors in order to make an investigation about their dependability.

Both the Contractors Association and neighborhood association leaders express their common views on the following problems:

- Population increase (overcrowding),
- Environmental pollution,
- Location problems (i.e. on river beds),
- Traffic and parking problems (i.e. due to narrow streets),
- Life-style problems (conflicts).

Both groups of leaders proposed that the inhabitants must hold meetings at community levels, and “solution unions” must be formed towards researching and solving problems. The leaders’ reactions to individual transformation in the Kagithane neighborhoods were that the sub-municipality must not compromise on certain issues. Individual transformation is implementable without much problems; they also emphasized that some families cannot afford transformation. They have a doubtful approach to large scale transformations by the Ministry, MHA (Mass Housing Authority) or by the Municipality. They think that prestige housing will be constructed in the area and these type of housing will not be affordable to the original dwellers. However, greener and more planned settlements can be achieved through this approach.

The Community

According to the results of the survey (including 1014 households) conducted in several quarters in Kagithane, comments of the residents related to the urban transformation can be seen as follows:

Of the people interviewed 43.9% had knowledge about the Urban Transformation Law (6306), 34% did not have, and 22.1% had partial knowledge. Such flow of information seems to be realized through community leader initiatives and meetings they have held in the neighborhood.

When questioning the earthquake risk, 39.9% saw no risk, 31.9% had not enough information about his/her building's stability, although 28.2% felt they lived in a risky building.

As for the question of their opinion about their buildings being included in an urban transformation area, 43.6% answered positively, although 41.9% answered negatively, with 9.6% is undecided. It seems that more people are pro transformation. The expected profit from increasing real-estate values may contribute to this response. One of the questions focused on which kind of transformation /restructuring is better for them; 39.5% of those interviewed preferred housing group / gated settlement, 27.7% preferred detached homes, and 20.2% preferred flats.

When they were asked about the meaning of urban transformation, 21.9% said that it is to strengthen the buildings, 21.1% said that it is for restructuring and change, 11.1% said that it means planned urbanization and 9.0% told that it is for modernization. The remaining 36.9% thought that urban transformation means profit, renewal of buildings and better quality of environment. The people look forward to planned urbanization and are in favor of urban transformation.

From those interviewed 52.4% did not have information about the urban transformation process in the Kagithane area, while 47.6% had information. Of the total number of households who expressed that they had been informed about the process, 45.8% of those interviewed had been received information by media, 45.8% from their friends and acquaintances and 21.5% from the Municipality.

Evaluation & Conclusion

Comparatively fewer people in Kagithane was informed by the Municipality (approximately one third), while most people were informed either by the media or by friends. This finding is significant in that the Urban Transformation Law does not guarantee that the local authorities provide necessary and adequate knowledge and explain the directly to the dwellers the particular regulations for implementation. This may cause mis-information and mis-understanding of the pro's and con,s of Urban Transformation Law.

The Urban transformation Law firstly challenges the risky buildings That nearly 40 percent of the dwellers surveyed does not think that the building s/he occupies carries earthquake risk.. Another one third of the dwellers express they do not know if their building is risky or not. That less than one third believes there is a risk with their building This finding shows that most of the dwellers surveyed are either uncertain or believe their building is risky. The implication is that the local authorities must show the ways and means by which the level of risk that the houses carry must be

inventoried. Further implication is that such technical knowledge need to be shared with the dwellers.

The Urban Transformation Law gives the impression on the dwellers that its major meaning is profit-making on urban land. This makes the dwellers apprehensive about the implementation of the Law.

Negative approach of the dwellers towards the Urban Transformation Law can be caused by such factors as lack of knowledgeability on behalf of the dwellers as well as certain holes in the Law; such as uncertainty about the cost of the new housing to be built. This situation contradicts one of the principle aims of the Urban Transformation Law which is to transform the deteriorated houses in-situ, without disturbing the ties between dwellers-and-dwellers (for social cohesion) and between the dwellers-and-place (for place attachment and identity).

For the renewal of housing stock, a significant proportion of the people surveyed expressed their preference for detached housing after urban transformation. Another significant proportion expected strengthening of their existing dwellings. This reflects the housing culture of the gecekondu dwellers or squatters. It gives a clue for the policy-makers and local implementing agencies to provide diverse type of housing – not only apartment blocks as provided, and an additional option for the existing gecekondu to be rehabilitated and strengthened.

Law No. 6306 makes the municipality a more important actor than before. The law gives the enactment of urban transformation authority to the smallest formal organization, the sub-municipalities; they have the best opportunity to enable community participation. The law proposes the renewal of “risky buildings” and “risky areas” for its major goal. This is a very positive quality for the good of the citizens, in particular reference to the disaster prone areas in Istanbul. These areas usually have substandard houses.

People in these areas can better participate in decision making organizations during the process. Otherwise the authority that the Ministry of Environment and Urban Planning can be misused in relation to “which areas are risky and which are not”. A multi-actor commission, including professional organizations and chambers, universities, banks, sub-municipalities, NGOs and local citizens, could be a solution.

Transparency of governance, for which creating awareness of the process and providing information about the particulars of this enactment is a necessity. The sub-municipalities, such as Kagithane, implement the law independent from others. The transformation becomes very fragmented and on a small scale. This may cause lack of open/green spaces, and spaces for social facilities. A well organized and holistic approach among the sub-municipalities at a higher level could be a remedy to integrate the plans for urban transformation of Istanbul.

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