

AMERICAN UNIVERSITY OF BEIRUT

INTRODUCING PERFORMANCE-BASED PLANNING
IN CONTEXT OF RAPID URBAN TRANSFORMATIONS,
THE CASE OF MAR MIKHAEL, BEIRUT (LEBANON)

by:

Ali Mohammad Ghaddar

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for the degree of Master of Urban Planning and Policy
to the Department of Architecture and Design
of the Maroun Semaan Faculty of Engineering and Architecture
at the American University of Beirut

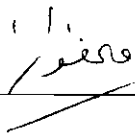
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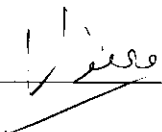
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AN ABSTRACT OF THE THESIS OF

Ali Mohammad Ghaddar for Master of Urban Planning and Policy
Major: Urban Planning and Policy

Title: Introducing Performance-Based Planning in Context of Rapid Urban Transformations, The Case of Mar Mikhael, Beirut (Lebanon)

My thesis explores the adaptation and implementation of Performance-Based Planning in Lebanon. It does so through the entry point of a case study in the neighborhood of Mar Mikhael (Beirut) where I adopt the findings of the Planning & Design Workshop studio conducted in Fall 2017 in the MUPP/MUD program at the American University of Beirut. The studio had found that drastic urban transformations were taking place in Mar Mikhael, imposed by market-led initiatives that strived for profit maximization at the expense of social and spatial considerations. The analysis of the regulatory framework had further found that existing urban planning regulations are unsuitable for addressing concerns for a more equitable and livable urbanization.

My research chose to investigate alternative regulatory approaches that could foster a planning path towards the desired neighborhood. More specifically, the thesis proposed to explore the Performance-Based Planning approach as a means to respond to the vision derived from the workshop and develop flexible and innovative planning solutions. In studying the applicability of performance-based planning in Lebanon, the intent is not to simply 'import' a western regulatory tool into a new context. Instead, the challenge is to articulate flexible processes that rely on qualitative parameters and expectations to replace the rigid, quantitatively defined rules.

The solution-oriented approach proposed in the thesis develops a policy-based intervention proposal articulated at the national and local levels. At the national level, I identified the challenges to be addressed before performance based planning can be introduced. This required me to map existing planning institutions and regulations and outline the structural revisions to be introduced in the Lebanese planning processes as a prerequisite to the adaption of performance-based planning. At the local level, the thesis studied closely the context before proposing the introduction of Neighborhood Planning in Mar Mikhael, the adaptation of performance code to local conditions, and the articulation of neighborhood commissions that can follow on these processes.

My thesis is significant in its three-fold contribution to *Urban Planning* in Lebanon. First, it adds to the body of knowledge created on the specific topic of urban transformation in the neighborhood of Mar Mikhael. Second, it contributes to the development of an innovative planning and regulatory framework for Lebanon, whereby experimenting with performance-based planning can help urban planners to stimulate the development of

innovative regulatory arrangements, work towards specific goals and facilitates the possibility of having internal discussions at local levels. Third, my thesis experiments with the possibility of adapting planning in a way that can foster inclusive urban governance in Beirut's context.

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CHAPTER I

INTRODUCTION

A. Problem Statement

The neighborhood of Mar Mikhael has been experiencing a series of drastic and rapid transformations, both in its function and morphology. Bars have opened, middle income youth has moved in, new buildings are popping up, old stores are closing and decades old residents are leaving. This sudden shift is leading to the loss of its long-standing urban identity, collective memory, and urban heritage value (IFI, AUB, 2016; Urban Planning Workshop, AUB, 2017).

In addition, the neighborhood has been rebranded as the creative hub of Beirut (Gaia-Heritage, 2014), which has encouraged the establishment of different creative industries in the area but with the absence of a strategic framework and urban plan for the city of Beirut as a whole. Yet the attraction of a now dense nightlife scene and the consistent mushrooming of new developments in the neighborhood have actually overshadowed and even degraded the emerging creative businesses in the area. Some have relocated to the downtown, such as Creative Space Beirut. This process of urban transformation can be understood to be the result of a number of social, economic and political dynamics that contributed to the shaping and reshaping of the neighborhood's urban actuality. While many of these dynamics fall under the label of "gentrification", in actuality, this gentrification is flavored in the local Lebanese style, reflecting overlaps in public and private interests, flows of remittances and cracks in the regulatory and planning framework, among others.

Based on the thorough reading of earlier research and my involvement in the urban planning workshop titled *Mitigating Gentrification: The Case of Mar Mikhael of Beirut*, a critical reflection on the current condition of the neighborhood was conducted, and a new urban vision was proposed. Consequently, I have come to understand urban transformation in Mar Mikhael to be the outcome of:

1. The historic transformation of the position of Mar Mikhael as a neighborhood relative to the rest of Beirut's urban development¹.
2. The regulatory framework that organizes the development of the neighborhood, including the zoning regulations and building law, can be deemed as catalysts of the area's current situation. This is to say that the existing regulatory framework exhibits biases and deprioritizes equitable development, which in turn encourages the proliferation of high-end, high-rise and high-income residential and commercial developments. (El-Achkar, 2013; Krijnen, 2016).
3. Privileges granted to the private real estate sector through the neo-liberal mindset of public planning authorities, which supports market-led and elitist construction through continuous deregulation (Krijnen & Fawaz, 2010).
4. Limitations placed on community engagement in the decision-making processes, leading to community disempowerment that result from the top-down methodology of local planning processes (Yazigi, 2010).
5. Land and property expropriation in the neighborhood using a mechanism that actually renders the status of expropriated land ambiguous, due to incomplete expropriation.
6. Policies adopted by the Lebanese Central Bank (LCB) that favored certain kinds of urban development (Sakr-Tierney, 2018; Fawaz, 2019).

¹ Check chapter 03 section (C-1)

In sum, drastic urban transformations took place in Mar Mikhael that are clearly market-led and strives towards profit maximization. This transformation is mainly characterized by the degradation of long-standing social networks, which in turn results in changes in socio-spatial practices as well as the decay of traditional economic networks, their subsequent replacement by newer economic sectors, and reinvestment of capital through land acquisition and development, resulting in changes in the built environment (Planning Workshop, AUB, 2017). In the third Chapter, I will explain these changes in detail and present a series of findings that support the way in which the neighborhood has transformed and question the impact of this transformation on three values of planning: *Inclusivity, Livability, and Equity* in the neighborhood. The aim of this approach is to reveal the impact of this transformation on the urban reality of the neighborhood through the urban environment itself. In other words, my thesis acknowledges the fact that cities transform, but it is important to question how the transformation fits within the three values of planning, namely *Inclusivity, Livability, and Equity*.

B. Thesis Objectives

Departing from the workshop's research discussed above, my thesis envisions Mar Mikhael to be a socially and economically resilient neighborhood² where priority is given to the protection of its socio-economic diversity and socio-spatial specificity. An emphasis will be placed on the preservation of the area's built heritage and its social value, as well as on the protection of old and new livelihoods and residents' rights. This

² The workshop articulated the following vision: District D will build on its diversified economy and local identity to become a resilient neighborhood in the city of Beirut that is a destination for cultural exploration, recreation, and a sustainable connecting node for its surrounding. The vision is accompanied by three objectives:

- 1- Promote livability and protect the socio-spatial particularity of the neighborhood.
- 2- Provoke connectivity and mobility through Integrated and Resourceful Infrastructural Systems.
- 3- Foster robust and Inclusive business opportunities.

however does not eliminate the strong role that real-estate developers and speculators play in the neighborhood's transformation. One of the main impediments to the enactment of an alternative vision for the neighborhood is the absence of effective planning tools in Lebanon's planning regulations.

The thesis thus aims to tackle urban transformation by investigating a new regulatory approaches that fosters a planning path towards a more inclusive and livable neighborhood. Rather than a targeted project, the proposed regulatory framework secures a long term development path that addresses existing challenges in the long run. More specifically, the thesis proposes the performance-based planning approach as a potentially favorable regulatory framework for the neighborhood of Mar Mikhael, as a means to respond to the vision derived from the workshop.

C. Thesis Significance

The significance of this thesis is in its three-fold contribution to urban planning in Lebanon. Firstly, it adds to the body of knowledge created on the specific topic of urban transformation in the neighborhood of Mar Mikhael. This will be achieved through a detailed analysis of the characteristics of transformations that shaped the city/neighborhoods and through an examination of the outcomes of the afore-mentioned urban planning workshop, which identified modern trends and indicators of transformation in District D of Mar Mikhael. District D is regarded as a zone of interest seeing that all the social and economic groups mentioned earlier intersect in that area³.

It secondly contributes to the development of an innovative planning and regulatory framework for Lebanon, whereby experimenting with performance-based planning can help urban planners to stimulate the development of innovative regulatory arrangements, work towards specific goals and facilitates the possibility of having

³ Check Chapter 3 "Case Profile"

internal discussions at local levels. Introducing performance-based planning provides three critical advantages in the Lebanese context.

- The first is to step out of the limitations of the conformance model, this will be evident in the critique of the existing planning and regulatory frameworks. The current regulatory approach lacks flexibility and relies on controlling the end results of developments by specifying building regulations and requirements.
- The second is to challenge the possibility of a small interest group controlling the definition of the “common good”. The compliance facilitates the control over the end product to subdue it to the interests of a few.
- The third is to present an integrated planning framework. My research shows that the absence of an integrated planning strategy in Lebanon maintained the control of political elites over the planning process.

Thirdly, my thesis experiments with the possibility of adapting planning in a way that can foster inclusive urban governance in Beirut’s context, which we will explore later in the writing. This approach will be proven to endorse greater flexibility and would introduce objectives to planning regulations and arrangements. To that end, different case studies and approaches from local and Anglo-Saxon countries that adopted the performance approach will be presented. Using these examples as a base, an altered variant of this approach will be proposed, contextualized in our local context to respond more adequately to existing complexities.

D. Research Question

The neighborhoods of Beirut, including Mar Mikhael, play different roles in the city and attract different communities. However, a general trend in Beirut’s urbanization is that it is increasingly exclusive and prone to speculative investments, often at the cost

of a livable environment for most residents of the city. Based on that fact I seek to understand:

1. How can I translate the vision articulated during the workshop “Resilient Neighbourhood” into a set of guidelines for the neighborhood of Mar Mikhael?
2. How do these guidelines fit within the existing power structures that affect the built environment and the local community? To what extent is it feasible to implement them?
3. Which institutional framework would be adequate to develop the suggested planning approach? How would it involve the community in the planning decision process?

These key questions act as entry points to help guide the inquiry into the procedural aspect of planning in the Lebanese regulatory frameworks and arrangements.

E. Thesis Argument

In a context of constant change bred amongst conflicting dynamics, I argue that performance-based planning allows for the articulation of flexible and innovative planning solutions that can respond to the challenges in neighborhood livability and involve the community in the planning process (Figure 01).

Performance-based planning (P.B.P.), also known as performance standards, is a type of urban regulation that considers each case on its merits. This approach to regulatory planning begins with a set of qualitative requirements - such as carrying capacity, threshold of safety, and environmental quality – that it challenges developments to meet, rather than the typical prescriptive zoning where every intervention and/or building addition is to meet a specific code. This form of planning is expected to secure a more flexible framework of decision-making, adaptive to specific

conditions, requiring fewer regulations, speeding up the approval process, and encouraging a greater dialogue amongst stakeholders (Wypych, Sipe & Baker, 2005). In sum, performance standards are expected to provide better design control and flexible responses to the special demands of the context.

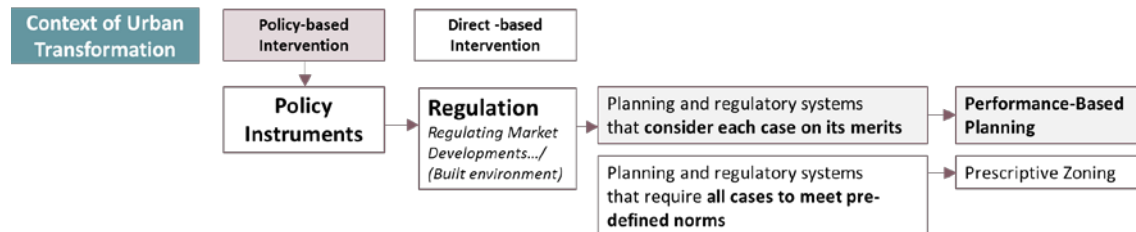


Figure 1 Types of urban regulations (Source: Author)

F. Thesis Outcome

My thesis elaborates a planning framework that will translate the vision articulated in the workshop for Mar Mikhael into a set of planning criteria (standards) that would be applied in the neighborhood (District D) as a pilot project. Though performance standards are being explored here through western case studies that noticeably have an institutional framework that enables their enforcement, this thesis recommends a hybrid model⁴ that acknowledges local challenges and contextualizes planning in Beirut.

In addition, I would like to highlight that the potential of my approach would uphold two essential commitments:

1. A commitment to economic and structural/ institutional reforms;
2. An endeavor to mobilize local communities and youth groups to activate and reclaim their space. This would afford communities the ability to exert some control over the transformation of their urban, socially produced space.

⁴ Strategic plan and preferable land use plan are developed at the local levels

G. Thesis Position

In a neoliberal Lebanese political context that has adopted a laissez-faire policy to economic development, gentrification appears to be a catalyst of socio-spatial transformation (Krijnen 2016). This neoliberal doctrine manifests through complex political-economic relations. Hence, contrary to the usual rhetoric of the absence of state interference in such systems, the system in fact hinges upon the active mobilization of state power to promote market-based regulatory arrangements (Brenner & Theodore, 2005). Intrinsicly, neoliberalism is a process of market-driven social and spatial transformation (Neil Brenner & Nik Theodore, 2005) where cities are at the forefront of neoliberalization (Peck & Tickell, 2002). As such, my thesis stems from the urgency to link planning frameworks in such an economic model, more than any time before, to the 1948 Universal Declaration of Human Rights (UDHR) and to the principles described by The American Planning Association, which sees planners as: *Promoting “collective action” to “enrich people’s lives” and help officials, leaders and citizens “create communities”* (Adams et al, 2014, p. 9). In addition, planning, as a practice, is not always conducted by traditionally trained ‘planners’. However, planning as a profession requires planners to be shrewd and strategic actors, understanding the dynamics of the wider strategic context (Albrechts, 2003). Here, planning can imply the deployment of various policy instruments, with the intent to shape and regulate markets and built environment... (Adams et al, 2014).

I. Thesis Structure (Outline)

Chapters are structured in a systematic order, organized as such to respond to the thesis' main objective - "Introducing performance-based planning in a context of rapid urban transformations"

Chapter I, introduces the thesis topic through three pillars of investigation: the thesis problematic, the research question and the thesis argument. In this chapter I present the urban condition of Mar Mikhael as an area subjected to a process of gentrification and rapid transformation that is becoming more and more common for *Beirut* neighborhoods. This analysis will be followed by a policy-based intervention approach to tackling local gentrification dynamics.

Chapter II, presents the adopted methodological framework from a solution-oriented lens for an Urban Planning and Policy thesis.

Chapter III, identifies city-scale and neighborhood-scale characteristics of urban transformation. The Chapter documents observable trends and indicators of change in Mar Mikhael. This section ends with a clear understanding of the impacts of this transformation on specific indicators: inclusivity, livability, and equality in the neighborhood.

Chapter IV, presents the literature review guided by two main axes: the first is elaborated on by a central and critical question in urban regulation: Should regulatory systems **perform** or **conform**? The second axis presents the literature of performance based planning. It showcases an in-depth analysis and assessment of performance based planning theory and practice (Definition and origins, interpretation, and lessons learned by practice).

Chapter V, case studies place the literature conducted on performance-based planning approach in the greater context of urban planning as a field, and in relation to concepts

found in case studies from Anglo-Saxon countries. Firstly, this chapter presents the concept of discretionary planning in the case of the UK; secondly, the application and impact of performance-based planning in Queensland, Australia. The chapter will also cover local case studies of city-scale master planning from Beirut, each historically placed at key political national periods (the Pre-War Period, the Lebanese Civil War and the Post-War Era) under the title “Importing Plans, Exporting People”. The analysis in this chapter is developed from a critical position towards the procedural processes that govern local plans and substantive aspect of these local plans. The chapter ends with a comparative assessment of the key findings from each case study.

Chapter VI, illustrates a way for a concrete and responsive Policy-Making Proposal, which stems from the identifying the main challenges to be addressed before performance-based planning can be introduced. To this end, this chapter revisits the Lebanese urban planning process, in specific, its institutional governance structure (Scales of planning governance, institutional framework, and planning tools). In return, I present the integrated planning framework with an effective regulatory approach that can introduce new criteria to planning processes that are qualitative in nature and facilitate the implementation of a developed vision at the local level. As such, the policy intervention proposal contextualizes performance-based planning through a national-scale roadmap. It includes: Scales of planning governance and its scope of work, institutional framework (key actors and power dynamics), planning tools (spatial plans), regulations (Performance code) and planning criteria that should be included in the code.

Chapter VII, presents the ingredients of neighborhood planning in Mar Mikhael and focuses on adopting and adapting the performance code at the local/neighborhood level, including its operational framework, which would allow for an articulated vision of

positive change to exist through performance criteria (Outcome). This section ends with the Urban Planning and Design Workshop. It presents the key issues that are missing in the workshop and required for the implementation of performance-based planning in the neighborhood of Mar Mikhael.

The chapter ends with levels of adoption and requirements for each 'level'. Here, I propose the comprehensive and incremental approach.

Chapter VIII acts as a recap chapter through which I present the concept of a state performance spectrum where I position both my case profile and my thesis. The chapter concludes with the thesis outcome revealing my main contributions to the corpus written on both the topic of understanding urban transformation in *Beirut* neighborhoods and of studied planning and regulatory approaches in Lebanon.

CHAPTER II

THESIS METHEDODOLOGY

The main challenge of the thesis was to articulate a methodology in the absence of previous studies on the contextualization of performance-based planning processes and tools in Lebanon or the Global South. In addition, the literature on performance-based planning is still limited, only a few case studies and assessments can be found. It is important to note that, in studying the applicability of performance-based planning in Lebanon, the intent is not to simply ‘import’ a western regulatory tool into a new context. The challenge is to explore this new approach as an entry point to more flexible processes that rely more heavily on qualitative parameters and expectations, instead of on quantitatively backed and rigid rules. Indeed, my aim is to adapt performance based planning to Lebanon and demonstrate that this regulatory approach can generate a more effective planning practice through qualitative standards. To this end, my thesis adopts a solution-oriented approach (problem-solving approach), through a policy-based intervention proposal that reflects on both the national and local contexts.⁵

⁵ Refer to step 04 and 05 in the methodology

A. Methodological Framework

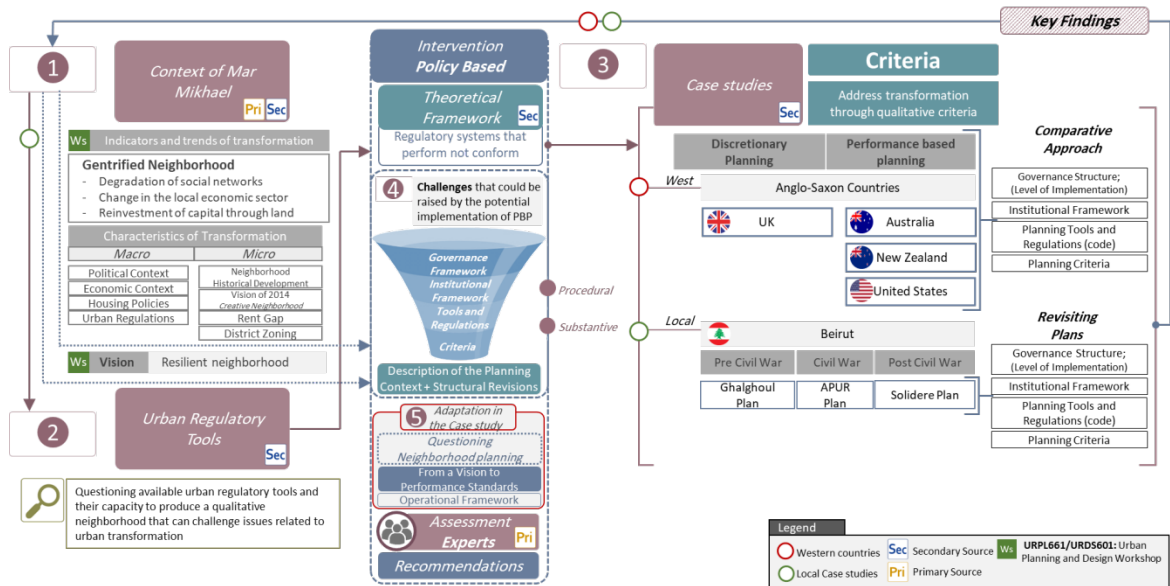


Figure 2 Thesis methodology road map (Source: Author)

As shown in the figure (02) the thesis methodology consisted of a five step process that thought to link the analysis of the neighborhood to the debates on performance-based planning, case studies and explores their applicability. The following steps were followed:

- Step 01: Case Selection

I chose Mar Mikhael as a case study due to my personal experience studying the area, especially through the Urban Planning Workshop at AUB.⁶ In my analysis, I found that the existing regulatory framework was unsuitable for tackling issues related to the neighborhood's transformations. Simultaneously, it is one of the factors that actually enabled, even encouraged, the area's transformation to what it is now. Furthermore, tools in the existing planning system do not address the area's direst intangible issues (loss of neighborhood identity, rapid gentrification, social inclusivity, etc.). Lebanon's planning mechanisms were set in place in the 1950s, not long after the country's

⁶ Check Chapter 3 Section (C-1)

independence, and were actually imported from the French system of the Mandate era (1918 to 1943)⁷.

- Step 02: Approaching Urban Regulations

Departing from the case selection, I questioned local regulatory tools and demonstrated their obsolescence. This is especially with respect to the fact that I found them uncondusive to the production of a better neighborhood on a qualitative level, or to challenge issues related to drastic urban transformation. To this end, explorations for a non-prescriptive system were necessary to address transformations through qualitative criteria and achieve a collective vision for the neighborhood. Performance-based planning was found to address mentioned issues more completely and more holistically, making its applicability in Lebanon an opportunity to explore urban performance beyond the architecture of singular buildings and touch upon concepts like quality of life in the neighborhoods and larger built environments.

- Step 03: Case Studies Rationale

To further my research, I investigated case studies that moved away from rigid prescriptive systems. An approach like performance-based planning addresses urban renewal through qualitative performance criteria and delivers planning objectives and action-oriented visions, which provide more room for flexibility and strategic improvement for urban spaces as a whole. I looked at the UK and Australia where I found good examples.

I adopted a comparative assessment between the British, Australian, and Lebanese systems, looking at elements and processes that were evaluated including each system's level of implementation, their scale of apprehension, and their structure

⁷ France has long abandoned these outdated protocols and modernized its system, while Lebanon keeps them intact and active.

of an urban hierarchy and decentralization (national, regional, city, and neighborhood scales). This last point especially steers the discourse towards urban governance and decentralization and its necessary introduction to the Lebanese system.

- Step 04: Identified the Challenges to my Ability to Implement the Performance-based Planning (National Planning Scale Road Map)

Returning to the context of Lebanon's planning agencies as a whole, I identified the challenges to be addressed before performance based planning can be introduced. This required me to follow two steps:

A. Description of the planning context

I explored the existing urban planning framework. I specifically mapped the urban governance structure (Institutional framework, scales of planning governance and planning tools). The aim was to understand the existing planning framework and urban regulations in order to intervene on the wider framework that governs local planning processes for the sake of more effective and localized policymaking.

B. Structural revisions in the Lebanese planning process:

Departing from the previous step (A), the national scale of intervention that is required to contextualize performance-based planning and reshape the local planning process with decentralization and qualitative thinking in mind are specified below:

1. Articulating a national vision for planning to emphasize the desirable values of livability and urban inclusion.
2. Revisiting the Institutional Governance Structure of Planning to facilitate the implementation of this vision:

- a. Integration of the scales of planning governance and increasing the power of local authorities: local planning framework to increase municipality power to have neighborhood planning, at the regional level I will have a regional plan, and at the national level I will have a National Planning Policy. This is an integrated framework of planning at multiple scales.
 - b. The institutional framework: CDR, DGU, all to be dismantled and instead, a Ministry of Planning and Local Government, Environmental Court, and Introduce Design Review panels.
3. Rewriting Planning tools and Regulations to shift them towards a performance-based approach:
- a. Strategic plan at the local level to replace the zoning plan, and have a neighborhood plan. Both are strategic, which means they begin with a vision and policies built on the vision. This is what will be turned into performance code.
 - b. Criteria: Qualitative criteria should be included in the performance code (e.g. Urban inclusivity, livability, equality, etc)

As such, three levels of governance will structure the suggested urban hierarchical system, with each tier having its own role and power on the planning process, enabled and restricted by their geographic scale, tools and scope.

- Step 5: Adaptation in the Case Study (Local Planning Scale Road Map)

The methodology will close on local scale of intervention that is required to adapt performance-based planning to local conditions. It includes:

A. Introducing Neighborhood Planning in Mar Mikhael

Returning to the context of Mar Mikhael, I questioned the possibilities of finding in Mar Mikahel the necessary ingredients to introduce Neighborhood Planning, namely (i) a neighborhood forum or alternative discursive platform, (ii) the development of a neighborhood plan, and (iii) potential funding mechanisms.

B. Adopting and Adapting performance code to Local Conditions

Thus, having identified the existence of the necessary ingredients of Neighborhood Planning in Mar Mikhael, both strategic neighborhood plan and performance code will be developed. Here, I developed a frame work in which a vision is translated to Performance-based standards, accompanied by an adequate operational framework to operate at that smaller more localized scale.

Finally, I revisited the urban planning and design workshop and presented the key issues that are missing and required for the implementation of performance-based planning in the neighborhood.

CHAPTER III

MAR MIKHAEL: CASE PROFILE

This chapter identifies city-scale and neighborhood-scale characteristics of urban transformation and documents observable trends and indicators of change in Mar Mikhael. This section ends with a clear understanding of the impact of this transformation on the inclusivity, livability and equity of the neighborhood.

A. Context

Mar Mikhael is a small peri-central neighborhood at the North-Eastern edge of Beirut, located within walking distance from Gemmayze's Gouraud Street to its west, the Beirut River and Bourj Hammoud to its east, the Charles Helou Avenue and the Beirut



Figure 3 Location of district D in Mar Mikhael (MM)
(Source: Author)

Port to the North, and Achrafieh Hill to the South – where it borders the neighborhoods of Rmeil and Mdawar. Although it does not currently have an economic link to Beirut's Central District, Mar Mikhael is known for its connection to the BCD through Armenia Street, previously known as Beirut – Tripoli Road. It is connected at the national level through the Doura-Charles Helou highway and at the city level through the peripheral roads of Beirut: From Charles Helou to Corniche Al Mazraa and towards Corniche Al Nahr highway (Figure 03, 04).

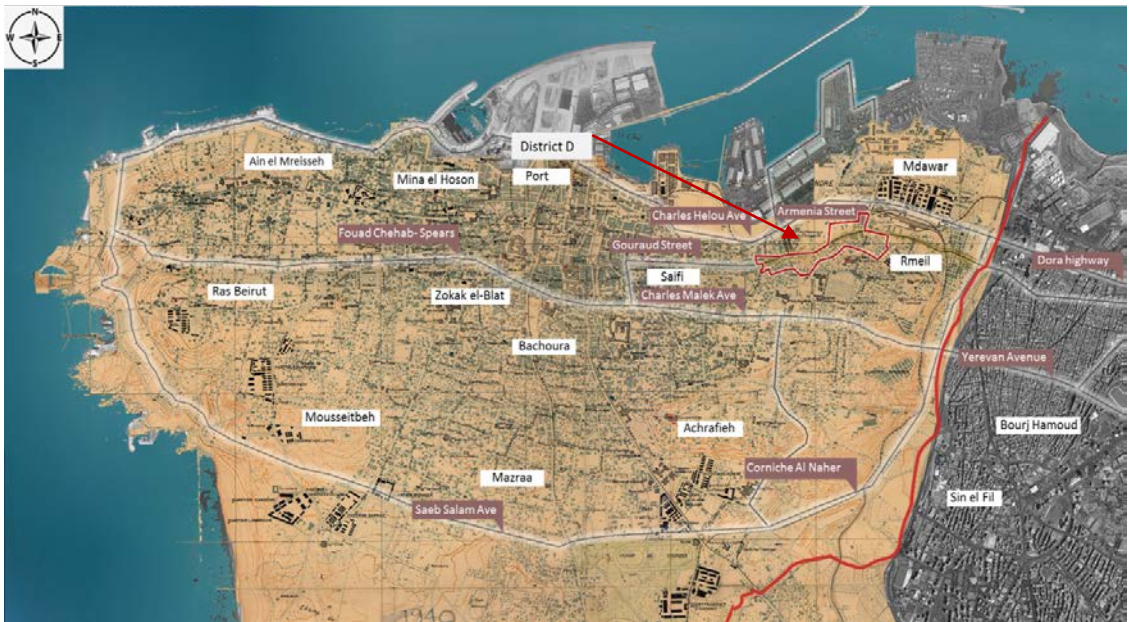


Figure 4 City expansion from 1940 till 2018 (Source: Author)

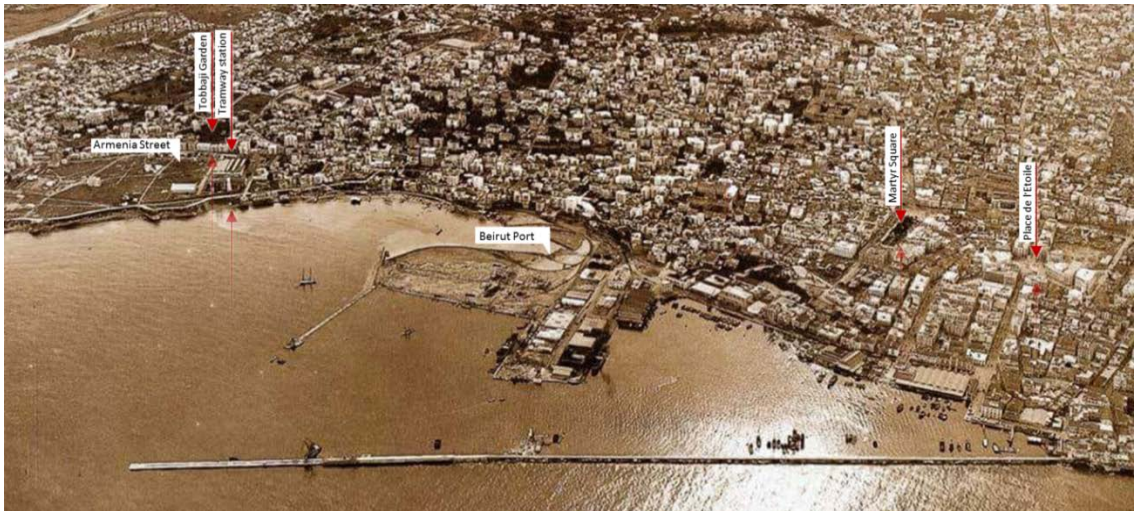


Figure 5 Aerial view of Beirut in 1936 (Source: unknown- retrieved from a Facebook page)



Figure 6 Satellite map of Beirut in 2018 provided by Google Earth showing city expansion and urbanization (Source: Author)

B. Characteristics of Urban Transformation

This section situates urban transformation in Mar Mikhael in relation to the city-scale and neighborhood-scale characteristics of urban transformation that have shaped and reshaped Beirut and its neighborhoods.

1. City-Scale Characteristics of Urban Transformation

To understand transformation in *Beiruti* neighborhoods we need to understand larger characteristics of transformation that impact urban change beyond the level of inner neighborhoods, to the level of the city and greater Beirut. To understand these characteristics, an investigation into the following is necessary: (a) the Political Context, (b) the Economic Context, (c) Housing Policies (d) and Urban Regulations (Figure 07).

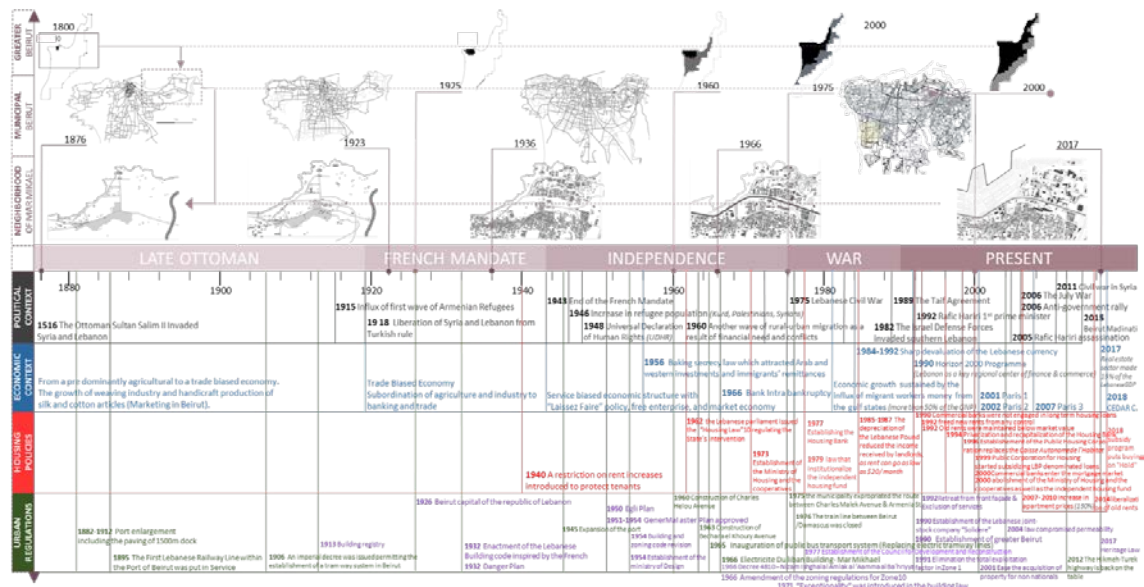


Figure 7 City-scale characteristic of transformation (Source: Author)

a. Political Context

Waves of migration and displacement from and towards Beirut have played a crucial role in the city's shifting demographics, sense of diversity, and urban transformation (Faour, 1991). These migratory patterns stem from major historical

events such as the pre-civil war migration from the rural areas, the Lebanese civil war and other internal conflicts, and external events such as the Armenian crisis by the Ottomans and most recently the Syrian crisis of 2011. The Post-war era has also seen its fair share of political instability, such as Prime Minister Rafik Hariri's assassination in 2005 and the July war in 2006, which among other incidents have led to the repeated destruction, reconstruction, and reinterpretation of urban space and its value.

Lebanon has witnessed, and arguably continues to witness, huge waves of immigration that reshaped the city. The Lebanese Civil War in particular contributes to this transformation through injections of Lebanese diaspora capital into the city.

The end of the civil war, with Rafic Hariri rising as a prime minister, also divided powers among sectarian groups in such a way that it only reconstructed the political system along sectarian lines, but also maintained and even ratified the sectarian territorialization of urban space (Bou Akar, 2018). The post-war political system was able to maintain the power of the same political elite born in the war and enabled them to shape urban planning processes with that in mind. Thus, the economic development model after the civil war enhanced the role of the city as a "place to reinvest capital through land" and enabled the commodification of that land (Fawaz, 2019). The real estate sector subsequently became more prominent and attracted local and foreign currency to the State (and individual politicians), continuously producing and reproducing city spaces through waves of gentrification.

All these factors conclusively had a great impact on the modes of appropriation and production of new and old urban spaces - as destination for the displaced (impacting housing demand), as occupied territory, as territorialized sectarian spaces and established sectarian enclaves, and as commodities for wealth investors.

b. Economic Context

Two major schemes structured our economic model. The first was in favoring trade and services in the economy during the late ottoman period and the French mandate, which were characterized by the subordination of agriculture and industry to banking and trade (Saliba, 1991). The second was in elevating the service sector even higher in the economic structure through a “Laissez Faire” policy of deregulation, liberating private enterprise and entering a market-led economy in 1940s following the nation’s independence. Key policies were introduced to guarantee that shift such a banking secrecy law, which attracted Arab investments in 1956 (Saliba, 1991). During the 50s and 60s, rapid and sprawling urbanization took place in different Beirut neighborhoods, especially in Hamra and Ein El Mrayssieh area. The drive behind this urbanization was to amplify Beirut’s leading role in the region, especially in “leisure, healthcare services, education and banking” and to modernize city spaces through new urban design practices and planning schemes (Rowe, Sarkis, 1998).

In 1990 following the end of the Lebanese Civil War, the “Horizon 2000”⁸ program was put on the table and positioned Lebanon as a regional center of finance and commerce, with previous Prime Minister Rafic Harriri at the helm (Stewart,1996) . That said, there is a noticeable absence of a social services and development strategy, neglecting areas such as social security and public healthcare modernization.

However, the Lebanese economy was sustained by an influx of money from three main resources: (1) the Lebanese diaspora and wealthy Arab investors, (2) Soft loans and grants from international donors (Paris 1, 2, 3, and Cedar 1 in 2018) and (3) sustained investment in and support for the real-estate sector through various

⁸ <https://www.thenational.ae/business/for-lebanon-post-war-reconstruction-is-tricky-1.702545>

deregulatory policies and networks. It is important to note that real-estate development constituted 15% of Lebanon's GDP in 2017.⁹

c. Housing Policies

Lebanon often lacks strategic social security and healthcare schemes (Pietrostefani, 2018), yet housing was an entry point for delivering such rights through different modes. In 1940, during the French Mandate, a restriction on rent increase was introduced to protect tenants. This restriction maintained the social diversity of Beirut neighborhoods. After independence, housing as a social need was institutionalized through the establishment of public institutions such as the Ministry of Housing and Cooperatives¹⁰ (cancelled in the year 2000) (IFI, 2018). During the first years of the Lebanese Civil War, and due to the incapacity from the demand side, the State established the Housing Bank in 1977 followed by a law that created the framework for the independent housing fund. This model enabled state interference through either the construction of housing programs or building institutions that facilitate real-estate investments (Fawaz et al, 2016; Krijnen 2010).

In spite of all this, the everyday struggle with housing, especially by old rent tenants in Beirut inner neighborhoods, goes back to 1985-1987 following the depreciation of the Lebanese pound, which reduced the income received by landlords as rent can go as low as 20\$ per month (El Samad, 2016).

The sharp devaluation of the Lebanese currency ended in 1992 with the end of the civil war, and was accompanied by the deregulation of rents from any control and an absence of a concrete vision for housing that would enhance its status as "Right". Rather it would be transformed into a "commodity" for speculation and capital

⁹ Refer to the Study published by the Social Justice and the City Program at IFI (AUB) and Konrad-Adenauer-Stiftung in 2018 titled "You Can Stay in Beirut: Towards Inclusive Housing Policies"

¹⁰ During 1950's the International model for housing provision was characterized by state interference in providing public housing projects (notions of State Welfare)

production (Fawaz, 2019). Different waves of gentrification ensued, guided by the following¹¹ (Krinjen, 2010; El Samad 2016, Beirut Urban Lab, 2019).

1. The establishment of private real estate companies to oversee reconstruction projects in 1991, Solidere being a key player for the reconstruction of the whole Beirut Central District.
2. The establishment of Public Housing Corporations in 1996.
3. The entry of commercial banks in the mortgage market and the abolishment of the Ministry of Housing and Cooperatives in 2000.
4. The allowance for non-nationals to establish real-estate companies in the form of holdings or joint stock ventures in 2006.
5. The liberalization of old rents in 2014.
6. The absence of a concrete heritage preservation strategy (Bekdache, 2015).

The private sector, including local commercial banks, therefore took the city as a large construction site (Marot, 2018), and apartment prices increased 150% between 2007-2010 rendering many neighborhoods unaffordable for the majority and especially for the low-income groups and vulnerable citizens (El Samad, 2016).

d. Urban Regulations

Urban regulations are dysfunctional in their distance from strategic frameworks. As mentioned before, local regulations are outdated and date back to the French Mandate (Pietrostefani, 2018), though France long ago moved away from these tools. Beirut city, including Mar Mihael, is guided by a zoning plan based on lot coverage and total exploitation ratios dating back to 1954¹². In Addition, urban regulations are driven by three main objectives: Firstly, enhance Beirut's urban centralization relative to the

¹¹ The drivers of gentrification in Beirut are articulated according to different articles and theses (Marieke Krinjen, Daria el Samad) and according to a study conducted by the Beirut Urban Lab. <https://www.aub.edu.lb/ifi/news/Pages/20191217-housing-crisis.aspx>

¹² Refer to Chapter 5 "Case Studies" section D "Beirut Detailed Master Plan: The Zoning Plan"

nation through rapid urbanization; secondly, manage land and facilitate property ownership through the zoning plan; thirdly liberalize architectural development and increase building height through amendments in the building and planning laws (Including land subdivision and pooling regulations). As such Lebanon witnessed different modes of regulations with different intent:

- **During the French mandate and Independence period**

Here urban regulations were introduced for the sake of enabling large-scale infrastructural projects such as building highways, ring roads and streets, in addition to establishing crucial public services and amenities (such as Electricity du Liban in Mar Mikhael). Such projects required specific regulations for property and land expropriations in the city. Some of these projects required:

- a. A “clean slate” approach by wiping out sections of the city, including decaying/damaged buildings and replacing them with mega structures (Saliba, 2004)
- b. The segregation of Beirut’s central district from their immediate surrounding through the establishment of a highway network for vehicular circulation (Saliba, 2004) (Figure 08).



Figure 8 Segregation of the urban fabric through zoning and major circulation arteries during the 1950s and 1960s (Source: SALIBA, R. (2013). Historicizing early modernity — decolonizing heritage: Conservation design strategies in postwar beirut. *Traditional Dwellings and Settlements Review*, 25(1), 7-24)

- c. Land reclamation from the sea, also known as landfills, for the sake of (1) Beirut port's expansion, (2) the privatization of large blocks of land like the Solidere model, and (3) garbage landfill (Figure 09).



Figure 9 Satellite image showing the historical development of land reclamation projects (Source: The Daily Star/Elias Azzi,HO, 2017)

All of these changed the urban morphology of the city through dramatic waves of displacement and encroached the biodiversity of the Mediterranean Sea.

- **Post-civil war period (75-to date), urban regulations were characterized by:**
 - a. Urban territorialization was maintained through zoning and land-use regulations (Bou Akar, 2018) and the significance of building regulations as a tool for Capital Production (Fawaz, 2018).
 - b. The delegation of reconstruction of Beirut central distinct to private real-estate company (Solidere) that had its own set of planning framework and regulatory arrangements.
 - c. Encroachment on public spaces, especially the Beirut coast, required set of regulatory amendments for zones and exemptions.
 - d. The absence of effective regulations for heritage protection and natural preservation.

2. Neighborhood-Scale Characteristics of Urban Transformation

The following section reveals historical and recent neighborhood development processes altered the role of Mar Mikhael over Beirut's history (Figure 10,11,12,13). These represent the neighborhood-scale characteristics of urban transformation that shaped the urban reality of the neighborhood through time and space.

a. Historical Development of Mar Mikhael Neighborhood

- Mar Mikhael as Agricultural Terrain and Weekend Destination

Mar Mikhael was originally an undeveloped agricultural area that became a summer/weekend destination (*masyaf*) for wealthy Beirutis after a decree was issued allowing residents to live beyond the gates of the city in the mid-19th century (El Samad, 2016). Given its proximity to the port, Mar Mikhael witnessed the burgeoning of warehouses and shipping services, which allowed for the first traditional industries to appear in the vicinity and for a small slaughterhouse to be established (Frem, 2009) (Figure 10). In 1895, the area experienced a demographic and economic transition. The first Lebanese railway line was put in place following a decree requesting the expansion of the railway within the port of Beirut to connect Beirut to Damascus, with Beirut serving as Damascus' access to the sea (Maalouf & Choueiri, 2013; Kassir,2011).

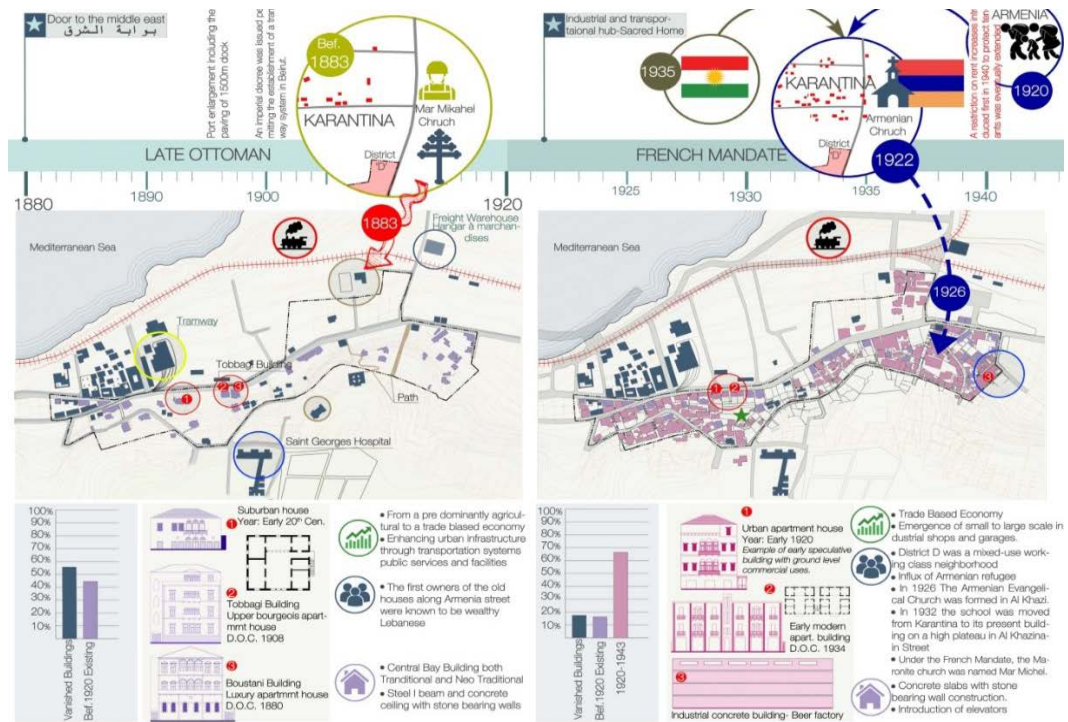


Figure 10 Mar Mikhael historical development during the Late Ottoman and French Mandate periods (Source: Author)

- Mar Mikhael as the Door to the middle east

The port was a major asset enabling the city's rise and inscribing it in an increasingly large network of global trade, regional exchange, and local markets¹³. The development of local infrastructure was crucial to assert this status as the door to the Middle East and the link between the Mediterranean and the Gulf region. Mar Mikhael was then transformed into a major infrastructure hub with national and regional importance, especially concerning mobility and exchange. It was the point of intersection between the port, the coastal axis, which connected Syria to Palestine passing by Beirut, and the continental axis, which connected Beirut to Damascus and the rest of Gulf (Frem, 2009, p. 32).

¹³ Beirut had rushed to create the port and the railway as a way to preserve its superiority as a node in the region, instead of Haifa (Kassir, 2011, p. 273)

- **Mar Mikhael as a Place of Refugee**

In 1922 with the arrival of Armenian Refugees, and with the influx rural migrants (mainly Maronites) in the 1930s, the area grew into a working class neighborhood, thus compelling the summer residents to rent out their buildings to the neighborhood's newcomers (Figure 10). During the French Mandate, urban development continued taking shape around the railway station of Beirut and Tripoli Road and new developments took place including the construction of schools, the Mar Michel Church, and other institutional buildings. This era saw the emergence of small, local businesses of craft, woodwork, and metal works, in addition to small scale industrial shops and garages around the growing transportation hub of Mar Mikhael (El Samad, 2016; MEDNETA, 2015).

- **Mar Mikhael as an Infrastructure Site**

The independence era that began in 1943 witnessed an economic boom that manifested itself in the rise of the construction sector, the increasing expansion of the Port, and the concentration of industries along Armenia Street, making it an ideal site for industries seeking cheap labor and cheap land. Zoning did not restrict industry or residence in Mar Mikhael for fear of hindering the industrial push of 1946 (Figure 11).

The government also worked towards modernizing road infrastructures as arteries to provide quick access and mobility for goods trucks and ground shipping flows, which all falls in line with a trading and service-based national economy. This included upgrading the major roads connected to downtown and the construction of the peri-central expressway – also called the “ring” - which involved a number of demolitions that further reshaped the city's morphological fabric (MAJAL, 2012). With the 1950s, the Waterfront district facing the Port

evolved as a center for oil, gas and petroleum companies, slowly converting surrounding residential land uses into a collective industrial district (Figure 11). In 1954, the Beirut Municipality developed G.Riachi's municipal master plan, including new zoning regulations, whereby the zoning ordinance allowed an increased floor area ratio. These ordinances were encouraged by pressure from speculators, builders lobbies, and influential Arab capital (Frem, 2009). The population of Mar Mikhael drastically increased following another wave of rural urban migration in 1961 as a result of financial crisis and conflict.

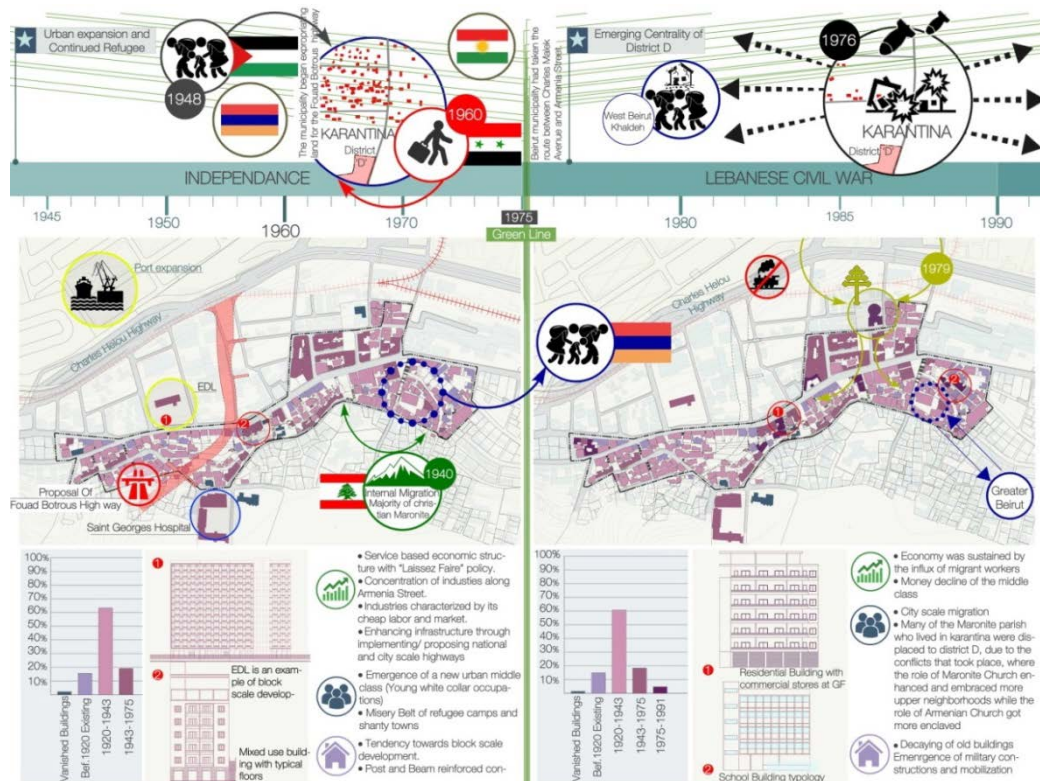


Figure 11 Mar Mikhael historical development during the independence and Lebanese civil war periods (Source: Author)

- Mar Mikhael On Halt: The Formation of Sectarian Hinterland

The civil war disrupted the spatial and functional connections between Mar Mikhael and the city center, and halted the train and tramway network that had marked the area (Figure 11). As a result, the development of sectarian peripheral

centralities favored the rise of radial connections between peri-central districts, and their sectarian hinterlands and nodes (MAJAL, 2012).

In the late 1980s, the BCD reconstruction scheme planned by Solidere was executed without any clear vision or consideration of the downtown's immediate surroundings. "Solidere seemed to have adopted the "island planning approach", thus turning its back to the peri-central areas, of which Mar Mikhael, and excluding them from the revitalized center (MAJAL, 2012).

- **Mar Mikhael from a Sleepy Quarter to a Big Construction Site**

After the Lebanese Civil War, the Mar Mikhael area was described as a "sleepy quarter" up until 2008 (Figure 12). Following rapid socio-spatial change in Gemmayze, Mar Mikhael witnessed the proliferation of cultural and commercial industries accompanied by the rapid spread of leisure activities, all of which considerably changed the rhythm of the neighborhood. Conflicts between old residents and newcomers erupted mainly due to noise pollution and increased traffic, generated by restaurants and bars. However, the annoyances of a nightlife economy were outweighed by the mushrooming of new daytime uses that include specialty retail (bookstores, music shops, avant-garde fashion), and private galleries and venues. Mar Mikhael's mixed-use character changed, separating day and night economies, and both underground and mainstream cultural scenes became heavily present in both public and private spaces (MEDNETA, 2015). As such, many of the smaller more traditional shops on street level were replaced with new pubs, restaurants, and designer boutiques, attracted by the low rents. These creative businesses were predictably followed by restaurants and nightlife venues, and finally by investors and real estate developers, particularly after 2008 (Figure 12).

As a result, the area saw apartment prices increase from \$1200 per square meter in 2007 to \$3000 per square meter in 2010 (El Samad, 2016), which has affected both commercial and residential activity in the neighborhood, thus laying the foundation for the area’s modern crisis of gentrification. It has attracted real estate investor’s attention to the possibility of pooling together land plots and achieving higher profits in demolishing existing buildings and replacing them with high-rises and other modern developments (El Samad, 2016).

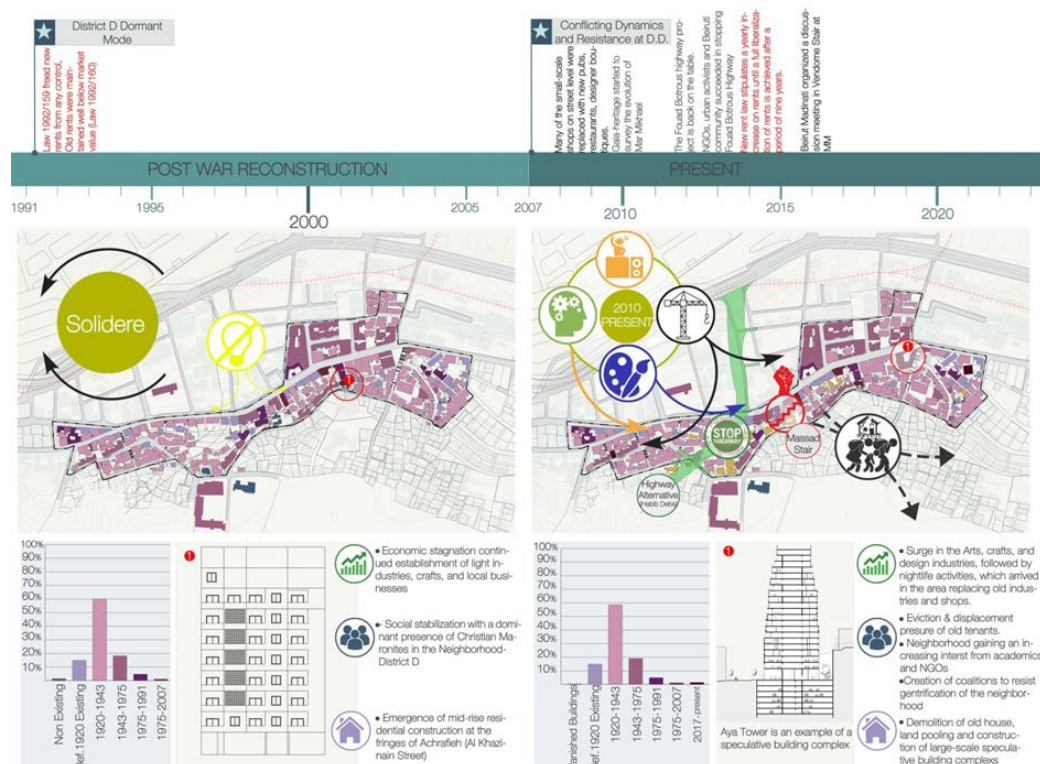


Figure 12 Mar Mikhael historical development during the post- civil war and present periods (Source: Author)

- Mar Mikhael as a Bank Head Quarter Destination

The recent security issues in Beirut’s Central District, after 2005, in addition to the alleviation of rental prices, encouraged many commercial institutions such as BLF and Bank of Beirut to take an interest in establishing their headquarters along the part of the Mar Mikhael that lies on the Charles Helou highway (IFI, 2016). Mar Mikhael is now considered a hot spot for commercial banks due to

its proximity to the central district and Dowra-Charles Helou highway, which serves as a national highway.

Consequently, members of the private construction sector, together with property owners in the city, have taken charge of shaping the built environment of Mar Mikhael and its production of space, with the consent of the Public Sector (Ghodbane, 2012). All of the above mentioned changes subjugated the neighborhood to a process of gradual socio-spatial transformation, with a dramatically rapid transformation in more recent years leading to gentrification.

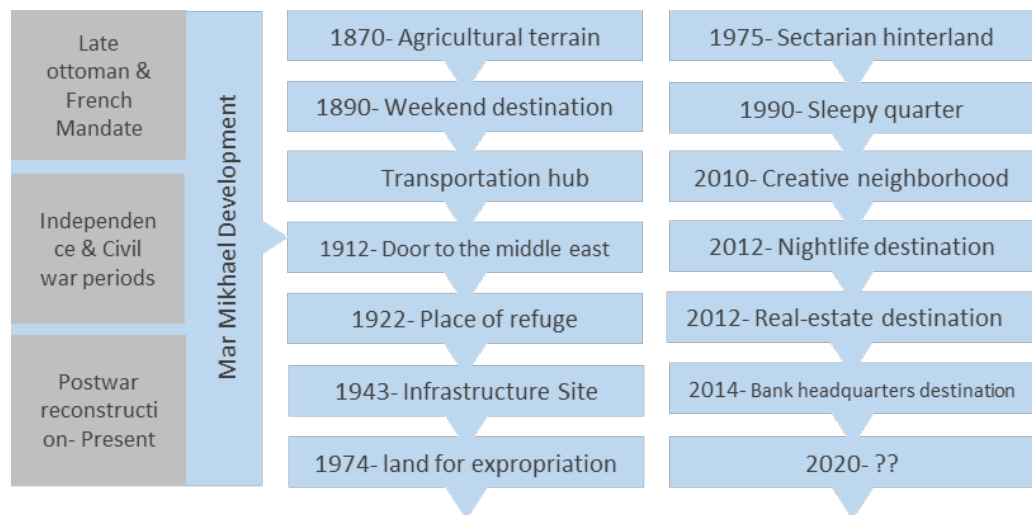


Figure 13 The historic transformation of the position of Mar Mikhael as a neighborhood during the three key periods in the Lebanese history: Mandates, independence, and post-civil war (Source: Author)

b. Land and Property Expropriation: The Case of Hikmeh Turk Highway

The Fouad Boutros highway also known as the Hikmeh el-Turk highway was intended to cross through Mar Mikahel, as per Echochard’s master plan in the 1950s¹⁴, linking Charles Malek to Charles Helou Avenue (Figure 14,15). The project was however put on hold during the Civil War, and was completely suspended by local communities and NGOs after being brought back in 2012 by the local municipality of

¹⁴ <https://stopthehighway.files.wordpress.com/2014/02/img-9-small700-rouge.jpg>

Beirut and Council of Development and Reconstruction (CDR), successfully preserving the organic network and urban morphology of the neighborhood¹⁵.



Figure 14 Visual representation of the Fouad Botrous highway (Source: Save Beirut Heritage)

Although the project is not completely off the table, the incomplete expropriation of concerned lands has contributed to preventing the evictions of old-time tenants, and in deterring any potential developers who might have been interested in the big lot size that the highway crosses through. It also prevented the destruction of the last terraced garden typology in Beirut (The Tobaji Garden). These plans for expropriations threatened the entire neighborhood. The adopted mechanism for land and property expropriation in the area also made the status of these lands more ambiguous. The State had partially expropriated the lots stretching from Alkahzinien street until Armenia Street (3/4 of the money was paid before the Lebanese civil war; the remaining amount to be paid upon implementation). Moreover, the expropriations did not cover the lots between Armenia Street and Charles Helou highway (Figure 15).

¹⁵ The Coalition against the Fouad Boutros Highway succeeded to stop the project and put it on hold, through counter social activism, conferences, studies and alternative proposals such as Habib Debis proposal

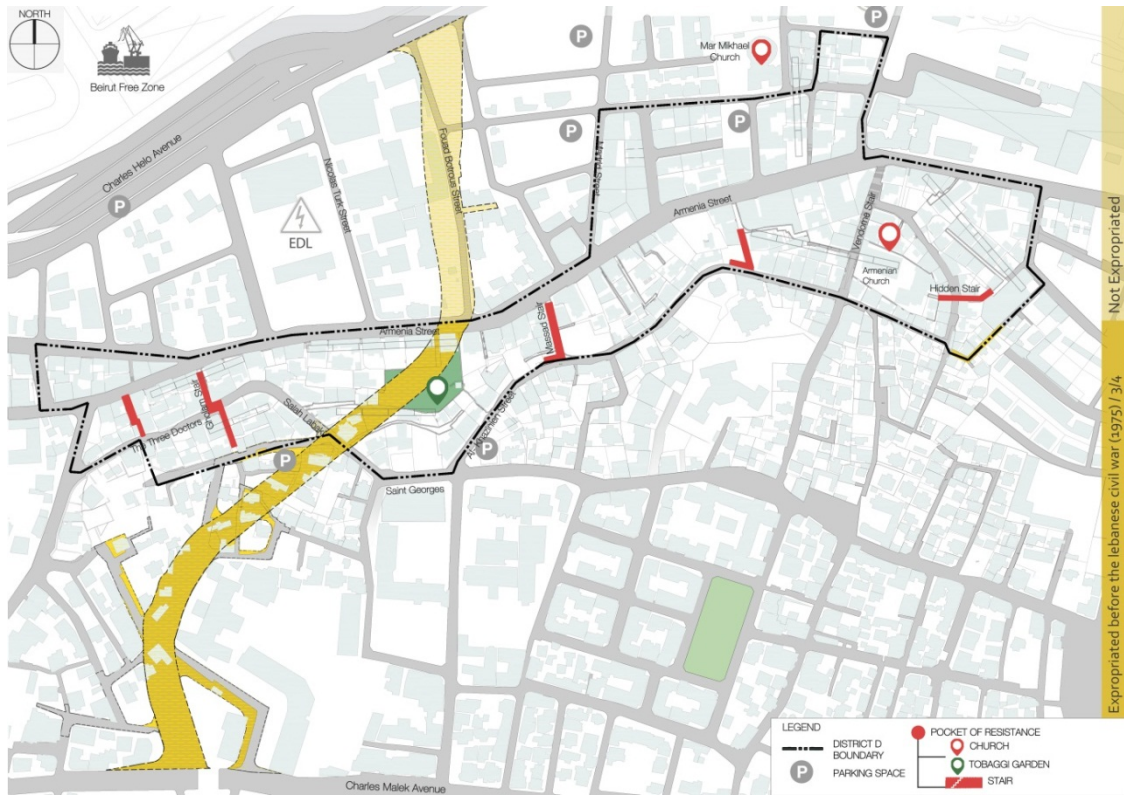


Figure 15 Expropriated and non-expropriated areas and buildings in the neighborhood (Source: Author)

C. Indicators and Trends of Transformation

1. Revisiting the AUB Urban Planning Workshop

In September 2017, the Urban Planning & Design Graduate Program in the Department of Architecture and Design, Faculty of Engineering and Architecture, American University of Beirut, conducted a 4-month long workshop¹⁶ entitled “Mitigating Gentrification: The case of Mar Mikhael of Beirut”. The workshop was organized and taught by Professors Serge Yazigi and Mustafa Jundi. The overall objectives were to assess current urban transformation processes in the neighborhood of Mar Mikhael (Beirut, Lebanon) and investigate the impact of these dynamics on the neighborhood and, at a larger scale, the city’s immediate surroundings (Figure 16).

¹⁶ The Planning and Design Workshop is a studio-based core course that trains MUPP and MUD graduate students to identify, and critically investigate an urban issue through a case-study, and to propose an integrated urban intervention that addresses the social, economic, environmental, and institutional components of the issue.

The workshop shared reflections, experiences, and strategies through the documentation, analysis and questioning of urban processes affecting the organization and life of the city. It presented a series of planning policies and design interventions that were proposed to mitigate gentrification in the area.

In addition, the workshop included a participatory planning and design exercise led by Yaşar Adnan Adanali and Marieke Krijnen. The aim of the exercise was to provide students with the tools and principles to enact a more participatory design process while using the case study of the gentrifying Mar Mikhael neighborhood.

The workshop culminated in the articulation of a vision for **a resilient neighborhood**, as mentioned earlier in the introduction, striving towards three key objectives:

1. To promote livability and protect the socio-spatial particularities of the neighborhood.
2. To re-enliven connectivity and mobility in the area through *Integrated and Resourceful Infrastructural Systems*.
3. To foster robust and inclusive business opportunities.

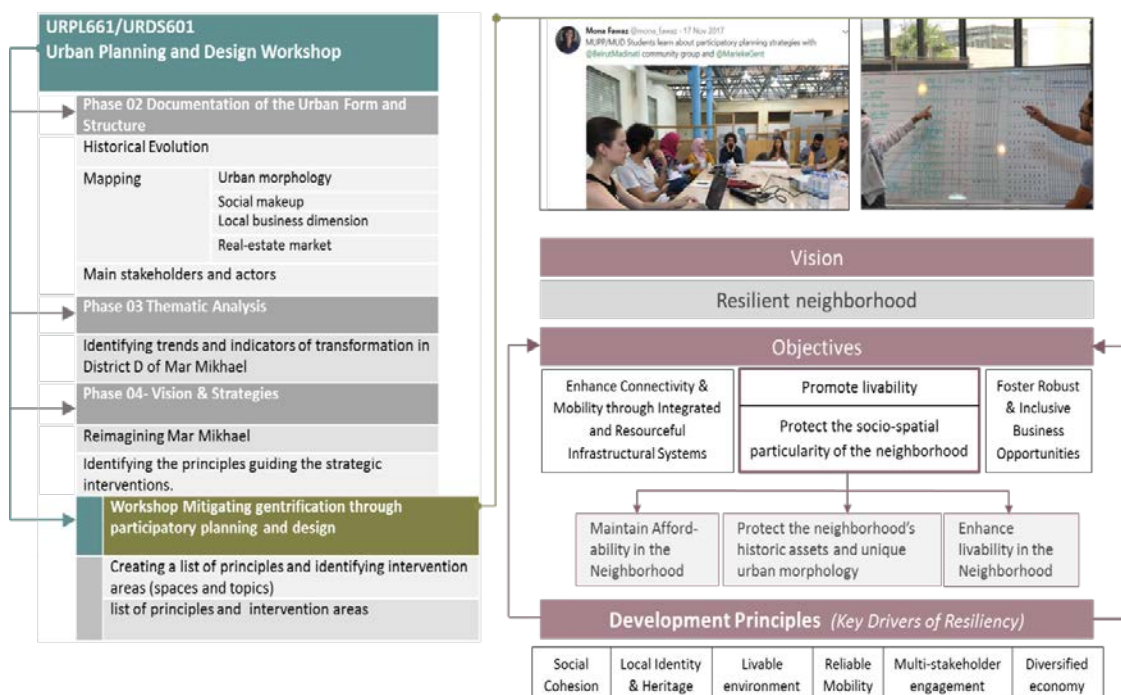


Figure 16 Urban workshop phases and the developed vision for Mar Mikhael by group D (Source: Author)

2. Key Findings

The following sections are the key findings from “District D”, as well as the analysis of the mapped data from the documentation phase. As mentioned earlier, District D is regarded as a zone of interest seeing that all the social and economic groups intersect in that area:

a. Degradation of Social Networks

Fieldwork observations, surveys and interviews with local residents revealed a shift in the behavior and dynamics around appropriation of space in District D, particularly in the regions adjacent to Armenia Street.

1. Evictions, displacement, and abandonment:

The field survey shows high concentrations of abandoned space in the neighborhood, particularly on sections of Armenia Street.

- 15% of Buildings in District D are either fully or partially abandoned, noting that a big part of these buildings are classified as heritage by K&A ¹⁷(1998)¹⁸
- 6% of Buildings in District D have been demolished.

Therefore, more than 20% of the Buildings in District D display clear signs of tenant eviction and/or displacement through either demolition of residence or forced/encouraged exodus. (Figure 17)

Additionally, previous studies show that more than 45% of building occupants in the District are on old rent contracts. This shows that a large portion of the neighborhood’s residents resided in the district for more than 25 years (since the old rent contract was liberated in 1992), and are therefore rooted in their community with well-established social networks. The highest concentration of old renters is located in

¹⁷ Khatib & Alami (K&A) is multidisciplinary urban and regional planning, architectural and engineering consulting company.

¹⁸ Check the article “Saving Beirut: Heritage and the City’ by Katarzyna Puzon (2017)

the upper part of the neighborhood near the Armenia Church and along Al Khazinain Street (Figure 18-19).



Figure 17 Abandonment and demolition at district d in Mar Mikhael (Source: Author)

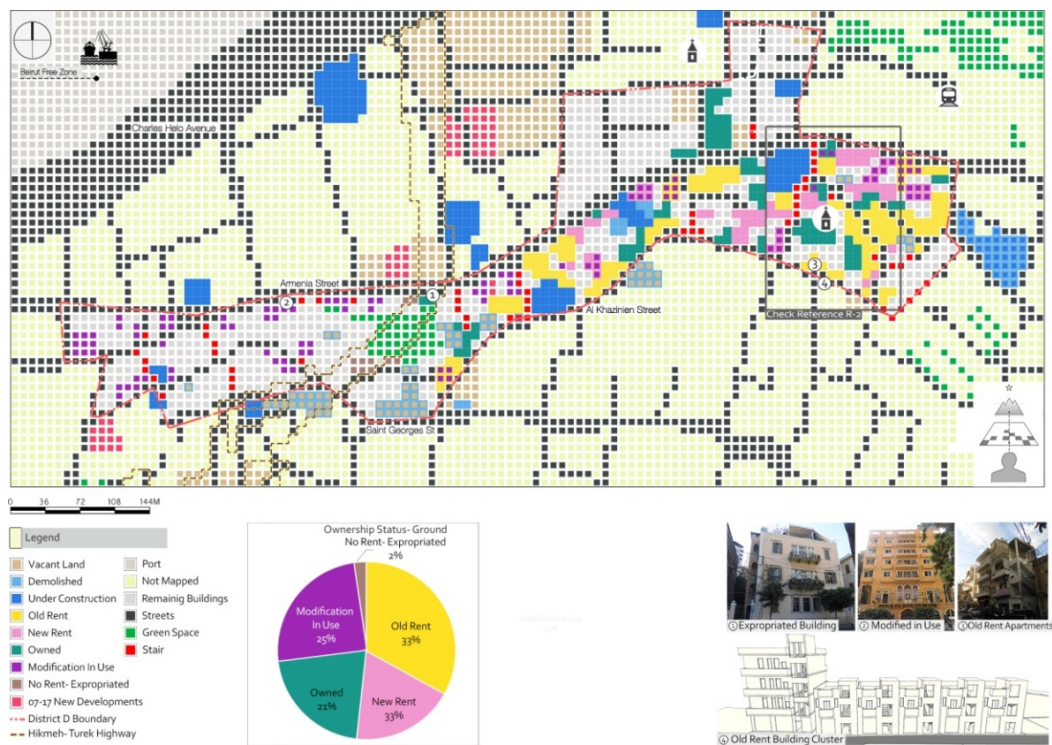


Figure 18 Building ownership status- Ground floor level (Source: Author)

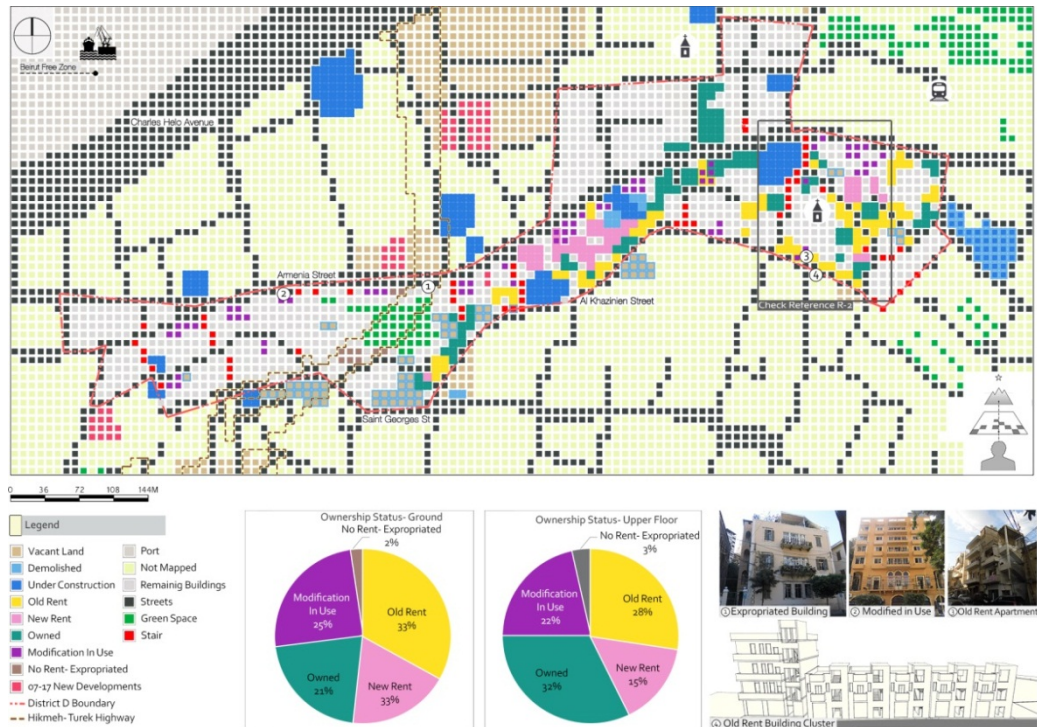


Figure 19 Building ownership status- Upper floor level (Source: Author)

2. Re-appropriation of public space

The fieldwork revealed a change in the users of and spatial practices related to the sidewalk, particularly on Armenia Street, which were re-appropriated by newcomers, leaving no space for old-time practices.

- On average 20% of residents in District D spend their free time on sidewalks except for around Armenia Church and the old beer factory, due to scarcity of sidewalks in the area.
- Interviews showed that many pubs and restaurants have managed to get a “permit to use public spaces” (حق اشغال ملك عام) that exempts them from a yearly tax (the value of which can reach \$ 1,500¹⁹). This permit is usually granted to contractors, allowing them to use the sidewalk and parking spaces adjacent to the construction sites to facilitate the loading and unloading of construction material and related works. However, pubs and restaurants use

¹⁹ The names/ documents that are related to this permit are disclosed based on the pub owner’s request.

these permits to acquire more space for client seating. Consequently, sidewalks are appropriated by the newcomers who are attracted by the presence of new economic and commercial opportunities in the neighborhood.

3. Demographic changes and degradation of residual spaces

Interviews with old residents in the neighborhood showed that residual spaces had an important role for social and communal interaction in the neighborhood. Residual spaces are the leftover unbuilt spaces of several adjoining parcels. Although privately owned, these spaces comprised large vegetated social gathering spaces (فراغات اجتماعية), for social interaction amongst the residents, and play areas for the neighborhood's kids. Since the lots were not fenced, these areas, along with the openly accessible stairs of the buildings, were also used as semi-public linkages and shortcuts, connecting Armenia Street to Al Khazinain, where more exchanges took place.

- 73% of the unbuilt area in District D is considered residual space
- The increase in evictions and rising abandonment led to the degradation and relinquishment of these residual spaces. Also, with the outbreak of the civil war in Syria, Syrian Refugees and workers resorted to occupying and renting degraded and abandoned buildings as a result of their poor financial circumstances. This further disintegrated social ties and continued the trend of abandoning these residual spaces as they are now perceived (according to the interviews) as unsafe and dirty spaces. Residual spaces are also used by restaurants and shops located in the adjacency as storage areas and as room for generators and AC outlets.
 - o New constructions are fenced and inaccessible, the newer buildings can also occupy up to 70% of the lot area according to the zoning

regulations, which leaves insignificant residual spaces that remain unactivated.

4. Dilution and weakening of the church's social role

Mar Mikhael in general was known for its strong concentration of large Christian population, particularly in District D and Al Roum. The area has two churches, Mar Mikhael Church and the Armenian Church, in addition to other religious amenities such as *waqf* lands (Figure 20). The Mar Mikhael Church has a strong influence over the neighborhood and has organized a number of philanthropic programs such as the Maronite Coop.

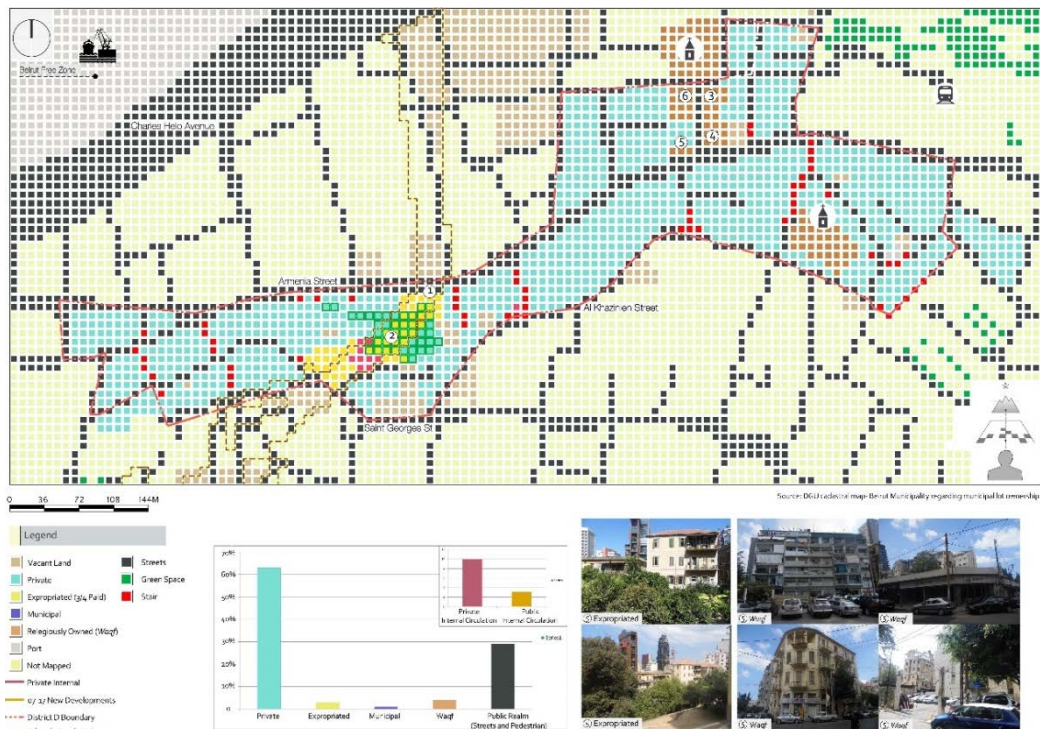
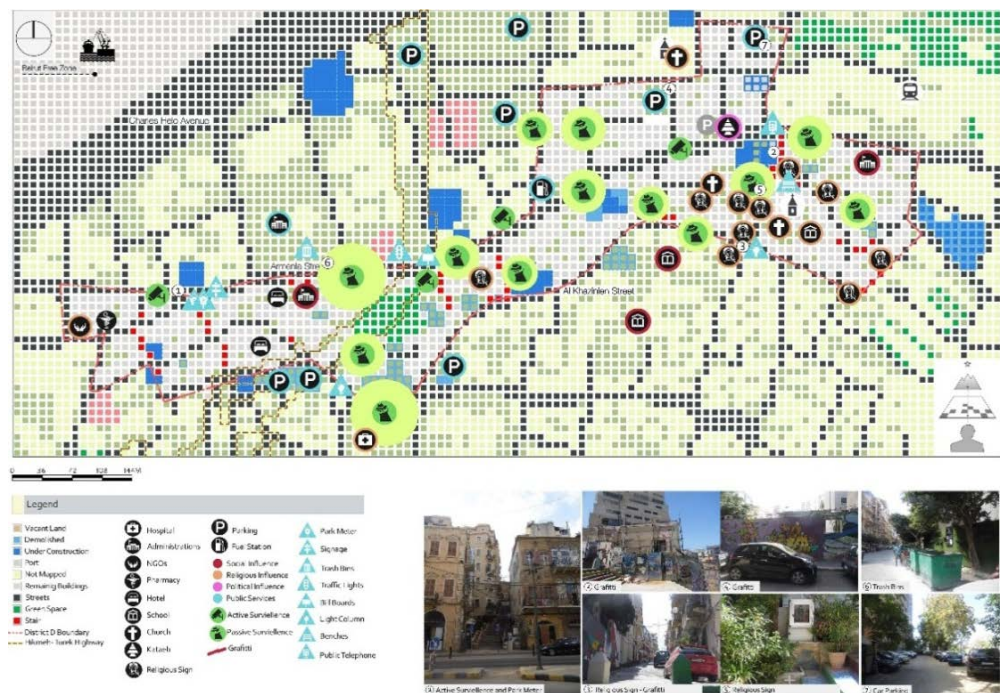


Figure 20 "Waqf" land allocations (Source: Author)

According to the interview with the Pastor of Mar Mikhael Church, the church is losing its prominent role in the District due to:

- Evictions, displacement and migration that have led to the loss of many in the church's parish.

- Newcomers coming from different religious backgrounds and beliefs, which dilute the presence of Christians in the District.
- Gated and secured new developments that do not allow the church to survey or register new residents in their parish, or give their blessings to older residents or those who cannot come to the church. Any access to the buildings is barred either through physical boundaries (automated gates and fences) or non-physical ones (security guards).
- The new businesses, particularly leisure businesses, do not abide by the traditions of the neighborhood, nor do they participate in religious street activities. They refuse to close their shops on Good Friday or to participate in the street procession of the week of pain "جمعة الآلام". The pastor also mentioned that the use of the church yard by nightlife goers who practice certain activities that the church considers unacceptable, forced the church to close its doors at night, which is against the church's 24/7 open door policy.



- The presence of religious symbols is limited to old clusters and they are absent in or around new developments in the neighborhood (Figure 21).



Figure 22 Location of Armenian Church in the neighborhood (Source: Author)

The Armenian Church & School on the Vendome staircase, which was constructed in the 1920s following the influx of Armenian refugees to the country and accommodated 1,500 parish community members, attracted Armenian Evangelicals from different areas of Beirut and its proximity. Similarly, the Armenian Evangelical Church lost its parish during the civil war. The church subsequently became more excluded from its surrounding and served the community (Parish) outside Mar Mikhael (Figure 22).

b. Decay of Old Business and Change in the Local Economic Sector

1. Change in economic and commercial activity

District D has seen a specific series of transformations that include the emergence of arts, crafts and design industries, followed by nightlife activities that settled in the area. This injection of younger creative and leisure activities replaced the

older industrial shops. Many mechanics and hardware stores were displaced from the area and substituted with pubs and restaurants.

- At least 101 of businesses in the area (69%) are New Economic Enterprises (pubs, ACDs, and new businesses) have been established in the district in the past decade, replacing old businesses and industries (Figure 23).

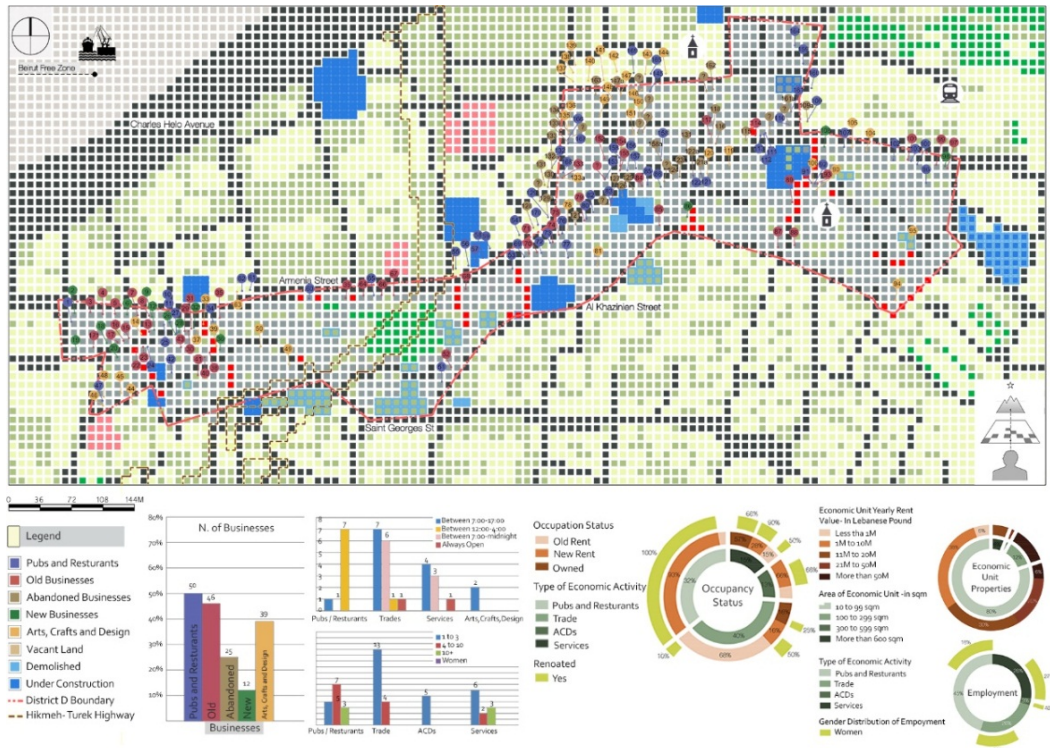


Figure 23 Economic and commercial activity in Mar Mikhael (Source: Urban Planning Workshop: 2017, modified by author)

- Only 46 old businesses were able to survive the recent transformations in the district (31%). It is noteworthy that these businesses are either benefiting from the old rent laws and await compensation to move out, or have upgraded their services to meet the current market demands (supermarkets).
- 25 abandoned shops/businesses were identified according to an ongoing study conducted by Public Works²⁰, of which a fish market, \$1 shop, bakeries and small industries.

²⁰ Public Works Studio (ستديو اشغال عامة) is a multidisciplinary research and design studio that engages critically and creatively with a number of urban and public issues in Lebanon.

2. Loss of clientele and deterioration of old businesses

According to fieldwork observations and interviews, there is clear frustration among the old business owners of the neighborhood from their degrading economic standing and the loss of their clientele:

- The influx of ACDs inadvertently rebranded the district, particularly on Armenia Street, as the “hip place to be”; targeting a specific clientele that appreciates authenticity, the presence of the creative businesses, and a vibrant nightlife.
- According to the survey, only 10% of trades under the old rent (old businesses) are renovated, while the others are in deteriorated condition.
- 100% of surveyed new businesses/economic activities cater to clients outside of Mar Mikhael (some at the scale of the MENA region).
- The displacement of longtime residents led to a significant loss of clients that older businesses catered to and thus degraded their standing.

c. Reinvestment of Capital through Land

Land in Mar Mikhael is a contentious issue and has attracted a lot of investment interest in the last decade. The number of permits obtained between 2007 and 2017 has seen a sharp increase, showing a new taste for contemporary development. The total number of permits in 2007 was 25, which increased in 2017 by an additional 36 in the neighborhood. This has led to a number of building demolitions, recent renovations and even acquisitions of reinforcement permits. These reflect the location’s newfound attractiveness and reveal the distribution and flow of capital invested in District D (Figure 24, 25).

Furthermore, the pooled and sold lots in the area reflect a greater tendency of reinvestment of capital in land, enabling a greater change in the built environment. This

reinvestment of capital in land and the degradation of the built environment are manifested in District D through:

1. The increased interest of the banking sector and of international real estate developers in the neighborhood. For example, Bank Audi has purchased a number of lots and is developing the land into a high-end mixed-use project. HAR Real Estate has completed construction for Aya Tower.
2. Increase in the average number of permits (construction, demolition, renovation, or reinforcement) issued by OEA per year from 2 permits per year in 2007 to an average of 6.3 permits per year by 2017. A total of 63 permits (Construction, Demolition, Renovation, or Reinforcement) have been issued since 2007 by OEA. This increase reflects a centralization of capital investment in the district.
3. Land pooling and re-adjustments enabled by the existing regulatory framework, which allow developers to purchase small lots, evict existing low-income tenants, and construct new high-end developments in the area (Krinjins, 8). This is attributed to the high availability of small unbuildable lots, and a tendency to construct larger complex projects, which can be attained through land pooling in an effort to increase the footprint of the new development. More than 16% of the lots in District D qualify as unbuildable according to the current zoning and planning regulations. Note that there are more than 20 pooled lots in District D, with a high probability of being developed.

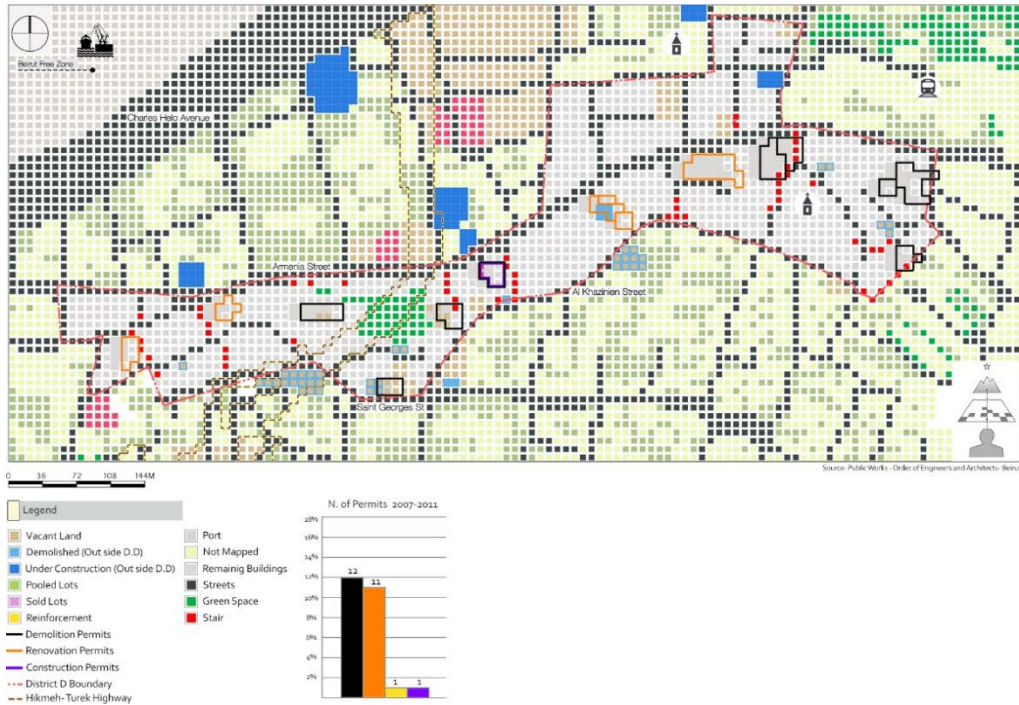


Figure 24 Number of permits in 2007-2011 (Source: Urban Planning Workshop, 2017, modified by author)

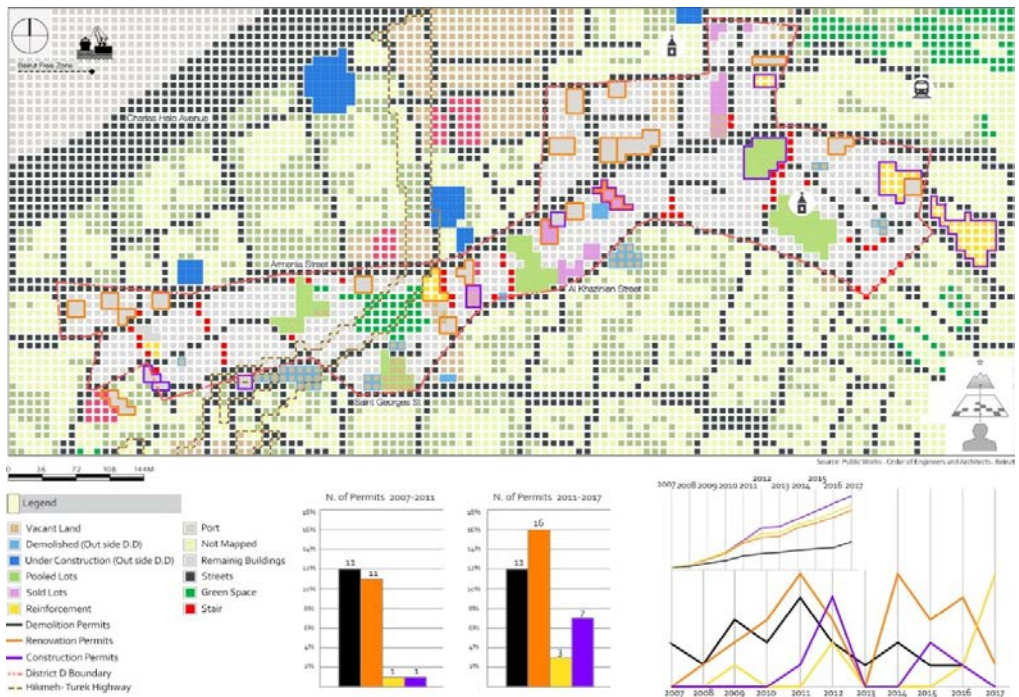


Figure 25 Number of permits in 2011-2017 (Source: Urban Planning Workshop: 2017, modified by author)

- More than 11 sold lots in District D alone, all with a high probability of being developed to their full capacity (according to the zoning regulations). This can be attributed to *Haqq al shafaah* (حق الشفعة) and the high costs associated with lot subdivision and registration, which forces land sales to a shareholder/developer

who in turns pursues lot subdivision. It should be highlighted that the successive amendments to the building and construction law were conceived by private developers and public agents with a stake in the sector to maximize the amount of power and wealth they can accrue (IFI, 2016, p. 77). Once a building is sold and the tenants have been evicted, it is usually demolished and followed by new construction.

5. Increase in property and apartment prices: according to previous studies of the neighborhood and interviews with local real-estate brokers and experts, the sqm price of land in District D reached between \$5,000-\$10,000/sqm in 2017. (Figure 26).²¹

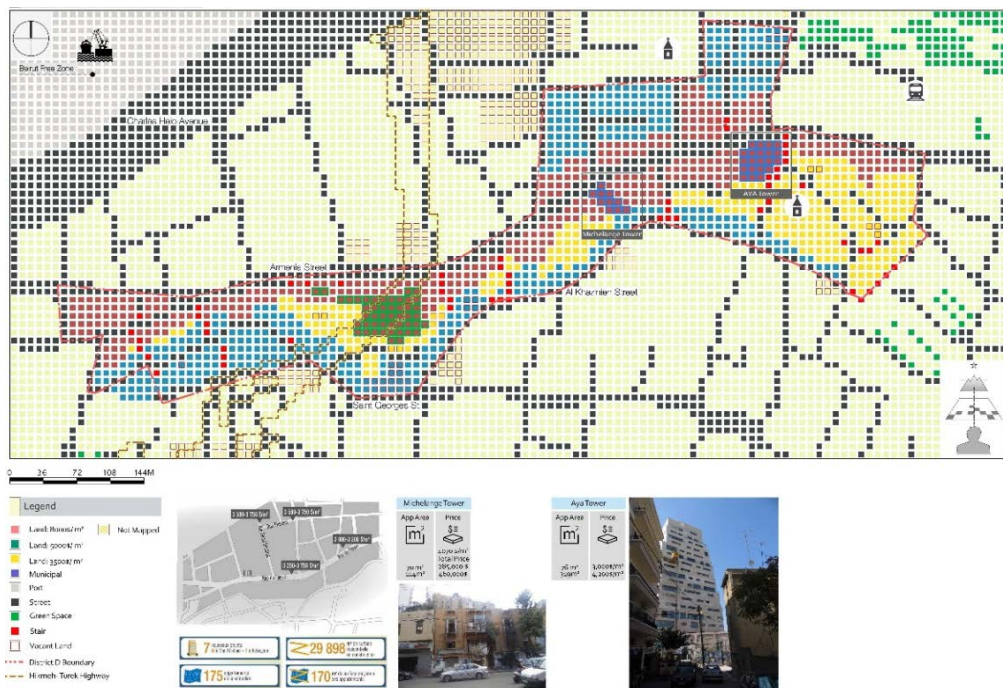


Figure 26 Land and property prices/ sqm at district d (Source: Urban Planning Workshop: 2017, modified by author)

6. New developments ranging from small-scale to large-scale developments. More than 10 such developments are under construction in District D only.²²

²¹ The price of land depends on the location of land (lower/ upper neighborhood, facing the highway/ main street or in the inner neighborhoods)

²² Dates back to 2017-2018

D. Stakeholders: Distribution and Relations

1. Stakeholders Distribution by Scale and Category

Understanding power dynamics and decision-making processes in the context of Mar Mikhael requires a further understanding of the geopolitics of power and governance in Lebanon. This approach requires an evaluation of the distribution of different stakeholder and their communal or individual ability to influence urban development and transformation.

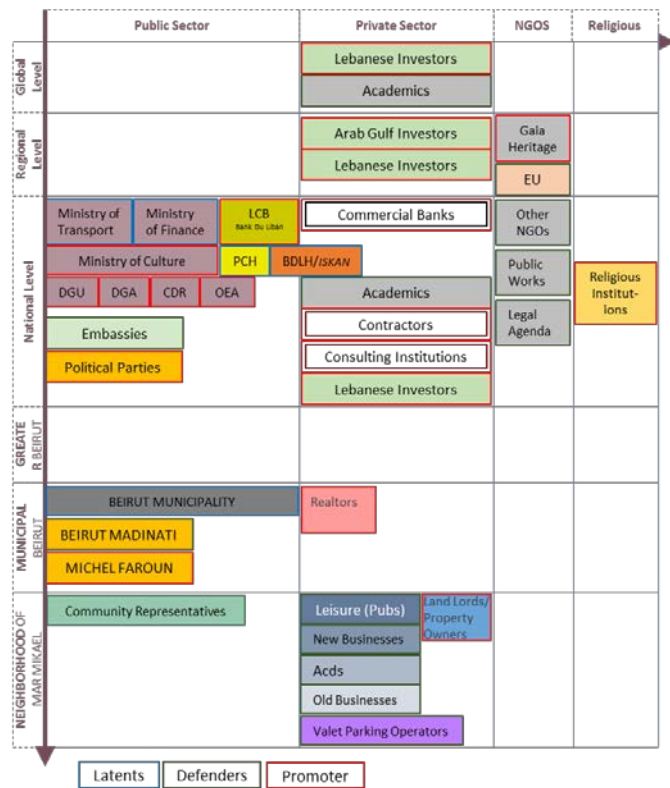


Figure 27 Stakeholders distribution across spatial levels and sectors (Source: Author)

To that end, the following diagram (Figure 27) shows that major stakeholders involved both in city transformation and production of space can be found at the level of the Central State alone. This centralization limits planning intervention by other, especially disenfranchised or uninfluential, groups and maintains the networks founded amongst elite promoters. Any strategic intervention for non-financial initiatives becomes very difficult given these factors. As such the modality of the decision-making process is essentially a **shareholder agreement** scheme rather than a **stakeholder engagement**.

2. Stakeholders Relations and Analysis

The key stakeholders in Mar Mikhael are categorized as promoters, defenders or latent agents: (Figure 28, 29)

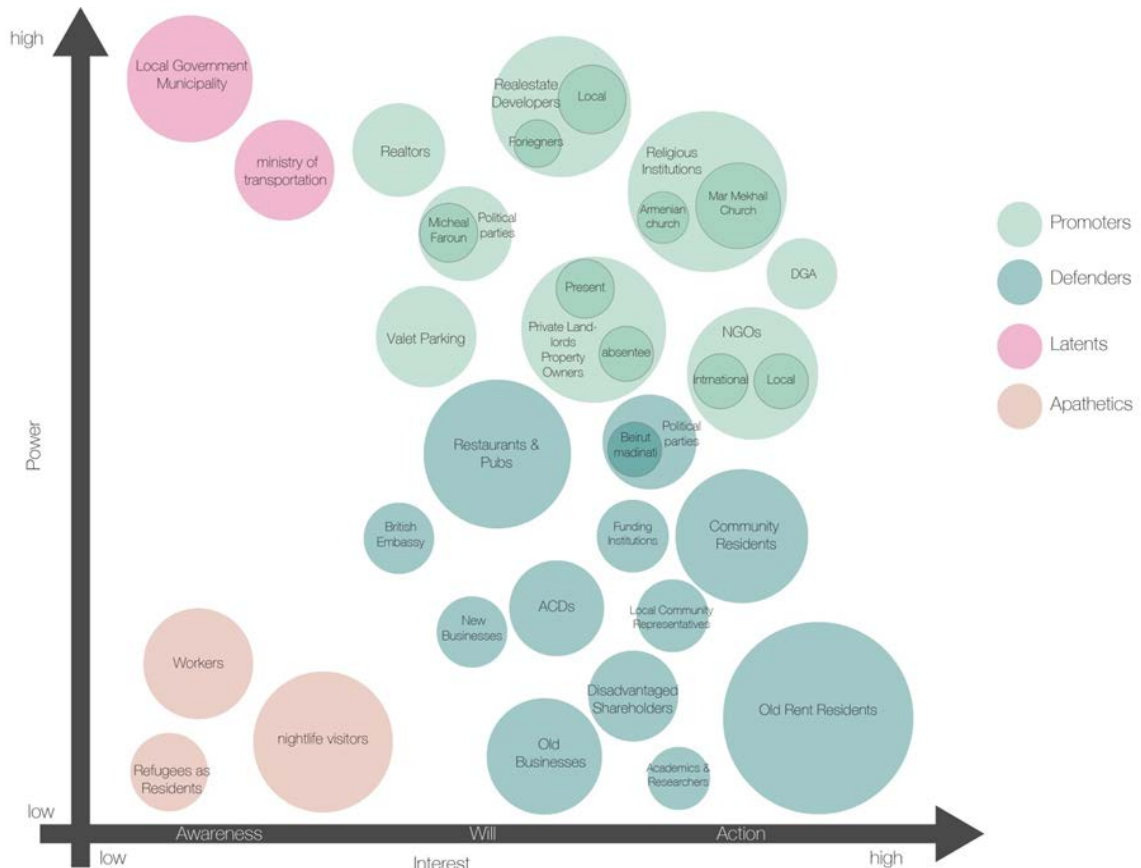


Figure 28 Stakeholders map of powers (Source: Urban Planning Workshop-2017)

- **Promoters:**

1. Private Landlords and Property Owners: These agents have high interest in the real estate market, and can shape and influence the process of urban transformation fundamentally through allowing or restraining development of their property. That said, they would qualify as the least powerful amongst the three.
2. Real-Estate Developers including commercial banks: These agents also have interest in the real-estate market, and are the physical actors of urban change; they are executors or operators of the construction activity, and they have both

the necessary expertise and access to capital, which allows them to acquire and act on urban space.

3. **Political and Religious Institutions:** such as the church, the Tashnak Party and the Kataeb Party, who own large sections of the neighborhood (either physically or through social influence) and/or can influence the local opinion given their political/religious authority.

- **Defenders:**

1. **Old Rent Residents, Disadvantaged Shareholders, and Community Residents:**
They qualify as highly at risk stakeholders. They usually have little to no influence on the development process and can be displaced or evicted, through direct or indirect force.
2. **Arts and Crafts Business Owners as well as traditional/long-standing Local Businesses**

- **Latent Agents:**

1. **The local government and municipality:** Through its capacity to determine and change the legal framework of property rights, zoning, plot merging and division, exploitation factors, heritage protection, etc. it creates conditions that contribute to the creation and mitigation of rent gaps (Krijnen, 2016). Although they can influence and shape the process drastically, this sector lacks the interest to weigh in on these issues as a result of corruption and clientelism, which can be traced back to the Civil War. The records of the Head of the Property Department (Raes Daaerat al-Amlak) show that there are parcels owned by the municipality of Beirut within District D of Mar Mikhael.

As a result, promoters (both real estate developers and landlords) have benefited from the lack of a clear publicly-led planning strategy that would regulate and arrange

constructions, which allowed them to dominate spatial production processes and to consequently exclude those who have no significant holds on property from the decision making and from their right to have access to housing in the city.

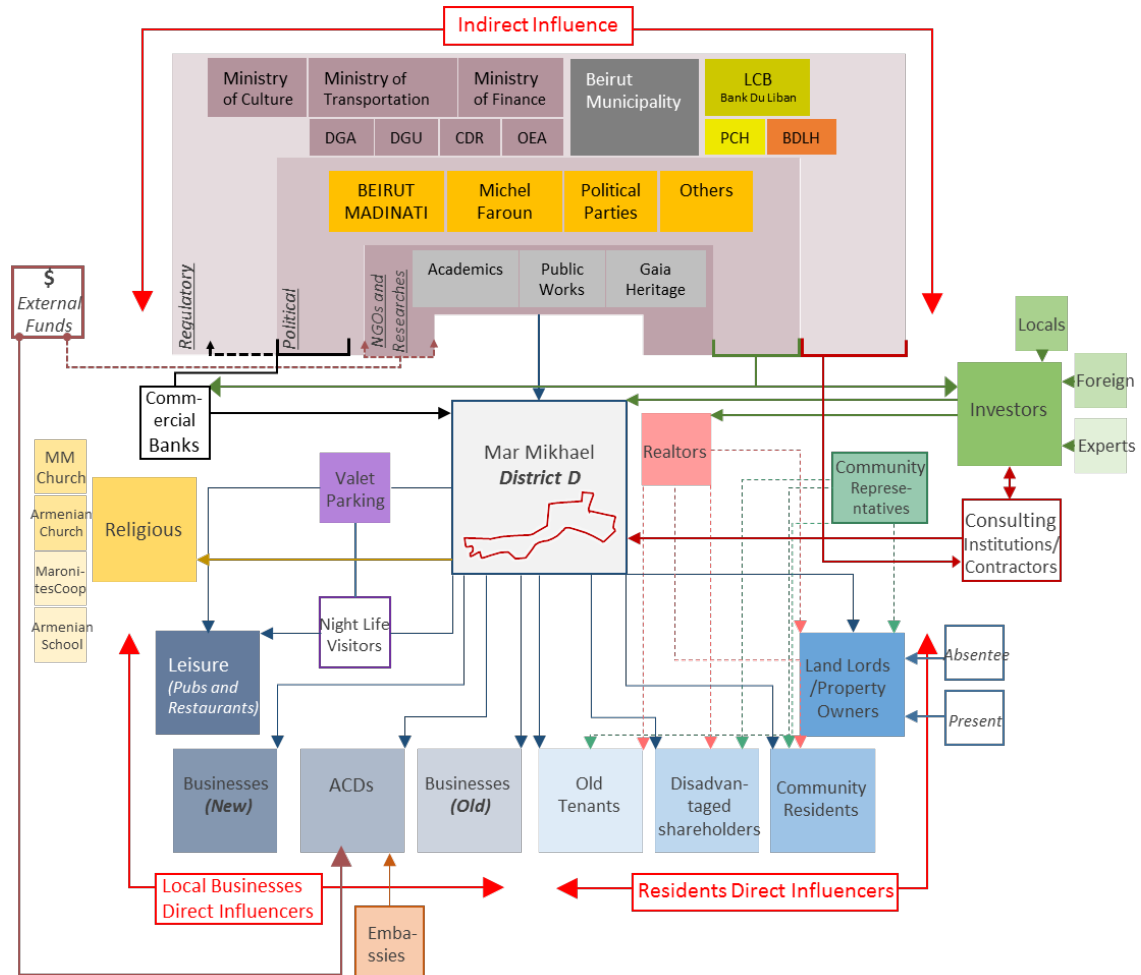


Figure 29 Stakeholders relations in Mar Mikhael (Source: Author)

E. Chapter Recap

Processes of urban transformation in the neighborhood of Mar Mikhael raises a number of questions concerning the performance of the Lebanese planning and regulatory framework in response to current challenges on one hand and the quality of pluralist urban governance on another. The aforementioned trends and indicators of urban change revealed that Mar Mikhael faces complex development dynamics that are both historical and geopolitical. Here the degradation of social networks and changes in

socio-spatial practices have impacted social diversity and resilience in the area and have rendered it more exclusive in terms of class and use. This has also impacted local economic prospects and business diversity. The trend of capital reinvestment in physical land and the changes in the built environment impact both neighborhood livability and affordability, threatening the community's right to access housing and public services such as water and electricity. In addition, it deprives communities of the right to a livable environment, which could be achieved through the establishment of public spaces and heritage preservation programs (built and unbuilt). The existing regulatory approach (prescriptive), planning tools (zoning plan) and institutional arrangements adopted in Lebanon are incapable of responding to the challenges found in Mar Mikhael. In actuality, it is these same tools and mechanisms that have actually perpetuated and enabled the obstacles the area faces today: gentrification, heritage destruction, and the degraded quality of the built environment. The following chapter explores alternative regulatory approaches and explores their capacity to produce a neighborhood of improved livability and inclusivity that responds to such urban transformations.

CHAPTER IV

LITERATURE REVIEW

This chapter is guided by two main axes: The first is elaborated on by a central and critical question on urban regulation: Should regulatory systems **perform** or **conform**? The second axis presents the literature of performance-based planning. It showcases an in-depth analysis and assessment of performance-based planning theory and practice (Definition and origins, interpretations, and lessons learned by practice).

A. Regulatory Systems in Planning: Perform or Conform?

This section aims to discuss urban regulatory approaches through the implications of a single critical question concerning planning practices: should regulatory systems **Perform** or **Conform**? Noting this, I will present the viewpoints of five leading scholars on their understanding of regulatory approaches based on that question (Figure 30).

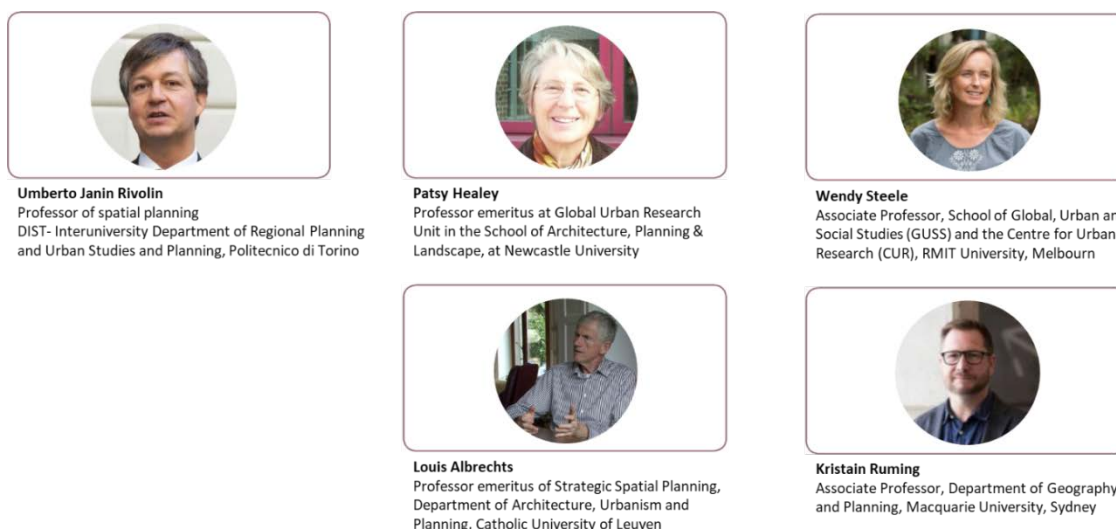


Figure 30 Profile of the key five scholars (Source: Author)

1. *Umberto Janin Rivolin*

Rivolin (2008) reviews the different planning systems in Europe. He concludes that criteria for ‘conforming’ and ‘performing’ systems differ in the delivery of development rights within a strategic framework. In confirming systems, rights are assigned in advance and translated into zoning ordinances. Conversely, performing systems assign development rights as a non-binding policy reference that must be assessed in conjunction with the given strategic framework.

Besides, Rivolin argues that the performance-oriented planning systems are “more suitable than conforming processes if planning is to fulfill its social role” (Rivolin, 2008, p.178). He distinguishes between the two systems following six categories (Figure 31):

Models of planning systems		
	‘Conforming’ planning systems	‘Performing’ planning systems
Principles	Hierarchy	Vertical and horizontal subsidiarity
Advantages	Certainty	Flexibility
Disadvantages	Rigidity	Discretion
Role of plan	Regulative	Strategic
Function	Implementation	Application
Scale	Local	Regional, National, Supra-national
Examples	USA, most European countries	UK, New Zealand, European Union Spatial planning

Figure 31 Models of planning systems (Source: Umberto Janin Rivolin, 2008, p.178)

Thus, the critical question for planning practice is not whether performance-oriented plans are preferable to conforming plans; it is how the strategic and regulative functions of planning should be differently correlated if positioned in a planning system addressed to performing rather than conforming aims (Rivolin, 2008, p.171).

2. Pasty Healey and Louis Alberchts

To these pioneering scholars, the question of land-use planning's conformity to technical, legal regulation, or land-use plans is not critical. It is instead of question of how land-use planning can deliver on selective strategic and action-oriented visions. As such, planning systems have taken a number of different hybrid forms that seek to accomplish two things. Firstly, promote non-binding policy programs and projects that are able to 'perform' a collective spatial strategy (Healey, 1997; Alberchts, 2003; Carmona, 2003). Secondly, optimize both flexibility and certainty, such as the use of flexible zoning in the US and planned discretionary systems in the UK. Yet this brings an integral obstacle, the struggle to balance certainty and flexibility. In practice, "**Prescriptive Planning**" rarely delivers certainty and has frequently been deployed in a flexible manner yet remains unable to respond to the complex changes that shape urban settings. However, "**Pure performance-based planning,**" located within a regulatory framework such as the IPA or SPA²³ in Queensland, is also unable to 'perform' to achieve the desired levels of flexibility or, especially, certainty (Steele et al, 2012).

As a result, and despite some of the successful experiences in urban planning, there is growing awareness that land-use planning systems are not '*performing*'. Planning has become too bureaucratic, which makes the timeframes for decision-making too long. Many planning systems are also marked by inadequate or insufficient public participation tools, distancing them from the decision making process. Hence, there seems to be a general dissatisfaction with the outcomes of contemporary planning processes (Shaw & Lord, 2007).

²³ IPA is the Integrating Planning Act of 1997. SPA is the Sustainable Planning Act of 2009. Refer to the historical development of Queensland planning system in the next chapter.

3. Wendy Steele and Kristain Ruming

Both scholars highlighted the need for planning and legislative reform, and to move beyond rhetoric entrenched in neoliberal urban governance, which promote cutting red tape and efficiency, to adopt a more holistic and integrated vision of urban environments. Such a vision is more likely to be achieved through “context-specific and hybrid legislative arrangements”. This would unsettle current planning discourse around certainty versus flexibility within contemporary planning systems, and opens the potential for planning practices and processes to become more strategic - to ‘perform’ in terms of aiding urban environments. They called urban planners to change the discourse of certainty versus flexibility. They stated that “For urban planners seeking to engender sustainability-led change, charting the task ahead remains complex and unclear. The importancy of an overemphasis on the straw man debate around planning certainty versus flexibility in planning systems will need to be rethought and recast” (Steele and Ruming, 2012, p.173).

Here, the significant question lies in rethinking the context, scale, and users/stakeholders of any planning work, that it cannot be a “one size fits all” mentality. For whom? For what purpose? At what scale? Driven by what reform? These critical questions, as stated by the two scholars, represent the core of progressive land-use planning agenda. It becomes more a question of balance between certainty and flexibility from a procedural perspective.

B. Performance-based Planning Literature

This section presents the theory and practice of performance-based planning, examined from interpretations and methods of adoption in scholarly literature and international case studies. The following covers the literature of Performance-based planning as an innovative tool in planning and development regulation. The literature aims to explain (1, 2) what is performance-based planning and where does it come from (3) Interpretations of Performance-Based Planning (4) Lessons learned from the experience of countries that adopted performance-based planning

1. Performance-based Planning: Definition and Characteristics

Performance-based Planning (P.B.P.), also known as performance standards, is a type of urban regulation that considers each case on its merits (Figure 32). It bases itself on a set of qualitative requirements - such as carrying capacity, threshold of safety, and environmental quality - as a replacement for prescriptive zoning. This type of decision-making is supposed to be more flexible, require fewer regulations, speed up the approval process, and encourage a greater dialogue amongst stakeholders (Wypych, Sipe & Baker, 2005). It requires community participation in the decision-making process and in the evaluation of the operational process. Therefore, performance standards can provide better design control and flexible responses to the special demands of the context.

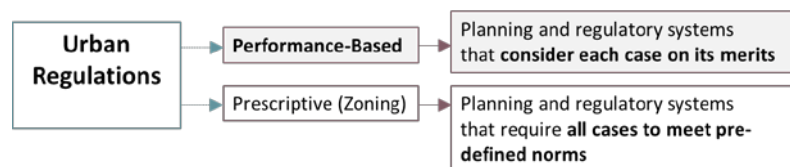


Figure 32 Types of urban regulations (Source: Author)

Investigating the characteristics of the performance-based planning approach reveals that such an experimental method could be responsive and flexible in such a way that it is able to evaluate its own performance through practice, results, and feedbacks. It differs from prescriptive planning in its focus on outcomes and self-assessment, creating more flexibility and increasing efficiency on the ground. It is adopted by many governments and especially by a range of English-speaking countries such as the United Kingdom, New Zealand, and Australia, as well as by Scandinavian countries (Wypych, Sipe & Baker, 2005; Baker, Sipe & Gleeson, 2006).

Performance-based approaches typically combine qualitative and quantitative criteria. The qualitative method focuses on the desired outcomes and tends to describe the end result without limiting it to a specific strategy or regulation. It must respond to the desired outcome (goal) (Table 01). Conversely, the quantitative method relies on metric standards (set of margins) for various impacts. It aims to measure their limits and potentials and ensure the desired end result (Baker, Sipe & Gleeson, 2006). Thus, planning schemes is more concerned with the impacts of development and its effectiveness in achieving the planning objective (Intent) through the performance criteria. Hillier (2007) states that performance-based planning is more concerned with analyzing the reach of networks in order to understand how plan policies are translated into events, which would emerge from complex sets of relations. Hillier's interpretation is critical of the means-ends (target-based) determination of performance (process and outcome) being linked to accountability and evaluation.

Interestingly, performance-based planning has been adopted by policymakers to increase efficiency and effectiveness of decision-making processes especially in the fields of land-use control, building regulation, and natural resource planning for residential development and other projects (Baker, Sipe, Gleeson, 2006, p.396). It is

viewed as a more efficient regulatory method that guarantees: Reduced approval times, increased procedural efficiencies, transparent decision-making, reduced negotiation (Kendig, 1980; Porter, 1988; Exner and Sawchuck, 1996; Staley, 2003).

Furthermore, performance-based planning improves environmental management and protection – whereby clear standards set acceptable environmental performance parameters (Kendig, 1980; Porteret, 1988; Blackwell, 1989). Steel argues that the adoption of a performance approach reflects a deeper shift and political reform as it is capable of achieving sustainability (Steele, 2009).

Table 1 Example of a performance code format from the Australian Model Code for Residential Development (AMCORD)- (Source: adapted from AMCORD report, 1997, p.271)

Neighborhood Planning and Movement Networks	
Element 5.1 Site Planning	
Intent: To achieve a coherent site layout that provides a pleasant, attractive, manageable, resource-efficient and sustainable living environment.	
<i>Performance outcome (criteria)</i>	<i>Acceptable outcome</i>
The intent may be achieved where:	The Acceptable Solutions illustrate ONE WAY of meeting the associated Performance Criteria:
Site layout	Site Layout
<p>P1 The site layout integrates with the surrounding environment through:</p> <ul style="list-style-type: none"> • adequate pedestrian, cycle and vehicle links to street and open space networks; • buildings facing streets and public open spaces; • building, streetscape and landscape design relating to the site topography and to the surrounding neighborhood character or desired future urban character; • the preservation or creation of habitat corridors and the protection of natural creek lines. 	<p>A1 Submission of a Site Development Plan which demonstrates how the Performance Criteria are met, showing:</p> <ul style="list-style-type: none"> • adequate pedestrian, cycle and vehicle access is provided to connect into the neighborhood; • existing natural features (if any) have been maintained or enhanced where possible; • natural watercourses are retained and buffered by endemic vegetation;

2. Performance-based Planning: Origins and Historical Development

The following section presents the origins and historical development of performance-based planning during five periods of time: The modernist period, the humanist period, the post-fordism period and the sustainability period (Figure 33).

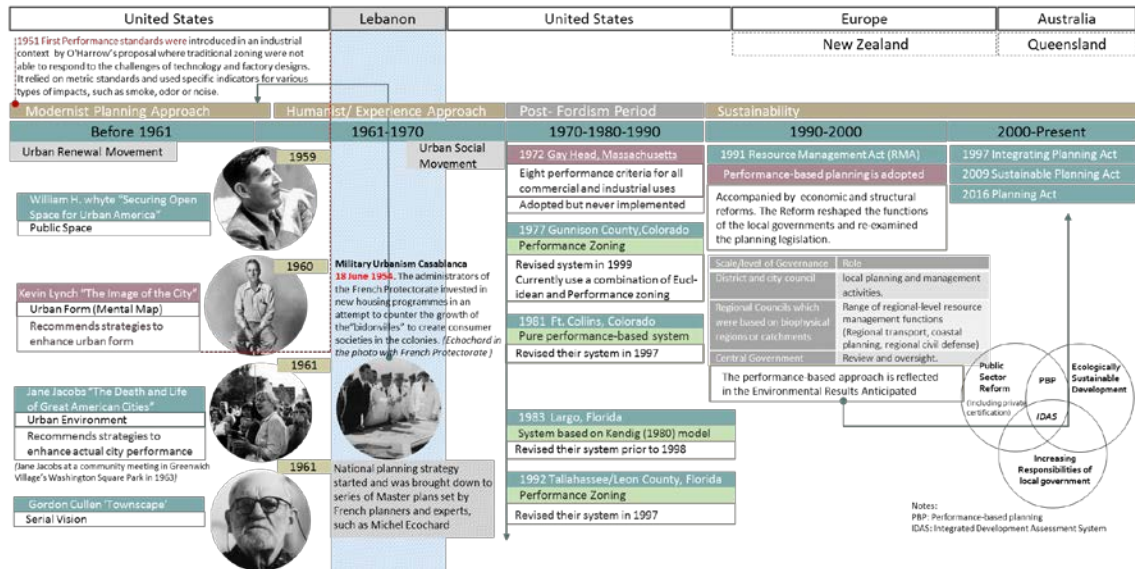


Figure 33 Historical development of performance-based planning (Source: Author)

a. During the modernist period (1950-1960)

The performance approach dates back to the 1950s. It was introduced in an industrial context in the United States and has been employed in land-use and construction planning (e.g. industrial standards, building codes, design standards, zoning) where conventional tools, such as exclusionary zoning, were not able to respond to the challenges of new technologies and factory designs (Baker, Sipe & Gleeson, 2006). It had a quantitative dimension, as per O'Harrow's proposal (1951), in that it relied on metric standards and used specific indicators for various issues, such as smoke, odor or noise (Travis, 2011; Wypych, Sipe & Baker, 2005). The performance-based approach was endorsed by developers because it provided more flexibility and alternative options in the development process. Environmentalists also

commended performance-based approaches for their adequacy in mitigating the environmental impacts of development. (Baker, Sipe & Gleeson, 2006).

During this period, the Urban Renewal Movement was a dominant ideology in planning, where the most prevalent land-use planning mechanism was the creation of exclusive zones characterized by the separation of uses (i.e. residential, industrial, commercial). These policies impact social inclusivity and limit economic diversity by creating isolated, unnatural urban spaces. Jane Jacobs argued that modernist urban planning rejects the city, because it rejects human beings living in a community characterized by layered complexity and seeming chaos²⁴ (Jacobs, 1961).

b. During the Humanist/ Experience period (1960-1970)

This period was characterized by emerging theories in urban design that include (1) strategies to enhance actual city performance, such as by Jane Jacobs in her book “The Death and Life of Great American Cities” in 1961, and (2) strategies to enhance urban form, proposed by Kevin Lynch in his book “The Image of the City” in 1960. The 60s-70s were also marked by the rise of urban social movements, with the introduction of new concepts such as “right to the city” and “citizenship”, especially by French philosopher Henri Lefebvre.

Concurrently in Lebanon, The Lebanese National Planning Strategy was established and divided into a series of Master plans set by French planners and experts, such as Michel Ecochard (Verdeil, 2009). Michel adopted the modernist approach in planning without taking account to the new emerging approaches in urban planning that took into account concepts of city performance.

²⁴ <https://grist.org/urbanism/2011-07-21-jane-jacobs-on-neighborhoods-placemaking-and-active-living-video/>

c. During the Post- Fordism period (1970-1990)

During 1970 and 1990, the shift from uniform and large mode of production towards tailored flexible mode of production and the reemergence of social and environmental crisis impacted land use planning approaches. Here, performance-based planning rather conformance-based planning became popular among urban planners in the United States.²⁵ In the early 1970s, performance-based approaches were adopted by local level authorities in the United States, at the scale of townships and municipalities. Local authorities found it better than single-zoning as more than one strategy/use could be adopted in response to planning requirements. They did not have to comply with a singular form of regulation since performance-based planning allowed for more options to reach the desired outcome. For instance, developments were not restricted by spatial limitation. They were required to meet a set of performance standards such as open space ratio, density or carrying capacity (Baker, Sipe & Gleeson, 2006)

In 1972, the first performance-based ordinance, three pages long, was drafted by Kevin Lynch and Philip Herr for the small community of Gay Head in Massachusetts. The draft shifted from conventional zoning to allow for multiple uses. However, special permits were required for commercial and industrial uses. These uses had to comply with eight criteria: Erosion control, tree preservation, screening, trip generation, parking, excess pollution, use/storage of mobile structures, and undesirable off-site impacts. Though the ordinance was drafted, it was never implemented because it was impossible to administer given the operational framework of the time. (Wypych, Sipe & Baker, 2005).

²⁵ Conventional land use planning focuses on improving the physical conditions of urban growth settlements. As such, zoning and other regulatory development control mechanisms failed to respond to the real causes of public issues: the existence of poverty and the nature of the economic system (Sandercock, 1990)

Five years later, in 1977, Gunnison County in Colorado (U.S.) became the first local government that adopted pure performance zoning without a zoning map, classification and master plan. However, in 1999, after years of operation, the county revised its planning system to overcome a number of problems (the unpredictable land use outcome, the reactive system made the provision of infrastructure in a timely manner...). They instead opted for a hybrid model that combined the conventional Euclidean model with performance zoning (Wypych, Sipe & Baker, 2005).

d. During the emergence of “Sustainability in planning” Period (1990-present)

In the west and European countries, Performance-based planning became a method to assist in delivering new public management (NPM) and sustainable development/ environmental reform agendas (England, 2004; Ericksen, 2004). For instance, in 1991, performance-based planning was adopted by New Zealand at a national level under through the Resource Management Act (RMA) and was accompanied by economic and structural reforms. The rationale behind such reforms was to limit intervention, bureaucracy, and regulation to achieve flexibility, efficiency and, competitiveness. The performance objectives allowed the market to operate in a more efficient manner. It specified sets of rules and boundaries the market needed to abide by. The reforms reshaped the function of local governments and re-examined local planning legislation (Table 02)

Table 2 New Zealand new structure of local government (Source: Adapted from Wypych, Sipe, Baker 2010, p.27)

The reform has created a new structure of local governments which:	
1- Reduced more than 400 councils	
2- Special purpose local authorities to 73 District and City Councils,	
3- 14 Regional Councils. In addition, a reallocation of planning and approval responsibilities occurred.	
Scale/level of Governance	Role
District and City Councils	Focused their efforts on local planning and management activities. Refer to table -03
Regional Councils which were based on biophysical regions or catchments	Assumed a range of regional-level resource management functions such as catchment management, regional transport, regional and coastal planning, regional civil defence, and regional parks and forestry operations.
Central Government	The Central Government's role in the new system was limited to one of review and oversight.

The Mackenzie District plan is an example of district level implementation following the RMA. The performance-based approach is reflected in the Anticipated Environmental Results, detailed in table 03 (Travis, 2011; Baker, Sipe & Gleeson, 2006). The policy was accompanied by a set of residential codes the developer should comply with during implementation. (Table 04)

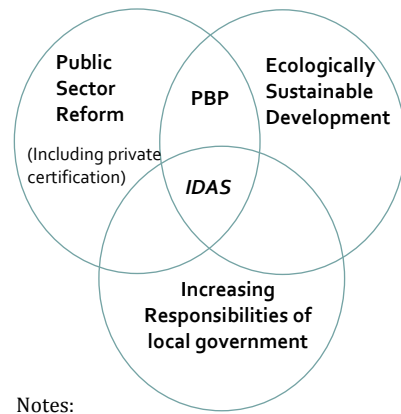
Table 3 Mackenzie, New Zealand, District Plan: Residential issues, objectives, and policies (Source: Adapted from Baker, Sipe, Gleeson, 2006, p.402)

Mackenzie, New Zealand, District Plan: Residential issues, objectives, and policies		
Issue 1—Maintaining the Pleasantness and Amenity of Residential Areas		
Residential Policy	Amenity	Maintenance of the pleasantness, amenity, and safety of residential areas and maintenance and protection of the surrounding natural and physical environment.
Objective	Density and Scale	To enable land in residential areas to be used efficiently while maintaining ample open space and the existing scale and medium density of these areas.
Explanation and Reasons		The activities and buildings occurring on individual sites in an area contribute to the general amenity of the area. Generally, people living in residential areas in Mackenzie District wish to maintain the current medium density and scale of the residential areas, with ample open space around buildings.
Implementation Methods		<ul style="list-style-type: none"> • Building coverage • Family flats • Height of buildings • Residential density • Setback from boundaries, roads, and neighbors • Site size
Environmental Results Anticipated		<ul style="list-style-type: none"> • Low-scale residential development allowing for views to be enjoyed • Low-scale nonresidential development that is in keeping with residential activity • Maintenance of existing medium residential density with sites being dominated by open space rather than buildings, providing the opportunity for tree and garden planting around buildings. • Efficient use of land in residential areas.

Table 4 Mackenzie, New Zealand, District Plan: Residential codes for zones 1 and 2 (Source: Adapted from Baker, Sipe, Gleeson, 2006, p.402)

3.1	Permitted Activities Any residential activity which complies with the following standards:
3.1.1.a	Residential Density Minimum net area of a site for each residential unit shall be 360m ² exclusive of access
3.1.1.b	Building Coverage Maximum building coverage of the net area of any site shall be 40 percent
3.1.1.c	Height of Buildings Buildings shall not project beyond a building envelope constructed by a recession line from point above internal and road boundaries as set out in Appendix H In Lake Tekapo, the midpoint of each section of wall or roof of buildings and the midpoint of building extensions shall not project above recession lines as shown in Appendix H The maximum height of any building shall not exceed 8m
3.1.1.d	Setback from Boundaries The minimum building setback from all net site area boundaries shall be 2m except that: Accessory buildings for residential activities, other than buildings used for the housing of animals, may be located within the setback from internal boundaries where the total length of walls within the setback do not exceed 7.5m and do not contain any windows Where an internal boundary of a site immediately adjoins an access or part of an access which is owned or partly owned with that site or has a registered right of way over it in favor of that site, the minimum building set back from that internal boundary shall be reduced to 1m

The New Zealand experience was a reference when the performance-based approach was adopted in Queensland, Australia, to develop the Integrative Planning Act of 1997. The act shed a light on the government's commitment to broader micro-economic and administrative reforms (Figure 34). The planning process would be authorized at the level of local governments, which would be closest to the affected community. It includes a framework for plan-making, development assessment and approval. Later the ordinance of Queensland was re-evaluated and adjusted to respond to the area's newfound challenges (2009-Sustainable Planning Act/ 2016 Planning Act). The Queensland experience is to be considered a reference for a state that experienced first-hand the limitations and advantages of performance-based planning objectives. (Roughan, 2016; Wypych, Sipe & Baker, 2005).



Notes:
 PBP: Performance-based planning
 IDAS: Integrated Development Assessment System
 Figure 34 The Integrative Planning Act 1997(IPA)- Key drivers of reform (Source: Adopted from Steele, 2009, p.134)

Finally, despite all of the mentioned experiences, performance-based planning endeavors to reframe the problems associated with land-use planning, especially those associated with prescriptive zoning, that failed to respond to today's problems. This would include the competing pressures of complex issues such as: Environmental concerns, decaying infrastructure and suburban sprawl, shortages of affordable low and middle income housing.

3. Interpretations of Performance-based Planning

Performance-based planning is not limited to a single definition or interpretation. It has different interpretations such as Performance-Zoning, Flexible Zoning, Outcome-Oriented Planning, and Effect-Based Planning. This section explains the aforementioned interpretations.

a. Performance-Zoning

Following Kendig's writings (1980-1982) on performance-zoning, different themes can be extracted, including:

- Detailed land-use zones are less critical in this type of planning;
- Performance standards provide operational proxies for land-use acceptability and suitability;
- Performance standards provide certainty regarding acceptable limits of development;
- Developers/ landowners have development flexibility yet remain constrained by the overarching outcomes set by the performance standards.

b. Flexible Zoning

The term 'Flexible Zoning' describes a variety of flexible planning regulations including Performance Zoning, Performance Impact and Point Zoning (Porter et al, 1998). Yet all three shares a common trait in that zoning is the primary community-wide approach to planning. Another overarching feature is their employment of performance-based criteria/standards to determine appropriate tools and uses. They are all also administratively supported to provide more predictable and consistent decisions. This interpretation highlights an idealized vision of the approach that relies on:

- Performance criteria/ standards focused on managing effects;
- Less concern with prescriptive spatial management and types of land-use;

- A desire to increase administrative certainty.

Staley (2003) argues that in flexible zoning systems: “Developers are given quality control targets and relatively wide discretion in meeting those targets”.

c. Outcome-Oriented Planning (England, 2004)

Outcome-based planning implies that decision-making regarding development would be guided by the need to achieve certain outcomes whilst allowing maximum flexibility for the means used to achieve them. “Decision-makers must be guided by the outcomes sought rather than the nomenclature or type of development proposed”.

d. Effect-Based Planning

New Zealand’s experience, discussed earlier, presented the Resource Management Act 1991 (RMA), which provided a flexible framework where “the limits of environmental effects of activities would be defined, but the activities themselves would be unspecified, giving an opportunity for market innovation and technological change to define them” (Ericksen et al. 2004, p.12). The intent of the effects-based method is to guarantee optimal environmental conditions with minimal regulation (Ericksen et al. 2004).

4. Performance-based Planning in Practice

In this section, I present (a) the lessons learned from the experience of countries that adopted performance-based planning and highlight (b) the hybridized implementation of performance based approach and explain briefly the performance adoption spectrum.

a. Lessons Learned

The key issues learned from the experience of countries that adopted performance-based planning are summarized below:

- ‘Certainty’ in the planning process is the most prevalent concern regarding the performance approach. While it prioritizes flexibility, it creates uncertainties in the implementation of the performance guidelines, the outcomes, the role of planners, and in the community vision.
- Another issue lies in its process of implementation. The guidelines require considerable technical/scientific expertise. The absence of professionals in some communities challenges the implementation of performance-based approaches in more remote or unprivileged areas.
- The objectives in the performance approach may be too general or unclear, which opens the door for different interpretations of what the acceptable outcomes actually mean or imply. Certain adopted means would not necessarily fully address to the desired performance outcomes (Table 05).
- The drafting process of the performance guidelines is precise and exhaustive. It requires a time consuming and clear scientific methodology.

Table 5 Examples of performance outcomes and acceptable outcomes (Source: adapted from Roughan, 2016, p.11)

Performance outcome	Acceptable outcome
Developments provides open space that is: a) useable; b) clearly defined; c) a safe and attractive living environment.	The open space is at least 25% of the site area and: a) has a minimum dimension of ten meters; b) has a maximum gradient not exceeding one in ten; c) is designed and located so that it is subject to informal
In this example the acceptable outcome of very specific. But if a substantially smaller amount of open space was proposed, the performance outcome does not really provide a very high test. There are multiple interpretations possible as to what would satisfy those requirements.	
Performance outcome	Acceptable outcome
The streetscape is activated by commercial or residential activities.	Frontages at street level are not dominated by service areas or blank walls
In this example, what is meant by activation is not clear cut. The acceptable outcomes offered may not produce the desired result and is itself open to interpretation.	
Performance outcome	Acceptable outcome
All buildings are of a height which is in keeping with the predominant residential character of the surrounding area.	The building has a maximum of two storeys.
The critical test here is the predominant character of the area and not the height nominated in the acceptable outcome.	
Performance outcome	Acceptable outcome
Development provides a side boundary setback that provides for privacy, natural light and breezes.	Side boundary setback is 3 meters.
In this example, an outcome that is substantially less than 3 meters has every chance of meeting the performance outcome even though it may be a significantly less desirable outcome for neighbors.	

In addition to these challenges, every administration might face their own set of operational challenges. For instance, practitioners and planning staff require training to utilize such approach in regulations. This also requires a cultural/ideological change

for planners, communities and other agents of urban development as it requires proactive rather than reactive thinking. *As such, what makes the performance-based planning approach viable in a planning and development regulatory system?*

Different researchers and practitioners highlighted the hybrid model as a viable option to such an approach. In their article “Performance-based in Queensland” Baker, Sipe and Gleeson stated: “The evolution of hybrid models of performance and prescriptive planning also provides instruction on how these methods of planning might complement each other to provide relative strengths from each system.” (Baker, Sipe, Gleeson, 2006).

The following paragraphs explain the hybridization of performance-based approaches and explain briefly the performance adoption spectrum developed by Travis Frew.

b. Hybridization Approaches

The hybridization of performance-based approaches in the US has been identified by both Porter (1988) and Baker (2006) where prescriptive zones and performance measures (other than performance standards) coexist in practice. Porter *et al.* (1988, 7) states “in practice, flexible zoning ordinances may incorporate performance standards as the central focus of regulations or only as one part”. In addition, performance criteria can be quantifiable and subjective. For example, different scholars referred to performance criteria as, specification and subjective standards (Porter et al., 1988).

Nevertheless, the implementation of performance-based planning approaches is firstly context specific and can range between “pure examples” such as Fort Collins that relies on the specification of pre-determined performance standards to manage effects,

or “hybrid examples” that integrate prescriptive regulations and other predictive types of criteria for managing impacts.

The more pure examples referred to by Kendig (1980) and Porter *et al.* (1988) appear to favor site-based measures of performance in the determination of land use acceptability in order to limit the range of considerations when making determinations. However, Hybrid models are more likely to rely on spatial management approaches (e.g. prescriptive spatial zones) and the integration of predictive ex-ante methods for impact assessment purposes (e.g. subjective performance measures). This fusion widens the scope of considerations and makes decision-making processes more comprehensive.

Another interesting note raises itself regarding the executive authority of performance-based planning processes. Kendig’s (1980) model ordinance is aimed at small and medium jurisdictions. Complementing that, the overview of Porter et al. (1988) appeared to focus on smaller municipalities. These suggest that performance-based approaches may be more suitable in some locations than others, especially as a factor of scale.

In conclusion, the methods that have been used to implement performance-based planning in the literature range between “pure methods” or normative approaches, and “hybrid methods”. Travis Frew in his 2011 PHD Dissertation has developed a performance adoption spectrum and at the heart of the spectrum is the concept of balance between certainty and flexibility, especially when determining land use appropriateness and managing the effects of development.

c. The Performance Adoption Spectrum

The performance adoption spectrum in (Figure 35) is context dependent and ranges between pure and hybrid perspectives of performance-based planning. It aims to

visually highlight differences in each case's adoption methods and whether they place an emphasis on flexibility and/or certainty in the planning process.

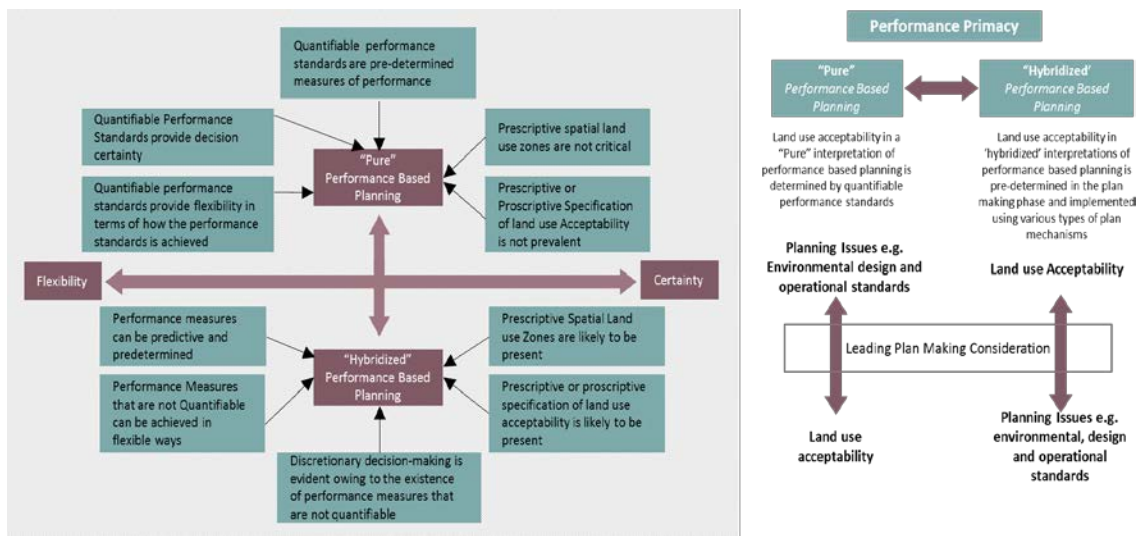


Figure 35 Performance adoption spectrum developed by Travis Frew, 2011

Performance-based planning has been defined on the basis of the performance adoption spectrum presented above. In this regard, pure (or normative) and hybrid methods of implementation are described in greater detail below:

i. A Pure Interpretation

1. The performance standards in pure performance-based planning rely on quantifiable and technical criteria. The standards manage the impacts of development (e.g. dB for noise).
2. Land use criteria in pure performance-based planning neither relies on zoning categories (e.g. Residential A Zone) nor on prescriptive or proscriptive specification of land use types in order to determine the acceptability of an activity.
3. It provides a balance between flexibility and certainty where:
 - certainty is achieved through the performance standards, in specific, through the level of performance to be achieved;

- flexibility is achieved through the means of achievement of the performance standard;
- And flexibility of land use is achieved where use designation and allocation are specified based on the performance standards.

ii. A Hybrid Interpretation

1. Assessment criteria in hybrid performance-based planning rely on a mix of performance standards or measures that can be discretionary and non-quantifiable, precise but arbitrary, or prescriptive. This hybrid model is also designed to manage development trajectories, including projected land use.
2. Land use criteria in hybrid performance-based planning rely on prescriptive spatial land use zones or on prescriptive or proscriptive specification of land use types. They determine the acceptability of an activity in an area. As such, predetermined land use measures are more critical in this portion of the spectrum.
3. This hybrid model of performance-based planning provides a less obvious balance between flexibility and certainty where:
 - performance measures, in addition to performance standards, provide less certainty when they are not quantifiable or based on technical criteria; and
 - less flexibility of land use is based on predetermined land use measures.

CHAPTER V

CONCEPTS AND CASE STUDIES

This chapter presents an understanding of urban regulatory approaches in UK, Australia and Lebanon. I adopted a comparative approach between the planning systems in the UK and Queensland, and compared them with approaches adopted in Beirut in relation to substantive and procedural perspectives. However, I will focus on the case of UK to present a concrete understanding to the concept of neighborhood planning, in specific, designation of neighborhood forums criteria and requirements.

Table (06) shows key aspects that inform my study in the adopted case studies. The outcome of this comparison enables me to present an alternative proposal to the current Lebanese urban planning framework in relation to performative regulatory approach. This chapter ends with key findings.

Table 6 Case studies methods of research (Source: Author)

Case of UK and Queensland	Case of Queensland	Case of Beirut
Governance Structure (Levels of urban governance)	Adapting performance-based planning to local conditions	Planning models and approaches adopted in these plans
Neighborhood Planning Framework (Tools, institutions, plan making process, criteria...)	Translation of vision to performance standards	Possible flexible tools that can be adopted
Community empowerment and participation tools	Code format, model of the performance-based design code for each element	Scale of local plans (City, district, block)
Requirements for adoption to the Lebanese context		

A. Urban Planning Approaches: Cases form Anglo-Saxon Countries

1. Discretionary Planning: Case of UK “The Post Brexit Planning Model”

This section highlights discretionary system in UK and briefly explains the type of urban regulation that controls developments in the UK.

- UK's Urban Regulation

The United Kingdom has a merit-based planning system known also as guideline-based with a discretionary development control system (Table 07). Urban development's form and function is usually the result of a negotiation process with the public sector, during which the merit of the development is assessed in relation to the strategic plan objectives and expectations of planning authority of council as a whole (Grant, 1992) (Adams et al., 2014). The urban designer/ architect intervenes less at the policy-development stage and much more during the pre-application (or design) and planning application stage (Ackenhausen, 2020). The quantitative standard such as use, bulk, intensity, and material are specified through development briefs by a design review panel²⁶.

Table 7 Differences between discretionary planning system and predefined planning system (Source: David Adams and Craig Watkins, 2014, adapted and modified by author)

Discretionary development control system	Predefined development control system
Considers each case on its merits	Requires all cases to meet pre-defined standards or norms
Operates in Britain	Operates in most of Western Europe and North America
May publish in advance what will be expected in individual cases (through a plan or other policy document), other relevant factors (known as 'material considerations' in the UK) may be brought into play when planning applications are submitted.	Publish comprehensive standards, norms, zoning regulations, which set out in advance what is permissible. Developments that fully conform to what is expected do not require any further approval
Pragmatic and enable flexibility as circumstances change.	less resource-intensive and less open to political manipulation, although significant resources and political input are likely to be needed to establish standards in the first place
Can be resource-intensive since case-by-case decision-making requires considerable professional expertise, supported as necessary by political oversight and judgment.	Creates greater certainty for all parties since they deliver "clear development rights and floor space limits and often building envelope controls" (Punter, 2007: 167). Only non-conforming developments require individual applications.
Negotiation late in the process, after plans are made. However, it can serve to increase development costs and uncertainty.	The emphasis is on more negotiation before plans are in place.
Design Code	
The increased use of design codes reflects a convergence between discretionary and pre-defined regulation, at least in design matters (Punter, 2007). A design code is:	
<ol style="list-style-type: none"> 1- A set of rules specifying the three-dimensional form of a development, which provide a means to ensure that each plot or sub-division contributes to the intended vision for the broader place. 2- Design codes can facilitate the regulation of development either by a landowner or planning authority (Carmona <i>et al.</i> 2006). 	

²⁶ The definition of design governance and design review panel is enclosed in Chapter 6 section 4

2. Localism Act 2011 Road Map: Brief Introduction

This section presents the new urban planning framework in UK after introducing the Localism act in 2011. It explains briefly (a) the act's road map, (b) reasons/ factors that led to the issuance of this act, and (c) drivers of the localism act.

a. Localism Act Road Map

In May 6, 2010, general election took place in the United Kingdom. They elected members to the House of Commons²⁷. 14 days later, in May 20, the conservative- Liberal democrat's coalition agreement also known as, "The Coalition: Our Program for Government" was published. This policy document that was issued by the two political parties, the conservative party and liberal democrats, made commitment to (Stanton, 2014; Bailey, 2017):

- 1- Decentralize power,
- 2- Reduce public spending and
- 3- Advocate localism as mode of governance.

The Coalition was built on the premise of David Cameron²⁸ promise to fix "broken Britain" by creating 'Big Society' (Stanton, 2014). As such, in December 13 2010, the secretary of State of Communities and Local Government Eric Pickles introduced the Localism bill (act). The bill received the Royal Assent in 15 November 2011 (Figure 36). The Localism Act 2011 introduced fundamental structural reform to the United Kingdom planning system.²⁹

²⁷ The UK Parliament constitutes of the House of Commons and House of Lords. It is responsible for making laws, deciding taxes and scrutinizing the Government <https://www.parliament.uk/>

²⁸ David Cameron was the leader of conservative party, officially known as the Conservative and Unionist Party, between 2005 and 2016. He was the Prime Minister of United Kingdom between 11 May 2010 and 13 July 2016. Thus, the localism act was introduced when he was in power. The current Prime Minister Boris Johnson is the leader of the Conservative party since 23rd of July 2019.

²⁹ <http://www.legislation.gov.uk/ukpga/2011/20/data.pdf>

- It changed the powers of local government and gave greater powers to local councils and neighborhoods more control over housing and planning decisions. Thus, the act delegated the decision making powers from the central government control to locals and individuals (U.K. Ministry of Housing Communities and Local Governments (MHCLG), 2015).



Figure 36 Localism act (2011) road map (Source: Author)

b. Main factors of Localism Act 2011: Paving for Brexit 2020

Two main factors contributed in rethinking the institutional governance structure in UK:

- The first factor is political where the quality of governance was embedded in the rationale of this act. Here, community empowerment and decentralization were populist and respond to bring back trust to the British political system as a response to the "crisis of trust", control public spending as a response to the financial crisis and deliver more transparency and accountability as a response to the scandals about the corruption of the members of the parliament due to inflated expenses (Tait et al, 2016)
- The second factor reflects the shortcomings of the previous planning system, whereby regional planning adopted a top-down and bureaucratic approach, and did not play an effective role in housing provision (Japan MLIT, 2017).

However, Localism can be considered an early sign of the UK's withdrawal from the European Union, known as the Brexit, since countries in the European Union are mandated to adopt regional planning.

c. Main Drivers of the localism Act under four Headings

The new act determined measures also known as drivers in which planning under the four main headings takes place³⁰ (Figure 37). The act gave:

- 1- More clarity, democracy and effectiveness for Planning and Regeneration provisions.³¹
- 2- More effectiveness and locality for Housing provisions. It promotes housing decisions to be taken locally.
- 3- Freedom and flexibility to Local Government and Authority provisions.
- 4- New rights and empowerment to Community and Individuals.

Clarity	Democracy	Effective	Local	Effective	Freedom	Flexibility	New Rights	Empowerment
Planning and Regeneration Provisions			Housing Provisions		Local Government/ Authority Provisions		Communities and Individuals	
✓								
✓								
✓								
✓								
✓								

Figure 37 Main measures of the Localism Act under four headings (Source: Author)

As such, the new urban planning system reflects a deeper shift in urban governance and hinges on the commitment of passing new powers and freedom to town halls and neighborhood forums in one hand and the performance of the planning process at the local level (Plan making and implementation) on another hand. The following sections highlight and explain fundamental modification introduced by the localism act on one of the aforementioned key headings, the “Planning and Regeneration Provisions”.

³⁰ <https://www.gov.uk/government/publications/localism-act-2011-overview>

³¹ Planning and regeneration provisions introduced by localism restructured local governments and spatial planning system in the UK. Major significant provisions are:

- 1- Abolishing of Regional Strategies/ planning
- 2- Introducing
 - a) Neighborhood planning
 - b) Duty to cooperate
 - c) Community right to build
- 3- Reforming the community Infrastructure Levy

d. Local Government and Spatial Planning System (From regional Spatial Planning to Local Planning)

Figure (38) presents the key changes that happened to the spatial planning system in the United Kingdom after introducing the Localism act in 2011³²:

- National Planning Policy Framework replaced the Planning Policy Statement at the National level.
- Regional Strategy had been abolished at the regional level (except for Greater London).

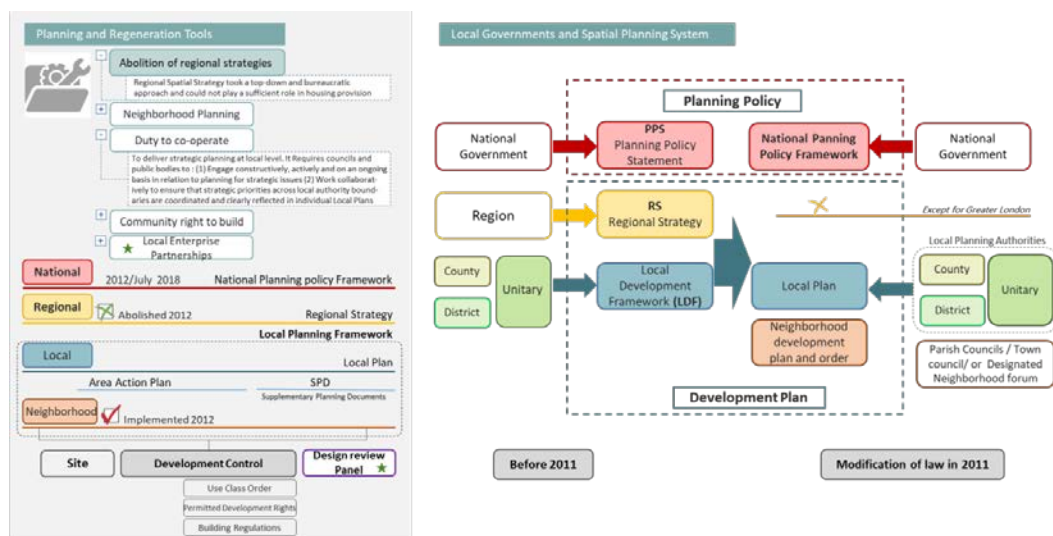


Figure 38 Local governments and spatial planning system before 2011 and after introducing localism Act in 2011 (Source: http://www.mlit.go.jp/kokudoikeikaku/international/spw/general/uk/index_e.html, adapted and modified by: author)

- Local plan replaced the local development framework at the county/district level.
- A new tier of local governance was introduced. This tier is governed by quantifying bodies (parish or town council, designated neighborhood forum, community organization), which allows for neighborhood planning to exist through Neighborhood development plan and Neighborhood development order (U.K. Ministry of Housing Communities and Local Government, 2018).

It should be noted that despite the cancellation of regional planning, a duty to co-operate has been introduced at local levels.

³² The spatial planning system was guided, before 2011, by the Planning and Compulsory Purchase Act 2004

e. Three Levels of Urban Governance: National, City, Neighborhood

Urban Planning in the United Kingdom is policy led: National policy at National Level and local policies at Local Levels³³. The following paragraphs explain the new urban planning process in relation to governance structure, planning tools and institutional framework (U.K. NPP, MHCLG, 2019; U.K. MHCLG, 2015) (Figure 39).

- National Level through national government (Ministry of Housing, Communities and Local Government- MHCLG)

National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. All plans and decision making should apply a presumption of sustainable development. The National Planning Policy (NPP) clarifies this objective. It states:

- 1- *Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*
- 2- *Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighboring areas... (NPP, 2019, p: 6).*

- Greater London through Greater London Authority (GLA):

There is no regional planning level outside of London, where a Spatial Development Strategy Plan is set only for Greater London (Figure 39). It serves as a blueprint for the future development, sustainable and inclusive growth of the region. It sets out a framework and policies for the urban development of Greater London over the next 20-25 years. These policies include spatial development patterns, Design, Housing, Social Infrastructure, Economy, Heritage and Culture, Green Infrastructure and Natural Environment, Sustainable Infrastructure, and Transport. This strategic plan

³³ <https://www.planninghelp.cpre.org.uk/planning-explained/quick-guide>

is accompanied by funding and monitoring frameworks³⁴ and implementation mechanism that relies on performance indicators and annual monitoring report³⁵.

- County/ city or district Level through local planning authorities (County council, district, borough or city council)

Local Plans are prepared by local authorities at city and district level. They are statutory plans and primary component of the Local Planning Framework (Figure 39). These plans contain policies on a wide range of issues related to urban planning and development of the city, including housing, community services, offices, and open space among others. It blueprints and details new homes, jobs, and infrastructure in compliance with housing, employment, and other locality needs for a minimum of 15 years. Local plans should conform to Sustainability appraisal and examine by a planning inspector to make sure plans are positively prepared, justified “evidence-based”, effective and consistent with National Planning Policy.

In addition, local authority has a duty to support and work collaboratively with a neighborhood planning body particularly in the neighborhood plan making process. As such, local planning authority should take a proactive and positive approach. The local authority has a duty to:

- Share evidence and seek to resolve any issues to ensure the draft neighborhood plan has the greatest chance of success at independent examination.
- Provide contact details for other public agencies that may be able to help, such as transport bodies or the environment agency.
- Provide source and details for fund and professional mechanism

³⁴ Sets out a policy framework for viability and planning obligations and estimates the investment in infrastructure needed to deliver the London Plan.

³⁵ The implementation of the London Plan will be kept under review using, in particular, the Key Performance Indicators set out in a certain table enclosed in the plan and reported in the Annual Monitoring Report.

- Neighborhood level through Parish Council and Town Council or designated Neighborhood Forum:

Neighborhood Planning is exercised at neighborhood level through the quantifying bodies: Parish Council and Town Council or designated Neighborhood Forum (Figure 39). Neighborhood planning allows for local community to develop Neighborhood development plans and neighborhood development orders. In addition, there is alternative of neighborhood plan. It could be replaced by:³⁶

- **Supplementary planning documents (SPDs):** These plans are prepared as part of local plan.
- **Area action plan** or new designations, such as a conservation area. It should be noted that neighborhood plans cannot make such designations.

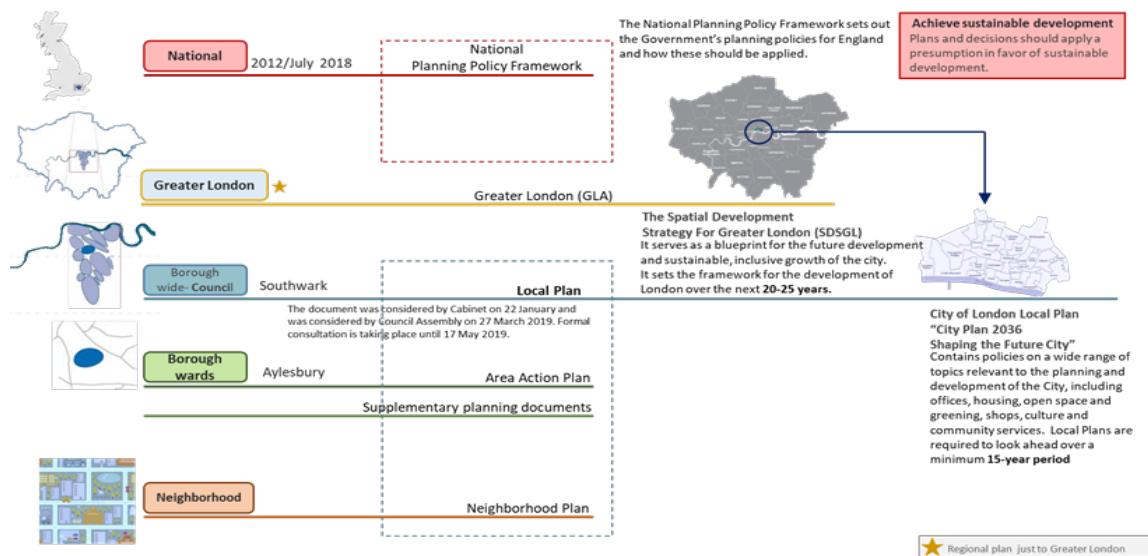


Figure 39 UK spatial plans at local levels (Source: Author)

³⁶ **Supplementary Planning Documents (SPDs)** provide detailed guidance on how to support the plans and policies in DPDs, for example guidance on design, or what facilities developers should plan for to accompany their developments (e.g. for sport and play). SPDs are not DPDs and do not require independent examination.

Area action Plan is DPDs (Development Plan Documents) that guide the development of a specific site or location, for example a town center, or other places where significant change is planned.

The following table (08) summarizes briefly the key actors involved in the policy making and decision-making process in the UK.

Table 8 Actors involved in the UK planning and decision making process (source: The Handy Guide to Planning 2012, modified by author)

What?	Who?	How?
National policy	Ministry of Housing, Communities and Local Government	Through the National Planning Policy Framework
Local Plans	local authority	Lead by Chief Planning Officer, agreed by Planning Committee
Assessment of Local Plans	Planning Inspectorate	A Government body, Examination process
Decisions on local planning applications	Local authority	Decision by Planning Committee, or Planning Officer on its behalf
Neighborhood Plans	Parish/town council or neighborhood forum, local authority, independent inspector and votes	Developed by parish council or neighborhood forum. Accepted as in line with Local Plan by local authority and independent inspector and voted on by at least 50% in a local ballot
Neighborhood Development Orders	Parish/town council or neighborhood forum	As above
Assessment of Neighborhood Plans	Independent qualified Inspector	Inspector appointed by the local authority will carry out a public examination. Will recommend if can be put to a local ballot.
Appeals against process of planning decisions by applicant	Planning Inspectorate	By written appeal, hearing or public inquiry
Appeals against appeal decisions by applicant	High Court	Judicial Review, which can quash, prevent or require a decision, clarify the law or compensate the applicant
Appeals against planning decisions by third party	High Court	Judicial Review as above
Challenge to Inspectorate or Secretary of State decision by applicant	High Court	Judicial Review as above
Appeals against planning decisions by third party	Local Government Ombudsman	Government body that investigates complaints about local authorities in England

3. Urban Planning Tools in the Local Planning Framework

The following section explains briefly the key elements that constitute local planning framework (a) Neighborhood planning. It includes Neighborhood Plans and Orders (b) Duty to cooperate/support (c) the reformed Infrastructural Levy. These elements are drivers in delivering powers to communities and individuals (U.K. MHCLG, 2011) (Figure 40).

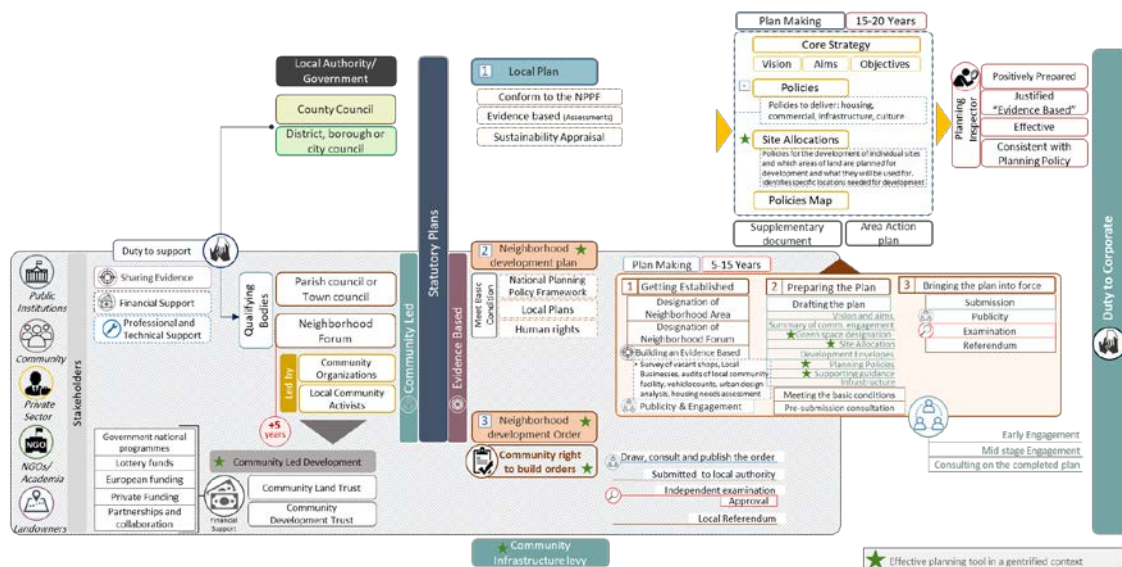


Figure 40 UK local development plans roadmap (Source: Author)

a. What is Neighborhood Planning?

Neighborhood planning is a new level in local governance guided by quantifying bodies that are able to develop neighborhood plans and guide future development of the neighborhood. Neighborhood planning is defined by the UK government as such (U.K. MHCLG, 2020):

“Neighborhood planning gives communities direct power to develop a shared vision for their neighborhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go

ahead... Neighborhood planning is not a legal requirement but a right which communities in England can choose to use. Communities may decide that they could achieve the outcomes they want to see through other planning routes...” (U.K. MHCLG, 2020, paragraph: 001).

As such, Neighborhood planning provides communities a powerful set of planning tools such as a neighborhood development plan (NDP) and neighborhood development order (NDO). These two tools empower communities in the decision-making process and allow them to exercise their rights in planning their localities. As a result, local communities through neighborhood planning are able to:

- Set policies for the neighborhood through Neighborhood plan.³⁷ It is used in determining planning applications and influence decision making.
- Grant planning permissions through Neighborhood Development Order for specific developments which comply with the order.

i. Neighborhood Planning Statutory Tools

Neighborhood Planning, as mentioned earlier, is comprised of (a) Neighborhood Development Plan and (b) Neighborhood Development Order (Figure 41):

³⁷ ‘Neighborhood plan’ refers to a ‘Neighborhood Development Plan’, as introduced by the Localism Act 2011

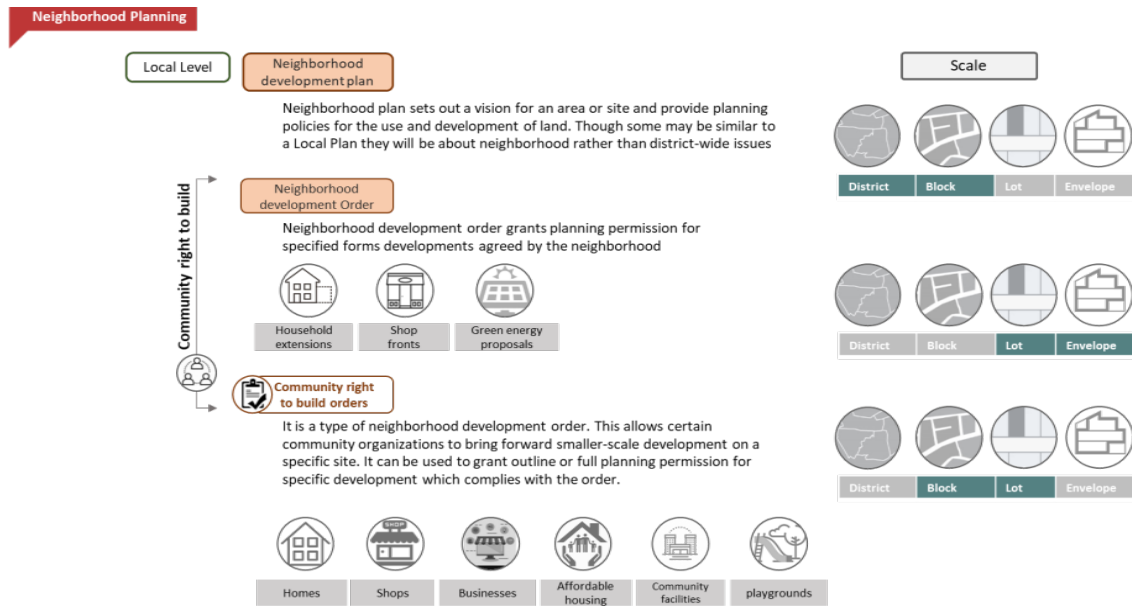


Figure 41 Neighborhood planning tools (Source: Author)

a- Neighborhood Development Plan (U.K. MHCLG, Chetwyn et al, 2018)

A neighborhood plan is a community led evidence-based vision for an area and provides planning policies for the use and development of land. It should promote less development from what is outlined in the local plan. The decision on whether to produce a neighborhood plan, or to identify the scope and content of the plan depends to a significant extent on the adequacy of existing local policies contained in the local plan. If existing policy is robust and relevant to the neighborhood area in question, then there may be no need for a neighborhood plan, lest the neighborhood plan risks repeating already existing policy.

- Once passed through referendum, a neighborhood plan will be part of the statutory local development plan for the area and will contain policies against which development proposals will be considered.
- If necessary, a plan's policies can be supplemented by more detailed guidelines (e.g. development briefs for particular sites).
- The local planning authority must make clear which of their adopted local planning policies are strategic in nature. This will ensure that policies at all

levels are complementary. A neighborhood plan should not repeat national or local plan policies, as such policies already apply and repeating them causes confusion.

A Neighborhood development plan must meet the basic conditions set out in planning law. As such, plans are tested through an independent examination. All plans must comply with the national planning policy (achieve sustainable development); conform with the strategic policies in the development plan for the local area, and with the human rights legislation.

- Neighborhood Plans and Duty to support

Local organization, public actors and community bodies are involved to provide possible financial and professional support for the neighborhood plan making³⁸.

Financial support includes specific neighborhood planning grants precept (for town/parish councils); Local donations; Developers and landowners; and Local businesses, chambers of commerce and community development trusts. However,

Professional support is available from various sources such as (Figure 40):

- Technical support through a neighborhood planning support programme;
- Pro-bono support from local firms (e.g. planning practices, legal firms) and planning support through national and regional organizations;
- Local branches of professional bodies;
- Local organizations that may be able to help with advertising and communication.

³⁸ local organizations and public and community bodies who are able to provide support include local civic societies, community development trusts, chambers of trade or commerce, architecture and urban design centers, local enterprise partnerships (LEPS), business improvement districts (BIDs) and universities etc.

- Designation of Neighborhood areas (town or parish councils) and Forums

For town or parish councils, there is a presumption that the neighborhood area will align with the parish boundary. However, with clear reasoning, planners may choose a smaller and more focused area, such as a town or local center. Adjacent parish/town councils may agree to work in partnership to produce a joint neighborhood plan council, submitting their idea to the local planning authority for designation upon council approval. In an unparished areas the local planning authority should be able to provide maps as a starting point.

The following paragraphs present (1) neighborhood area criteria, (2) neighborhood boundary criteria, and (3) designation of neighborhood forum requirements:

1. Area Criteria

Neighborhood areas may be large or small, with government guidance putting forth a number of considerations in deciding on the neighborhood. An area could contain a town center, local shops, housing estate, employment area, park or combination of these things.

2. Area boundary criteria

The boundary should be clearly defined by physical characteristics, such as roads, railways, or by the borders of subdivisions or housing estates. A neighborhood area could also be based on an administrative boundary such as an electoral ward or postal district, though these may not coincide with what may be considered as a neighborhood by residents. Once a proposed neighborhood area has been agreed upon by the designated neighborhood forum, it needs to be submitted to the local planning authority for designation³⁹.

³⁹ Where there are competing forum applications for the same or overlapping areas, the local planning authority should encourage a dialogue between the applicants in order that they can consider working together as a single neighborhood forum.

3. Designation of Neighborhood Forum

A prospective neighborhood forum, in a non-parished area, must include at least 21 people and one councilor must be formed to lead and coordinate the plan-making process. Prospective neighborhood forums will need to be designated by the local planning authority before commencing. There can only be one forum per neighborhood area. The local authority consults with the community and then needs to agree to its formation and the area boundary. The Neighborhood forum must reflect the character and diversity of the local population through:

- General characteristics: elderly/ young, women/ men, disabled, ethnic groups.
- Socio-economic characteristics: tenants, owners and residents

As such, the Neighborhood forum is often led by community organizations and activists.

- From a Neighborhood Forum to Community Led Development

After producing the neighborhood plan, Neighborhood Forum⁴⁰ transforms into community land trust or development trust in order to implement projects that the market is unable to deliver and support the implementation of the plan. Table (09) presents the four steps process required to deliver the site specific projects in the plan.

Table 9 Key steps required to deliver the plan (Source:Kirdford Parish Neighbourhood Plan, adapted by author)

Delivering the plan	
Mechanism	The Parish Council establishes a Kirdford Parish Community Land Trust (KP-CLT) . It is an independent and (Not for Profit) limited company whose shareholding is owned by participating residents.
Funding	The Government has established various funds to support community groups bringing forward local projects. The KP-CLT will utilize such grants, shareholder finance, loans and other contributions to bring forward financially viable projects.
Management	The KP-CLT provides a community-owned corporate entity to work in partnership with Local Authorities, landowners, developers and housing associations by way of joint development projects to deliver the proposals set out in the Neighborhood Development Plan (NDP) .
Priorities ⁴¹	In order to deliver the overall vision, the projects need to be delivered in a consequential manner. They must also recognize the associated infrastructure delivery timeline of enabling

⁴⁰ The neighborhood forum, which produces neighborhood plan, has 5 years' life and does not have formal role in the implementation. However, after these 5 years, members of the forum can establish community led organization in order to support the implementation of the neighborhood plan.

⁴¹ Planning applications will be determined against the land use policies only, the intention and objective text and the indicative site layouts set out the non-statutory aspirations of the community.

Site specific project are determined through policies. The policy format consists of three parts; a land use policy, supporting text setting out the objective and intention and an indicative site layout (Figure 42).

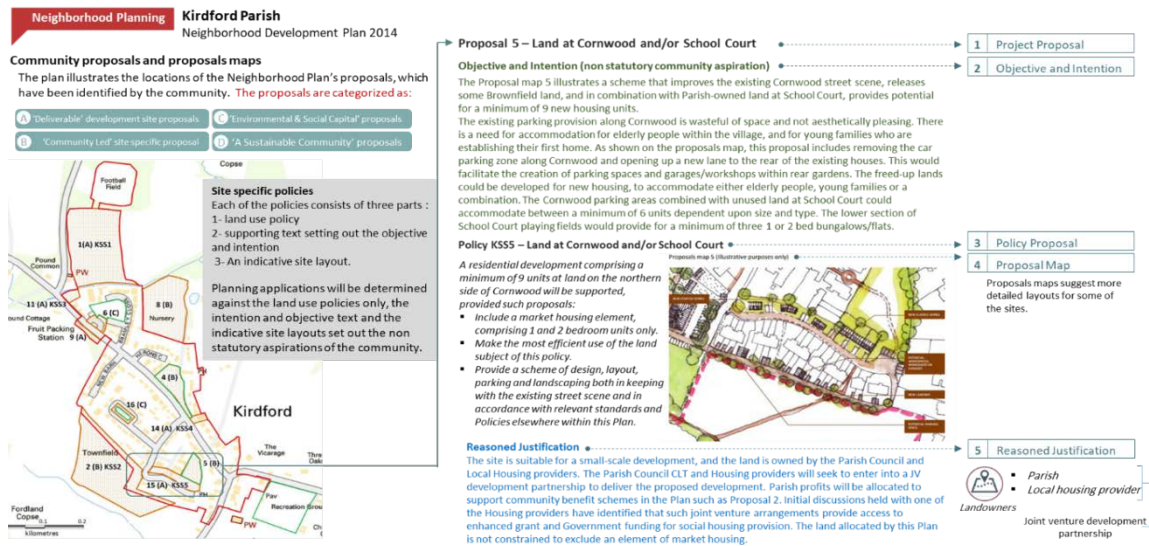


Figure 42 Example of community site specific proposals with its policy format in the Kirdford Neighborhood Plan (Source Kirdford Neighborhood Plan, 2014, modified by author)

b- Neighborhood Development Orders (NDOs)

Neighborhood Development orders grant planning permission for specified forms developments agreed upon by the neighborhood (Figure 41). They could be used, for example, for certain types of household or small business extensions or proposals. Where one is in place there would be no need for an applicant to apply to the local authority for planning permission. NDOs can give permission for development that complies with the Order, exempting planning permission in most cases.

- Community right to build orders

A Community Right to Build Order forms one of the neighborhood planning tools and type of NDO. It can be used to grant outline or full planning permission for specific development which complies with the order (e.g. homes, businesses, affordable

housing for rent or sale, community facilities or playgrounds)⁴². It allows certain community organizations to bring forward smaller-scale development on a specific site (Figure 41, 43).



Figure 43 Site allocations at the local and neighborhood levels (Source: Author)

b. Duty to Cooperate

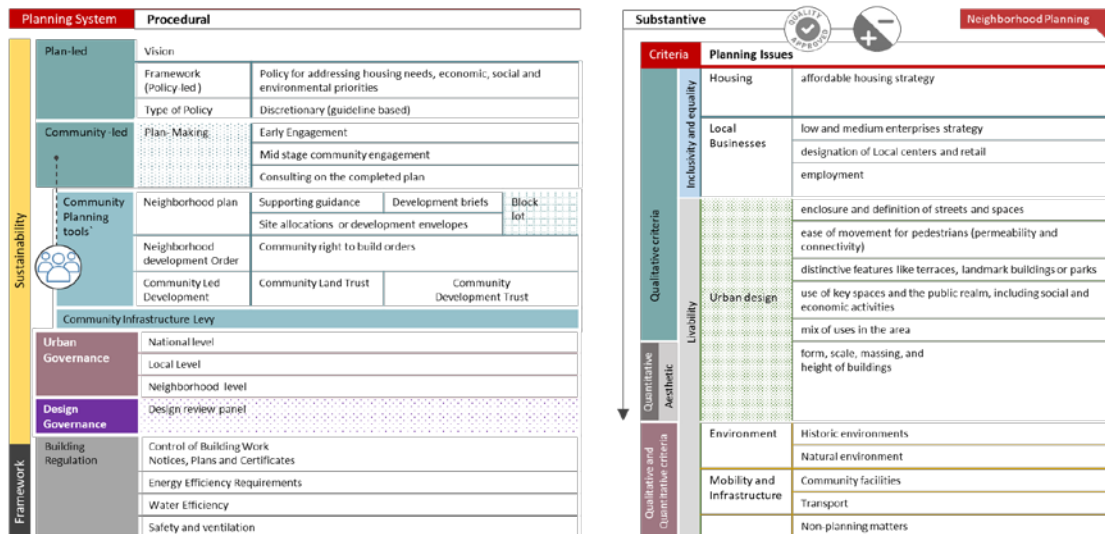
Duty to cooperate-ensures that local planning authority should cooperate with the adjacent planning authorities in planning issues that extends beyond their own administrative bodies. It also requires councils and public bodies 'engage' constructively, actively and on an ongoing basis' during the development of strategic policies (U.K. MHCLG, 2011).

c. Reforming the community Infrastructure Levy (U.K. MHCLG, 2011)

These are charges new developments have to pay. The money raised can fund a diverse range of infrastructure needed at local area and can go towards the improvement, replacement, operation, or maintenance of the building process.

⁴² <https://mycommunity.org.uk/understanding-community-right-to-build-orders>

4. Substantive and Procedural Aspects



5. Section Recap

The UK case study's aim is to understand the concept of locality, in specific, governance structure, spatial planning tools, and planning criteria in the UK planning system. In addition, the section focuses on the process/ mechanism in which neighborhood planning exists. Figure 44 shows the key issues that were required for introducing localism in UK and the elements that are required for adapting localism to the Lebanese context.

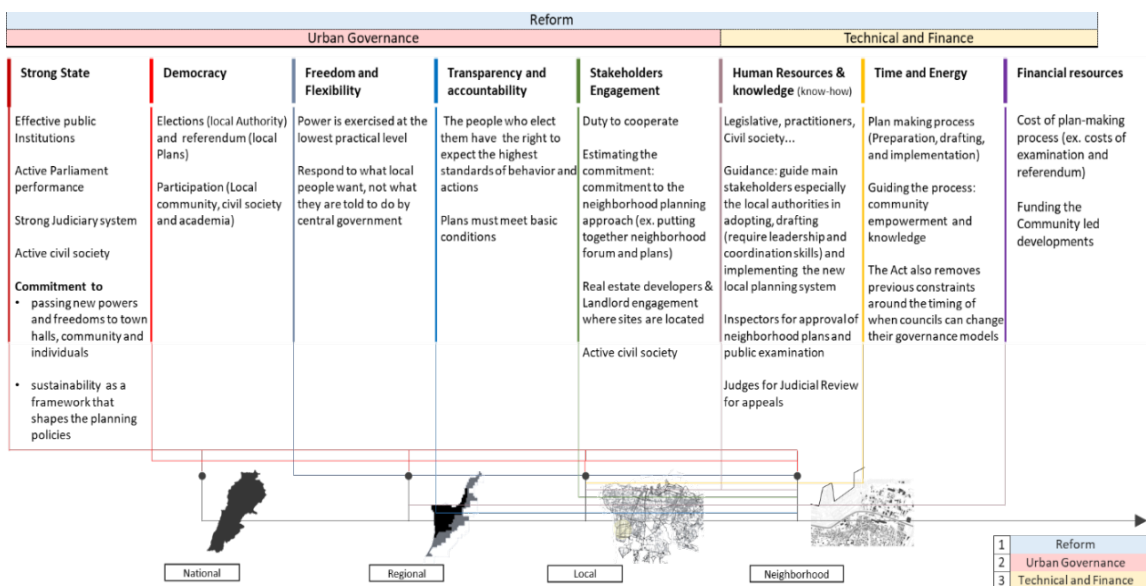


Figure 44 key issues required for adopting localism act in UK (Source: Author)

Thus, the newly established planning system in the United Kingdom hinges on the commitment of passing new powers and freedom to town halls and neighborhood forums and the performance of the planning process at the local levels (Preparation and implementation).

B. Performance-Based Planning: Case of Queensland (Australia)

In this section, I present the urban planning and regulatory framework in Queensland Australia through a visual representation of the Queensland case study. My approach aims to present a comprehensive understanding of urban regulations and planning system adopted in Queensland through interpretive diagrams. The section starts with the historical development of planning regulation in Queensland. Figure (45) shows that development regulation approaches in Australia went through a shift from the exclusionary zoning in 1970 to strategic planning between 1970 and 1980. However, the deeper shift towards the performance approach in urban regulation was in 1997 when Australia, at the national level, introduced The Australian Mode Code for Residential Development (AMCORD). In this case study, I will focus on two key planning provisions: AMCORD at 1977 and the latest modification to the Queensland planning and assessment framework through the Planning Act (PA) of 2016.

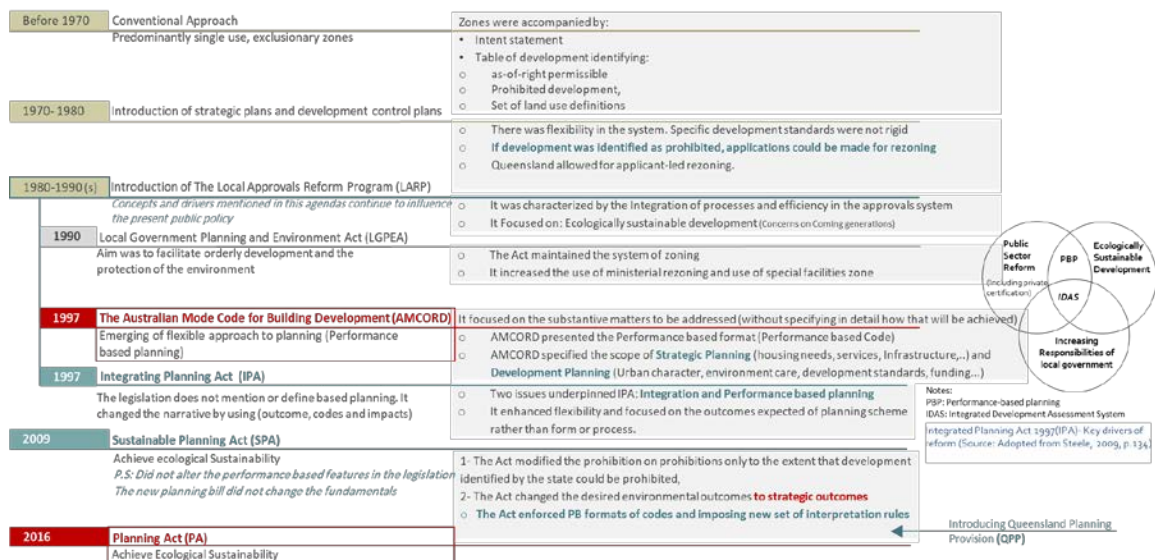


Figure 45 Timeline of the historical development of planning regulations in Queensland (Source: Author)

1. The Australian Mode Code for Residential Development (AMCORD)- 1997

AMCORD is a comprehensive document that sets the guidelines for Housing Development at the national level. It can be adapted and adopted by State/Territory and

local governments. It reveals how the performance code is derived from strategic plans at the local level within an integrated planning strategy under the framework of sustainable urban living. The AMCORD document simplifies and clarifies the performance-based approach applicable to the design process (Performance code) as it states: *“It is for use by designers, builders, developers and government officers responsible for housing development. The guidelines provided by AMCORD can be adapted (where necessary) to produce local codes, policies and regulations, thus meeting the needs of State and Territory Governments, local authorities and the housing and development industry... “AMCORD provides a process to achieve more efficient, effective, responsive and environ-mentally sustainable approaches to housing and residential development at the local level”* (AMCORD, 1995, p.8).

The first section of the figures illustrates the key issues in AMCORD. It includes:

- Stakeholders involved and users of “AMCORD” document
- The Integrated Local Area Planning General Model and Strategy
- Setting the context: It outlines a recommended approach to facilitate residential development through upfront planning. This section presents how AMCORD can be adapted to local conditions and identify the relevant aspects of upfront planning at the strategic and development levels (neighborhood level). Besides, it provides the link with the Design Elements. The justification for particular Performance Criteria, and the explanation of what they mean for designing and assessing a proposal in a given area, are found in the details of the relevant development plan
- Design Elements and performance code format: It provides the basis for design and regulation in the form of a series of Design Elements which are to be used to

develop local or State codes. These elements are derived, as stated earlier, from the strategic plans.

As such, AMCORD is the cornerstone of the subsequent planning regulations. It paved the way for the Integrated Planning Act (IPA) in 1997, Sustainable Planning Act (SPA) in 2009 and Planning Act (PA) in 2016.

2. The Planning Act (PA) of 2016

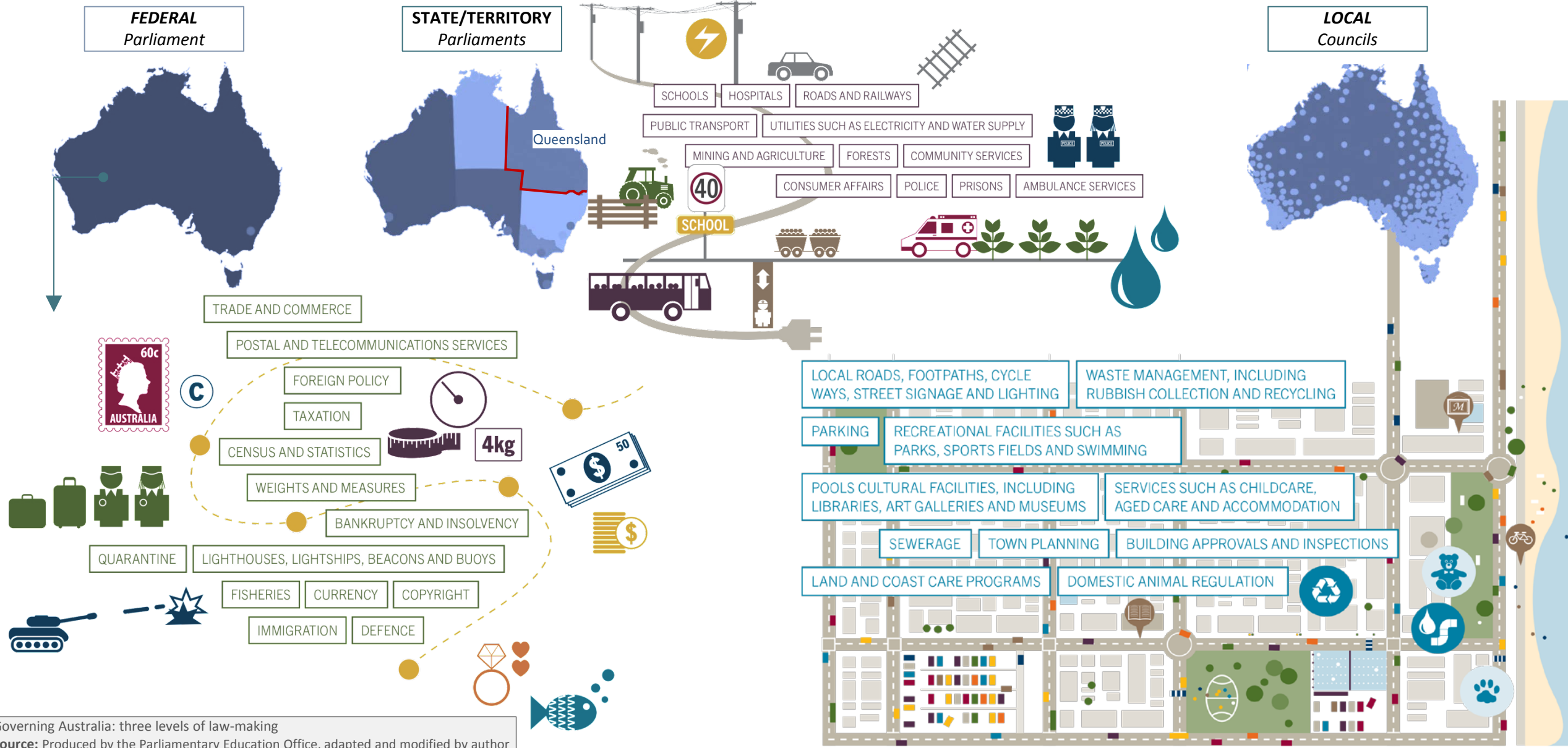
The second section presents the latest modification of planning system. It reveals main elements of Planning Act (PA) of 2016. The act provides “*an efficient, effective, transparent, integrated, coordinated and accountable system of land use planning and development assessment to facilitate the achievement of ecological sustainability*” (PA, 2016, p.17). The figures depart from the planning act 2016 and present the following:

- 1- Queensland planning framework
- 2- Plan making instruments
 - a) State Planning Instrument
 - b) Statutory Instruments
 - c) Local Planning Instruments
- 3- Development Assessment (DA) Framework
- 4- Development Application Process

Thus, the Planning Act (PA) of 2016, presents the relationship between various planning instruments in the Queensland planning system and the context in which planning and development decisions are made, especially, at local levels. It reveals that Queensland approach is based on an integrated planning strategy where strategic plans are integrated at local level and related to an assessment process. The case study ends with procedural and substantive issues in Queensland planning system and summarizes briefly the key requirements of adoption and implementation.

Queensland Case Study: Governance Structure

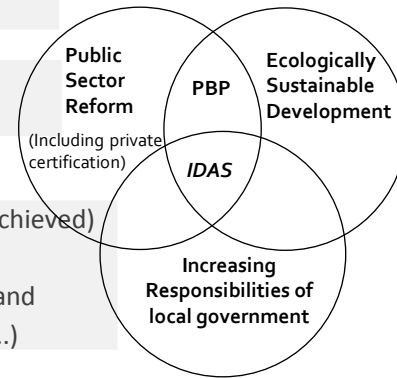
Three levels of Government (Law making)



Queensland Case Study: The Australian Mode Code for Building Development (AMCORD) 1997

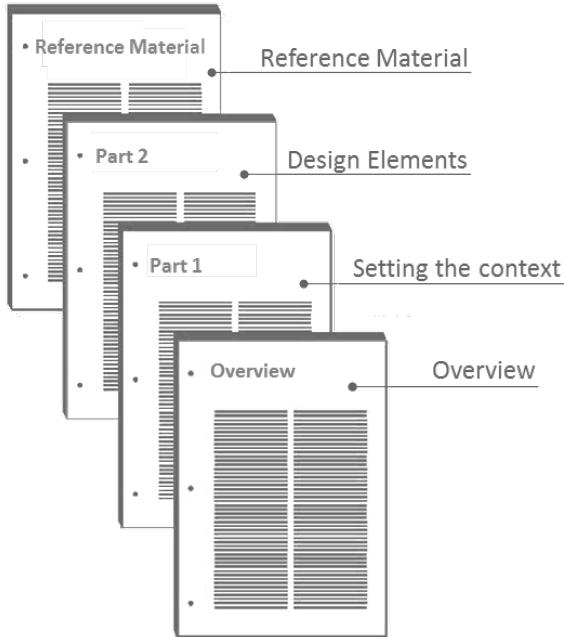
History of Planning regulation in Queensland

Before 1970	Conventional Approach Predominantly single use, exclusionary zones	Zones were accompanied by: <ul style="list-style-type: none"> • Intent statement • Table of development identifying: <ul style="list-style-type: none"> ○ as-of-right permissible ○ Prohibited development, ○ Set of land use definitions
1970- 1980	Introduction of strategic plans and development control plans	<ul style="list-style-type: none"> ○ There was flexibility in the system. Specific development standards were not rigid ○ If development was identified as prohibited, applications could be made for rezoning ○ Queensland allowed for applicant-led rezoning.
1980-1990 (s)	Introduction of The Local Approvals Reform Program (LARP) <i>Concepts and drivers mentioned in this agendas continue to influence the present public policy</i>	<ul style="list-style-type: none"> ○ It was characterized by the Integration of processes and efficiency in the approvals system ○ It Focused on: Ecologically sustainable development (Concerns on Coming generations)
1990	Local Government Planning and Environment Act (LGPEA) Aim was to facilitate orderly development and the protection of the environment	<ul style="list-style-type: none"> ○ The Act maintained the system of zoning ○ It increased the use of ministerial rezoning and use of special facilities zone
1997	The Australian Mode Code for Building Development (AMCORD) Emerging of flexible approach to planning (Performance based planning)	It focused on the substantive matters to be addressed (without specifying in detail how that will be achieved) <ul style="list-style-type: none"> ○ AMCORD presented the Performance based format (Performance based Code) ○ AMCORD specified the scope of Strategic Planning (housing needs, services, Infrastructure,...) and Development Planning (Urban character, environment care, development standards, funding...)
1997	Integrating Planning Act (IPA) The legislation does not mention or define based planning. It changed the narrative by using (outcome, codes and impacts)	<ul style="list-style-type: none"> ○ Two issues underpinned IPA: Integration and Performance based planning ○ It enhanced flexibility and focused on the outcomes expected of planning scheme rather than form or process.
2009	Sustainable Planning Act (SPA) Achieve ecological Sustainability <i>P.S: Did not alter the performance based features in the legislation</i> <i>The new planning bill did not change the fundamentals</i>	<ol style="list-style-type: none"> 1- The Act modified the prohibition on prohibitions only to the extent that development identified by the state could be prohibited, 2- The Act changed the desired environmental outcomes to strategic outcomes <ul style="list-style-type: none"> ○ The Act enforced PB formats of codes and imposed new set of interpretation rules
2016	Planning Act (PA) Achieve Ecological Sustainability	← Introducing Queensland Planning Provision (QPP)



Notes:
 PBP: Performance-based planning
 IDAS: Integrated Development Assessment System
 Integrated Planning Act 1997(IPA)- Key drivers of reform (Source: Adopted from Steele, 2009, p.134)




AMCORD The Australian Mode Code for Building Development
National Guidelines for Housing Development



Done by Commonwealth Government

Objective The National Resource Document for Residential Development is a comprehensive document that can be adapted and adopted by State/Territory and local governments.

Users

	 Local Authority	 State Authority	 Developers and designers
Part 01 Setting the context Outlines a recommended approach to facilitate residential development through upfront planning	<p>Addresses the process of dealing with urban expansion and change</p> <p>It is proposed that local authorities undertake sufficient planning to clarify the scope for different forms of housing, and provide developers with the information they need to prepare proposals</p>	<p>State and Territory authorities will share local authorities' interest in AMCORD although their role in housing varies from State-to-State. Their interests will be in:</p> <ul style="list-style-type: none"> Identifying regional priorities and requirements for residential development; Formulating regional strategies or plans; Identifying special locations for urban housing; Developing general policies where residential development and housing assist in the development of metropolitan structure or in utilizing under-used infrastructure; 	<p>Large developments, may raise issues that are dealt with in Part 1 Setting the Context, including proposals for rezoning.</p>
Part 02 Design Elements Provides the basis for design and regulation in the form of a series of Design Elements which are to be used to develop local or State codes	<p>State and local authorities can use the information to construct their own code, provided the principles and integrity of the document (such as the performance approach) are retained.</p>	<p>Considering how the Design Elements relate to existing State planning policies or regulatory codes (where applicable).</p>	<p><u>Need to consider only the Design Elements</u> Developers and designers need to be aware of the options provided by the Performance Criteria and Acceptable Solutions. By taking advantage of the flexibility provided by the Performance Criteria, they can be innovative and try new approaches without being held back by restrictive regulations (one outcome). If they prefer more certain response, they use the Acceptable Solutions as an alternative to existing regulatory practices.</p>

1 Integrated Local Area Planning (General Model)

Elements of ILPA

(Source: AMCORD)



ILAP promotes three major themes

1 Partnership
(3 sphere of Government)

- State and Territory Governments
- local planning and servicing authorities
- Community

2 Performance
Public Sector (PS)

Improve the performance of PS through effective and integrated planning

Aim: Enhancing the overall well being of

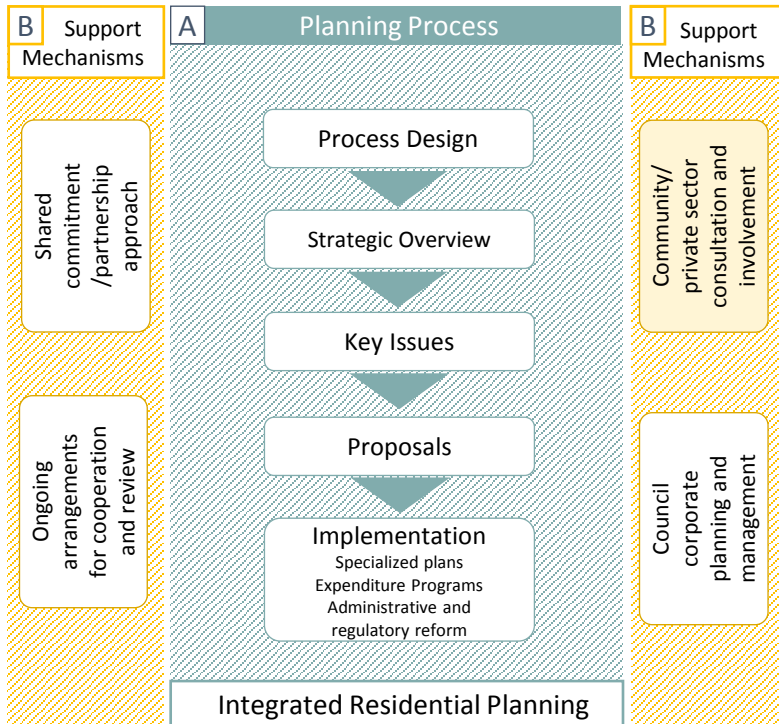
- Community
- Environment

3 Leadership
Local Government

Play a leadership role in a more effective strategic planning and integration at the local or regional level



ILAP suggests a generalized model to achieve a shared commitment and partnership, ongoing arrangements for cooperation and review, and a link into council corporate planning and management



State



Local Council



Community



Housing and development Industry

1 Integrated Local Area Planning (General Model)

Elements of ILPA
(Source: AMCORD)



Relationship between ILAP and AMCORD

Flexible model for integrated local area planning

B Support Mechanisms

Shared commitment /partnership approach

Ongoing arrangements for cooperation and review

A Planning Process

Process Design

Strategic Overview

Key Issues

Proposals

Implementation

Specialized plans
Expenditure Programs
Administrative and regulatory reform

Integrated Residential Planning

AMCORD

Strategic Plan

Development Plan

Design Process (Part 2)

B Support Mechanisms

Community/private sector consultation and involvement

Council corporate planning and management

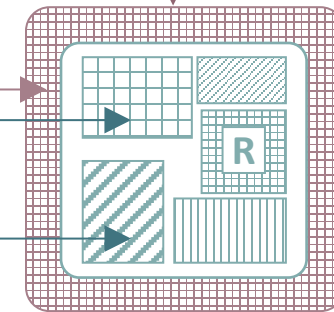
For Each Local Government Area

Strategic Study which examines:

Demographic and economic characteristics	Land use and transport
Social and environmental characteristics	Density
Identifies development areas with potential for residential development	Major Infrastructure

Local Government area

Local Area type



R= Regionally determined development

For Each Local Area

Development planning

Which takes account of

Community character
Urban design and character
Transport and the local environment
Environmental management
Development standards and funding

Which takes account of

Perception design guidelines
Traffic claiming plan
Social and physical infrastructure plan
Drainage management plan
Contributions plan

Implementing planning

Which should include

Performance-based approach
Information requirements
Approval systems
Consultation

And may include

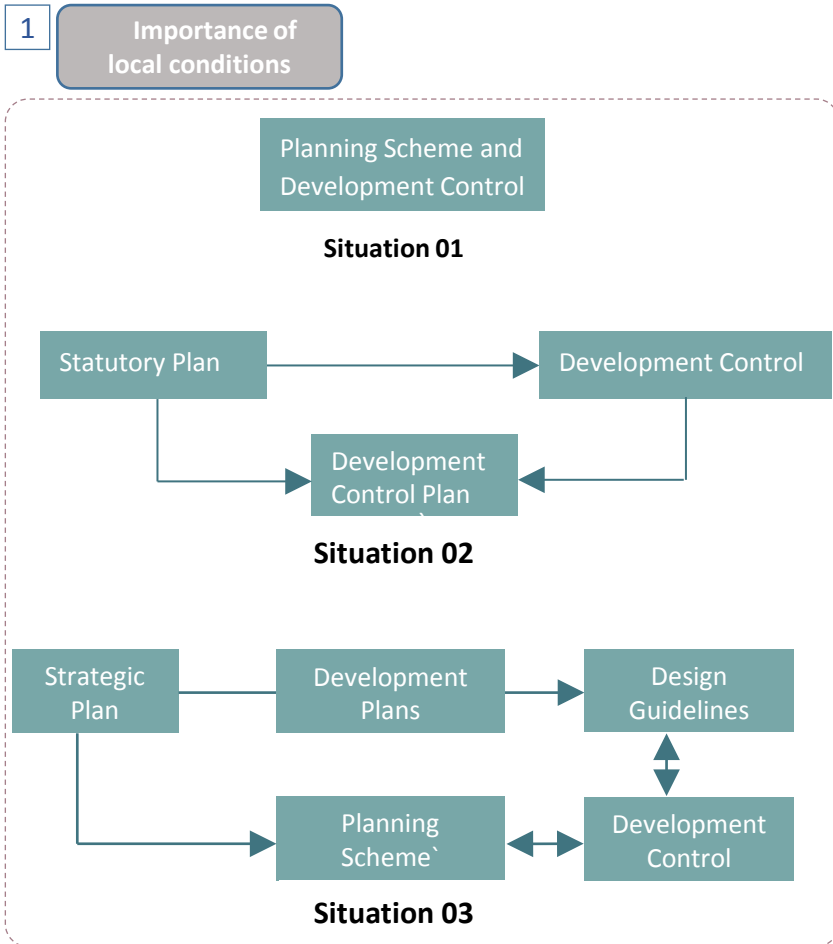
Categorization
Setting priorities and weighting
Negotiated agreements

Development and design opportunities for residential development & housing (Part 2) in each development Area

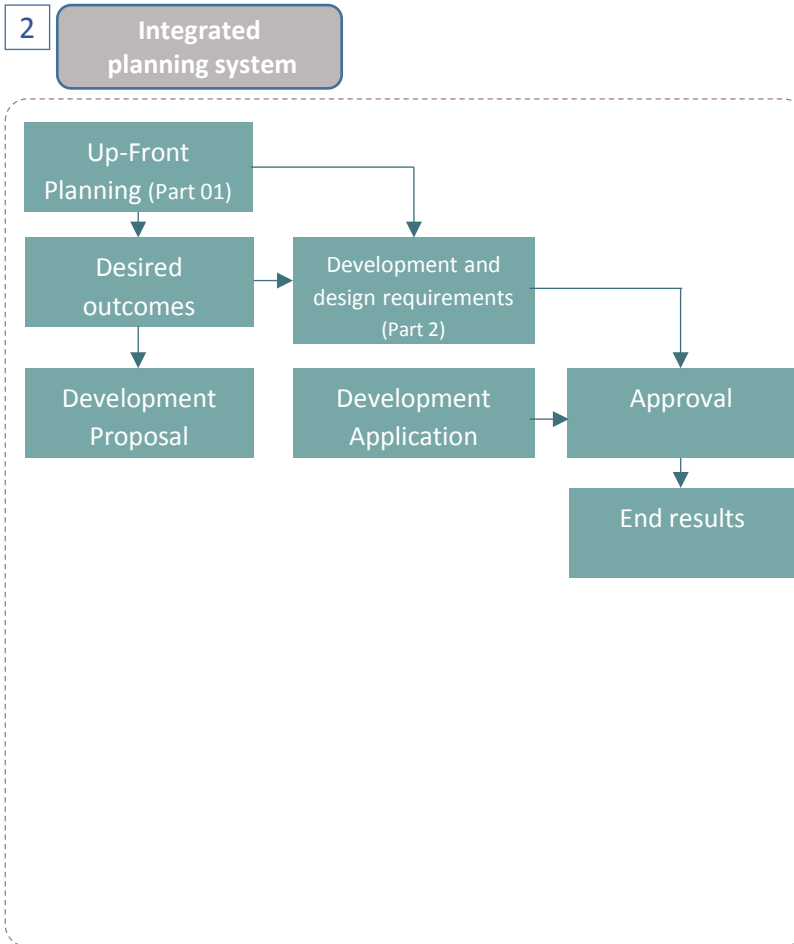
An integrated process for identifying the scope for residential development and housing through upfront planning



The importance of local conditions (Source: AMCORD)

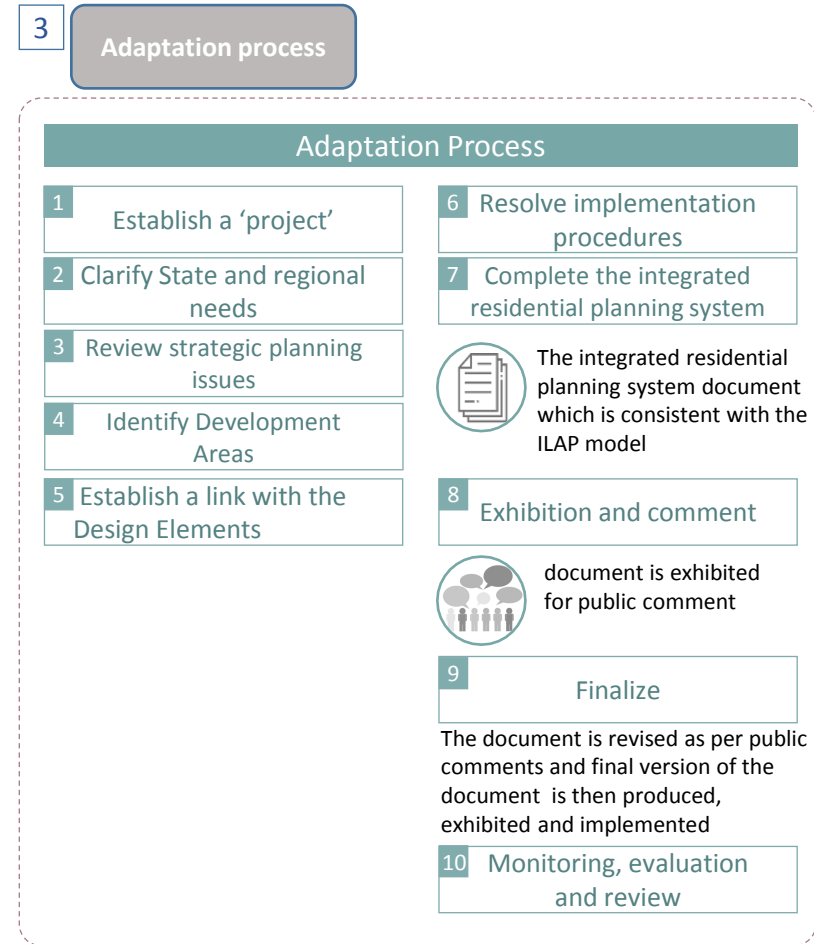


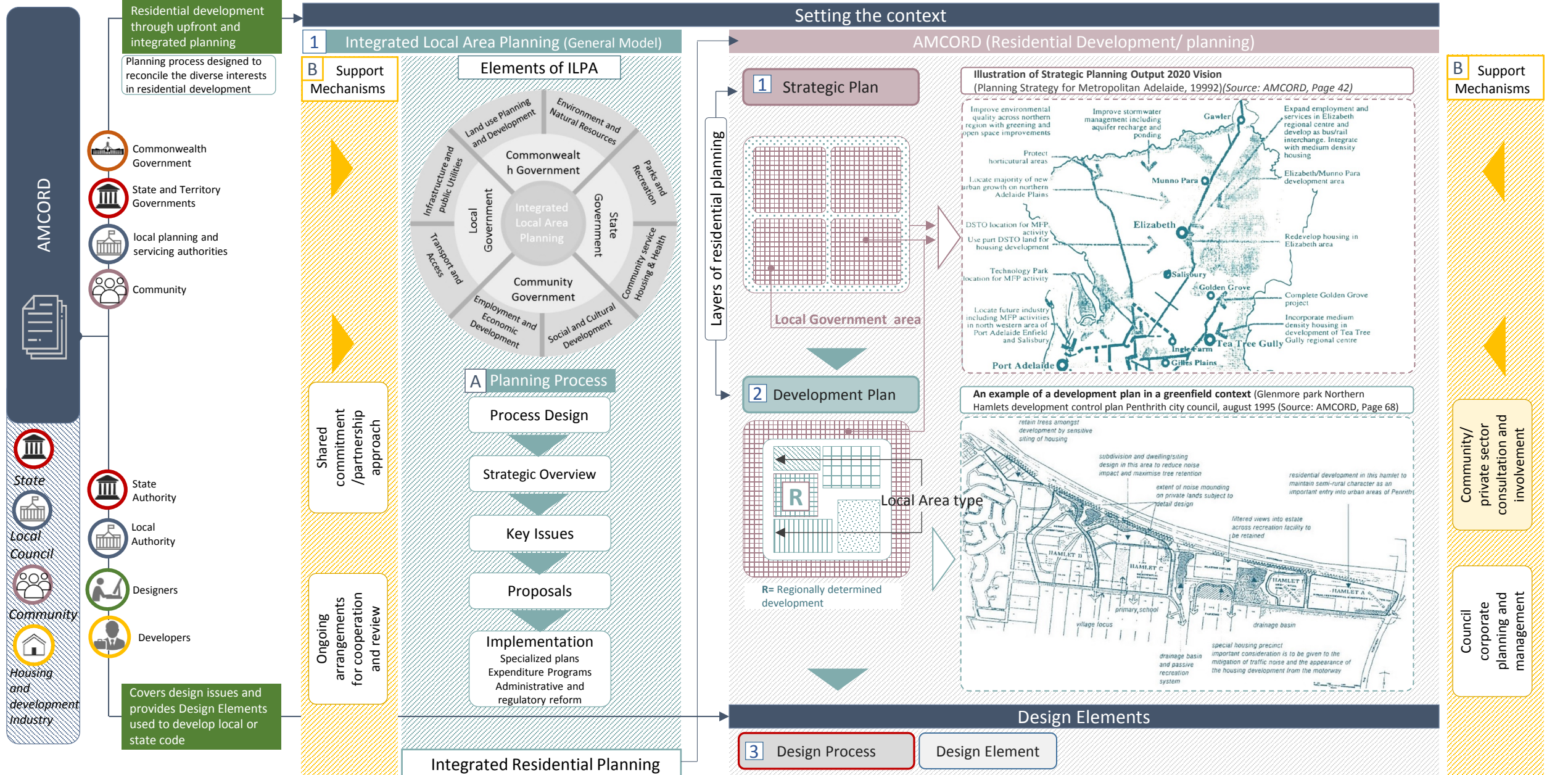
There are significant variations in State legislation and local planning instruments and this influences the process of adaptation
 Some local authorities exercise planning control through a single planning instrument (Situation 01) and other through diverse instruments

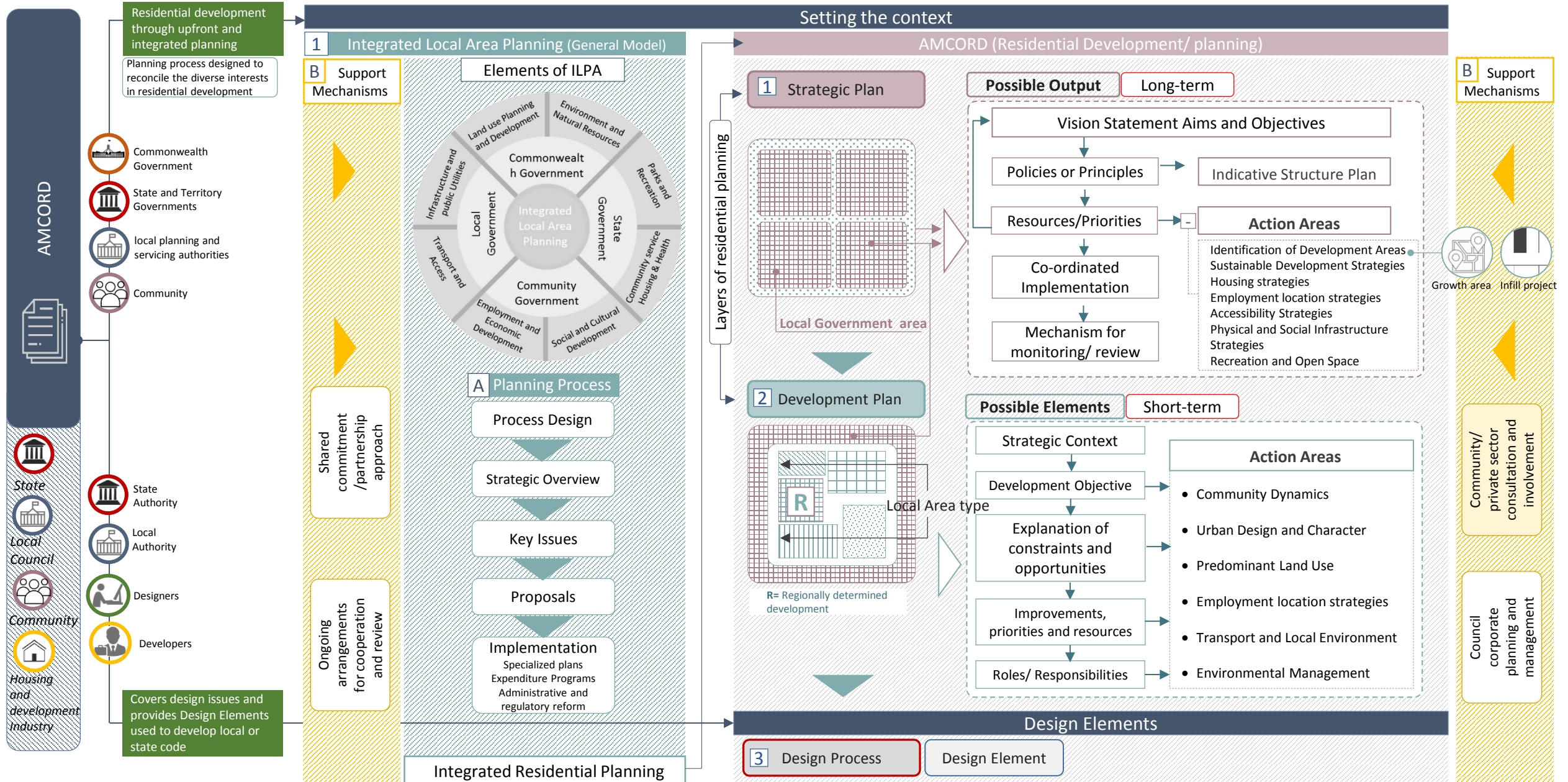


An integrated planning system, linking desired outcomes, established by up-front planning, with design controls

Adaptation Process (Source: AMCORD)

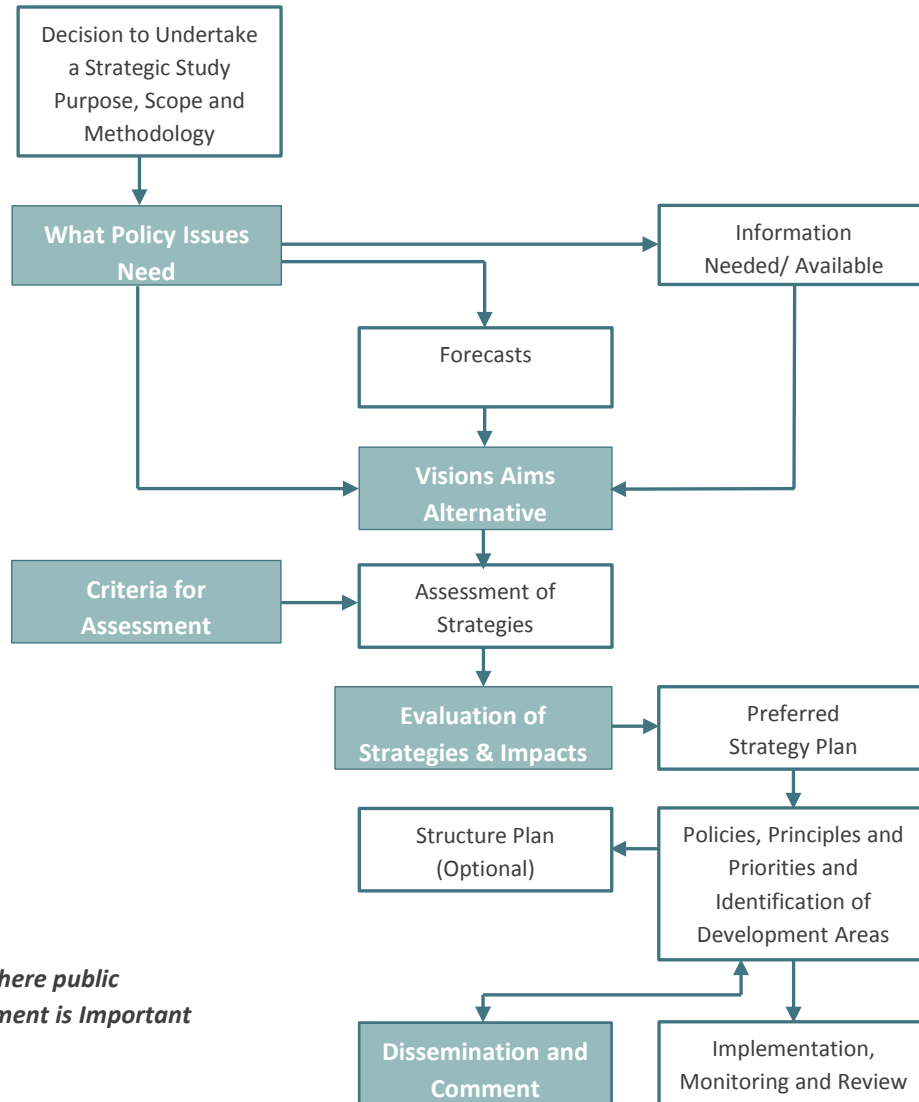






Strategic Planning

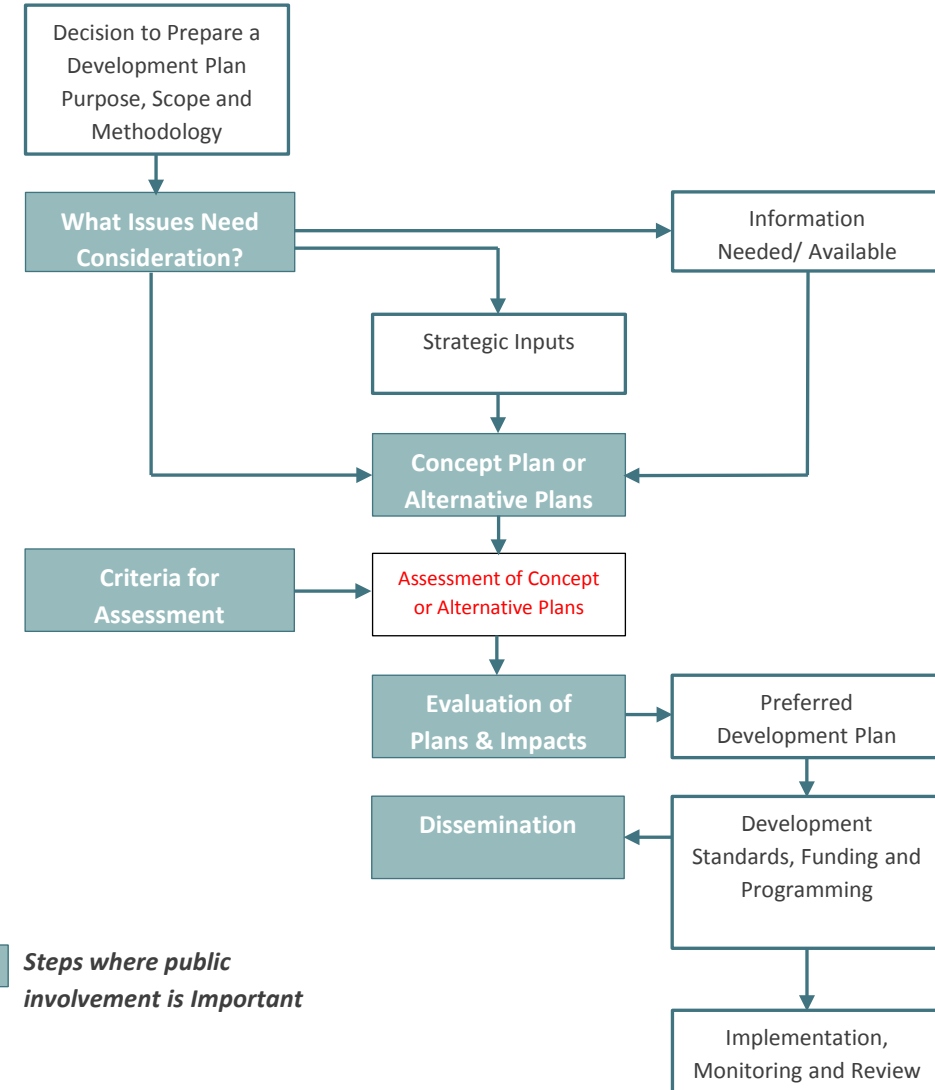
Indicative model of a strategic plan process (Source: AMCORD)



Steps where public involvement is Important

Development Planning

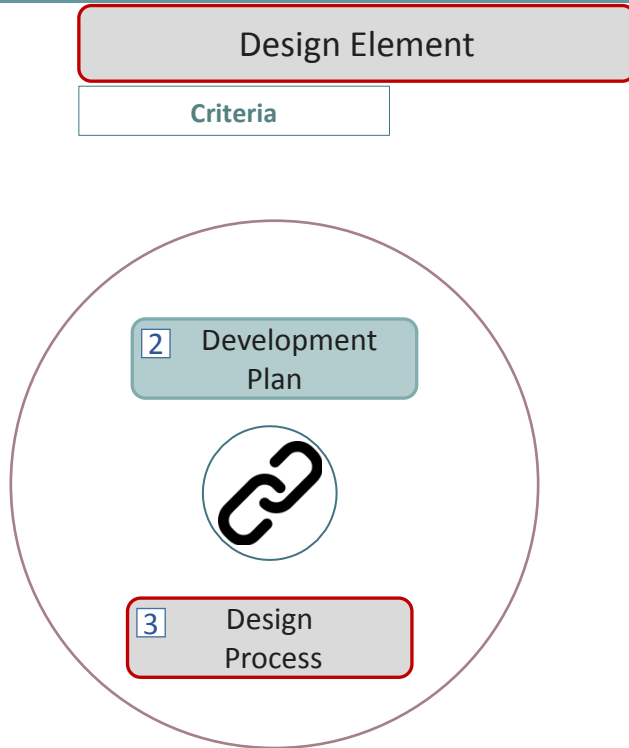
Indicative model of a development plan process (Source: AMCORD)



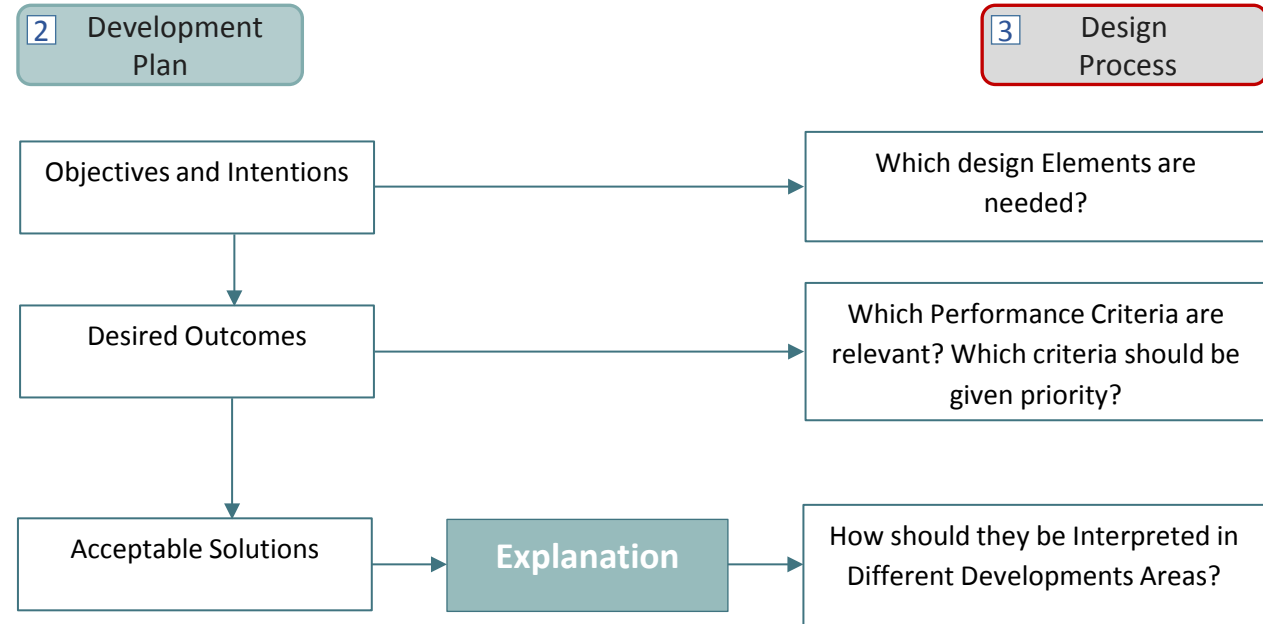
Steps where public involvement is Important



The Australian Model Code for Building Development AMCORD (1997)



Development planning provides the link with the Design Elements



Justification for design control derived from a development plan (Source: AMCORD)

Some Design Elements may apply in one but not another area

The desired outcomes for a particular development area will determine:

- Which Performance Criteria are relevant
- What are considered Acceptable Solutions for that development area



The Australian Model Code for Building
Development AMCORD (1997)

Design Element

Neighborhood Planning and Infrastructure

1. Neighborhood Planning and Movement Networks

- 1.1 Neighborhood Design
- 1.2 Integrated Movement Networks
- 1.3 Street Networks
- 1.4 Pedestrian and Cyclist Facilities
- 1.5 Public Transport
- 1.6 Public Open Space

2. Physical Infrastructure

- 2.1 Street Design and On-Street Car parking
- 2.2 Street Construction
- 2.3 Utilities

3. Storm water and Integrated Catchment Management

- 3.1 Storm Drainage
- 3.2 Water Quality Management
- 3.3 Storm water Harvesting

Streetscape, Site Planning and Design

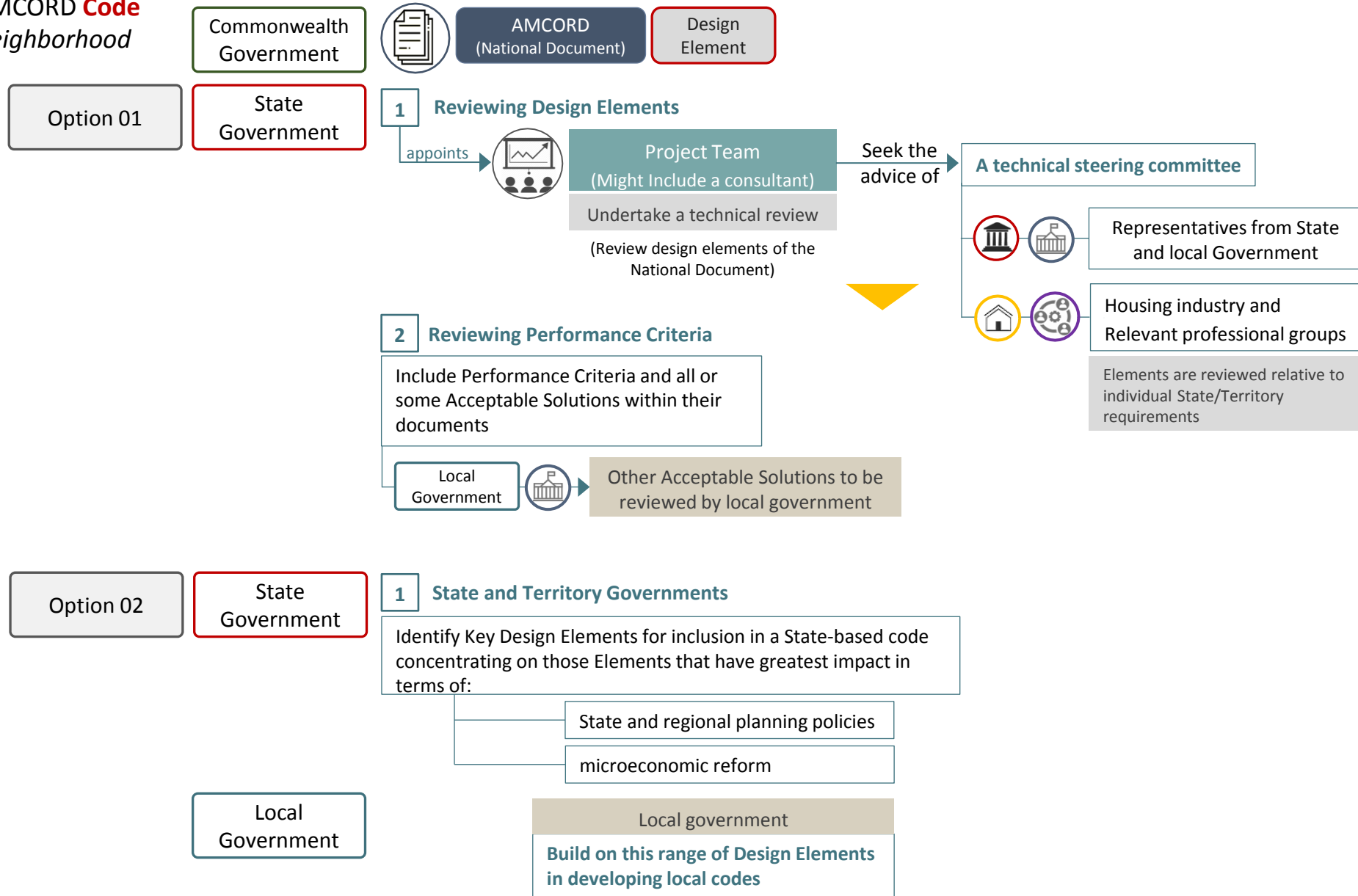
4. Streetscape and Neighborhood Character

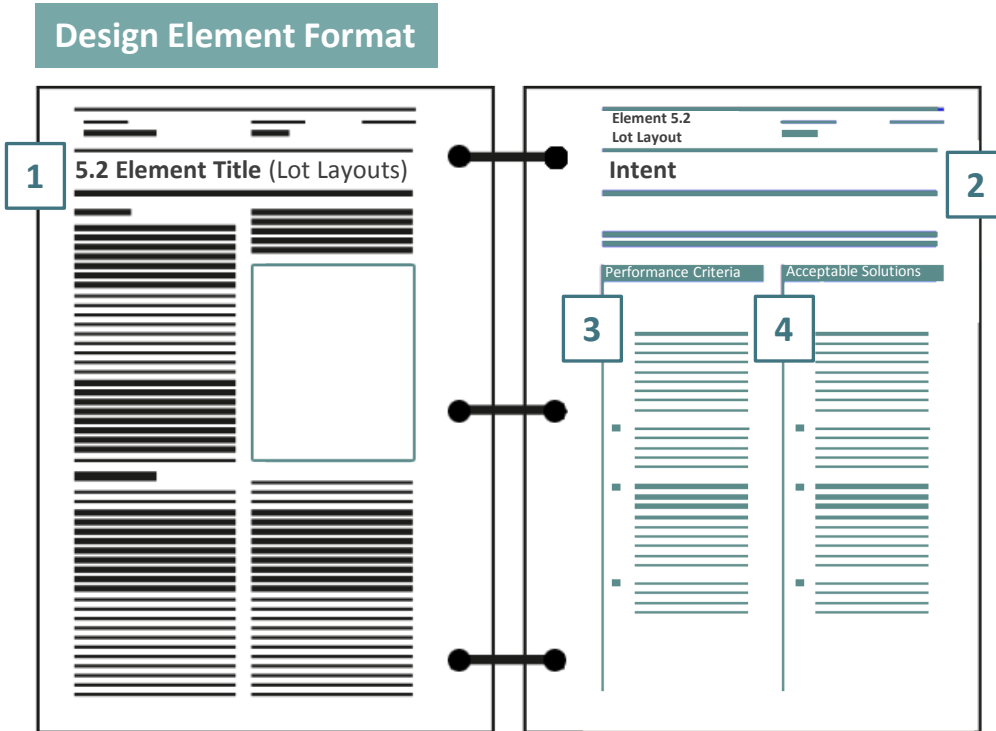
- 4.1 Streetscape and Landscape
- 4.2 Building Appearance and Neighborhood Character
- 4.3 Fences and Walls

5. Site Planning and Building Design

- 5.1 Site Planning
- 5.2 Lot Layout
- 5.3 Street Setbacks
- 5.4 Building Envelope
- 5.5 Privacy
- 5.6 On-Site Car parking and Access
- 5.7 Private Open Space
- 5.8 Communal Open Space and Landscaping
- 5.9 Safety and Security
- 5.10 Design for Climate
- 5.11 Dwelling Entry and Interior
- 5.12 Site Facilities
- 5.13 Housing on Traffic Routes
- 5.14 Bushfire Protection

Adopting/ Adapting AMCORD **Code**
to a *state/ territory/ neighborhood*





Layout of typical page for an Element
 (Source: adapted from AMCORD, 1997, page 98)

1 Element Title

Explanation and Illustrations

Provides background information and explanatory evidence for the requirements of each Element.

- Clarifies principles and demonstrates 'best' practice.
- It is written as information rather than statutory purposes which supports the resource role of the document.
- Summarizes the justification of this need which in practice should be derived from local conditions (Rational the intent)

2 3 4 Model of the performance-based design code for each Element

2 Intent

- Outlines the aim of the Design Element and
- Reflects identified planning and policy requirements

3 Performance Criteria

- General statements of the means of achieving the Intent
- **Provide designers and developers with an opportunity to develop a variety of design responses**
- Not all Performance Criteria will be applicable to every development. In submitting a proposal for approval, the designer and developer must indicate those criteria not relevant to their particular development

4 Acceptable Solutions

- Provided as examples of what may enable the achievement of the Performance Criteria
- Should not be interpreted as an alternative prescriptive form of regulation nor should they preclude other solutions

The Intent reflects a need which has been identified through a:

- strategic plan,
- a development plan,
- or State or regional policies.

1

Element 5.1 Site Planning

Site Planning Objectives

As outlined in Section 2.4, successful site planning stems from thorough analysis of the site and its development context. Design skills are then required to balance factors affecting site layout.

To achieve a pleasant and attractive living environment for residents and their neighbours, site planning should ensure that a development:

- is compatible with the desired character of the locality, and considers the amenity of neighbours;
- takes advantage of the site's best attributes;
- satisfies reasonable privacy, security and other user needs;
- makes good use of outdoor space;
- is environmentally sensitive;
- is attractive and functions effectively.

Defining a Site

A site may be defined in one of two ways:

- as a **parent site**, ie encompassing the entire area of of land proposed for development;
- as a **dwelling site**, ie the area of land set aside for the exclusive use of a dwelling.

Where a distinction is not made between the two, then the criteria should be regarded as applying to both.

Layout Issues

The arrangement of buildings and spaces on a site will have an important influence on the quality of the residential environment. Key components to be considered include:

- the building 'footprint' or site development plan;
- private open space (eg rear garden or courtyard);
- semi-public open space (eg front garden or setting for the dwellings);
- communal open space;

Element 5.1 Site Planning

2

Intent

- Outlines the aim of the Design Element and
- Reflects identified planning and policy requirements

To achieve a coherent site layout that provides a pleasant, attractive, manageable, resource-efficient and sustainable living environment.

3

Performance Criteria

The intent may be achieved where:

Site layout

- P1** The site layout integrates with the surrounding environment through:
- adequate pedestrian, cycle and vehicle links to street and open space networks;
 - buildings facing streets and public open spaces;
 - building, streetscape and landscape design relating to the site topography and to the surrounding neighborhood character or desired future urban character;
 - the preservation or creation of habitat corridors and the protection of natural creek lines

4

Acceptable Solutions

Provided as examples of what may enable the achievement of the Performance Criteria

The Acceptable Solutions illustrate ONE WAY of meeting the associated Performance Criteria:

Site layout

- A1** Submission of a Site Development Plan which demonstrates how the Performance Criteria are met, showing:
- adequate pedestrian, cycle and vehicle access is provided to connect into the neighborhood;
 - existing natural features (if any) have been maintained or enhanced where possible;
 - natural watercourses are retained and buffered by endemic vegetation;
 - living areas and private open space have a northerly aspect wherever possible;
 - buildings face streets and public open space with their entries visible;

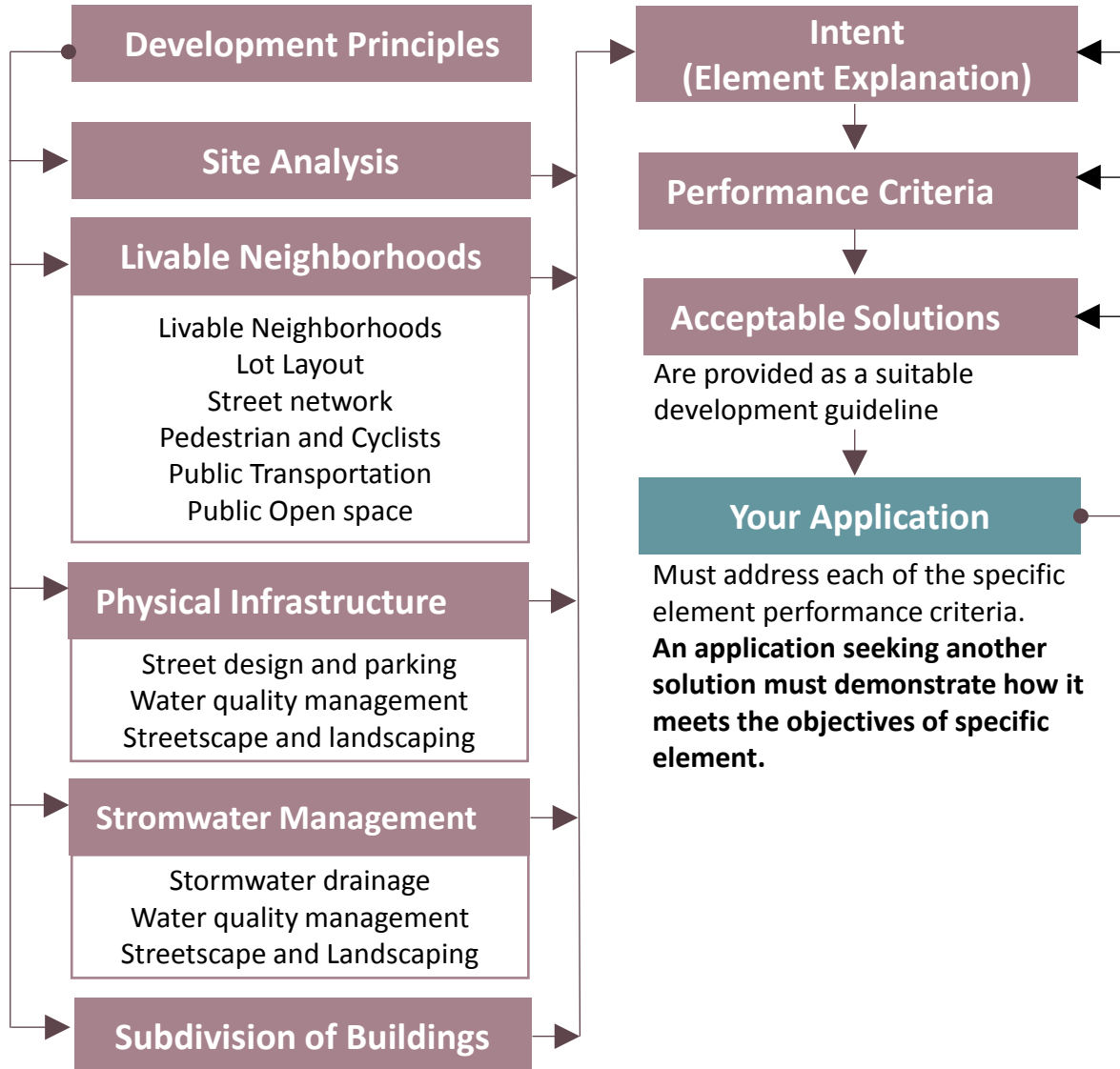
Provides background information
Clarify principles and demonstrate 'best' practice.

- Summarizes the justification of this need which in practice should be derived from local conditions (Rational of the intent)

- General statements of the means of achieving the Intent
- Provide designers and developers with an opportunity to develop a variety of design responses

Using the Performance Approach: Development Control Process and Design Format Example (Case of Lismore)

Lismore Development Control Plan – Part A (2015)



5 GENERAL PROVISIONS

5.1 ELEMENT - LIVEABLE NEIGHBOURHOODS

The design of neighbourhoods needs to ensure that sites are integrating with surrounding urban areas, creating distinctive, identifiable and relatively self-contained neighbourhoods, that promote social interaction, participation and a sense of community.

Neighbourhoods need to be safe, convenient and attractive that meets the diverse and changing needs of the community.

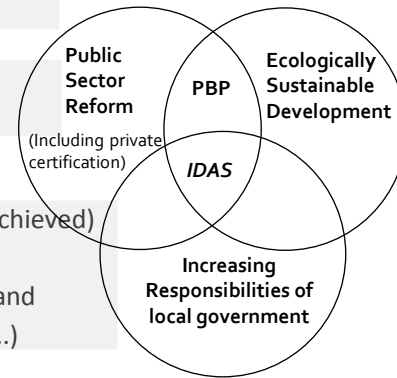
Relevant Planning Principles: 1, 2, 3, 4, 6, 7, 8, 9, 10

Performance Criteria	Acceptable Solutions
P1 Locate higher residential densities close to neighbourhood centres, the Lismore Central Business District, community facilities, public transport and open space.	A1 Figure 5 illustrates where to located higher residential densities.
P2 Reinforce walkable neighbourhoods by locating community, retail and commercial facilities within convenient walking distance of local residents.	A2 Locate at least 60% of local community facilities within an 800 metre radius from lots and open space within five minute walking time from lots. Figure 6 demonstrates how this is achieved.
P3 The layout gives the neighbourhood a sense of identity, and provides clear street and open-space networks.	A3 Figure 6 illustrates how to achieve clear street and open space networks.
P4 Street design contributes to slowing vehicles down and deterring through traffic, creating safe conditions for all road users.	No acceptable solutions.
P5 The design of streets and lots encourages walking, cycling and using public transport.	No acceptable solutions.
P6 The design of streets and lot layout is consistent with established Water Sensitive Urban Design (WSUD) principles.	A6 Subdivisions are in accordance with Chapter 22 – Water Sensitive design of the Lismore Development Control Plan.

Queensland Case Study: Planning Act (2016)

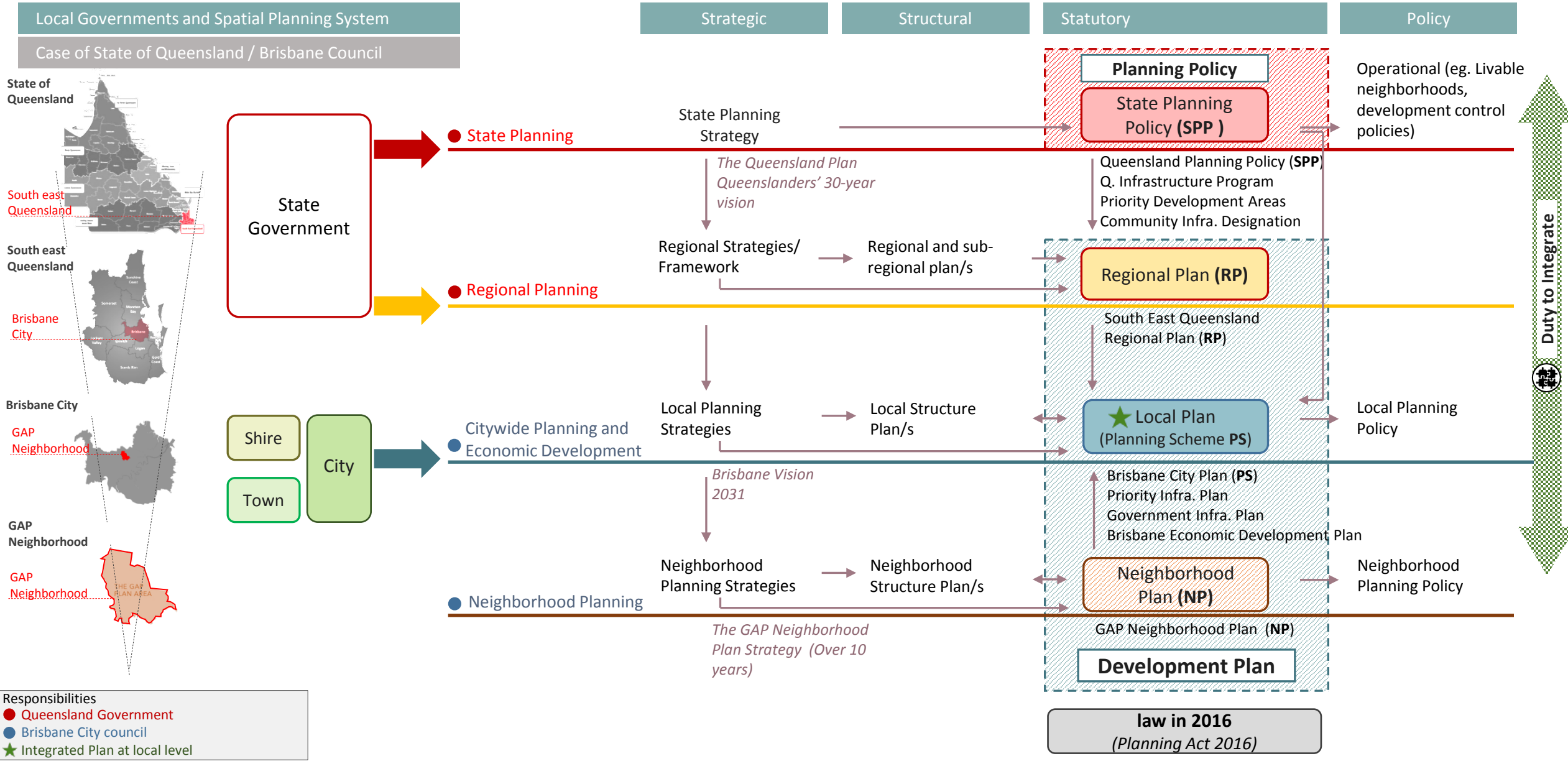
History of Planning regulation in Queensland

Before 1970	Conventional Approach Predominantly single use, exclusionary zones	Zones were accompanied by:
1970- 1980	Introduction of strategic plans and development control plans	<ul style="list-style-type: none"> • Intent statement • Table of development identifying: <ul style="list-style-type: none"> ○ as-of-right permissible ○ Prohibited development, ○ Set of land use definitions
1980-1990 (s)	Introduction of The Local Approvals Reform Program (LARP) <i>Concepts and drivers mentioned in this agendas continue to influence the present public policy</i>	<ul style="list-style-type: none"> ○ There was flexibility in the system. Specific development standards were not rigid ○ If development was identified as prohibited, applications could be made for rezoning ○ Queensland allowed for applicant-led rezoning.
1990	Local Government Planning and Environment Act (LGPEA) Aim was to facilitate orderly development and the protection of the environment	<ul style="list-style-type: none"> ○ It was characterized by the Integration of processes and efficiency in the approvals system ○ It Focused on: Ecologically sustainable development (Concerns on Coming generations)
1997	The Australian Mode Code for Building Development (AMCORD) Emerging of flexible approach to planning (Performance based planning)	<ul style="list-style-type: none"> ○ The Act maintained the system of zoning ○ It increased the use of ministerial rezoning and use of special facilities zone
1997	Integrating Planning Act (IPA) The legislation does not mention or define based planning. It changed the narrative by using (outcome, codes and impacts)	<p>It focused on the substantive matters to be addressed (without specifying in detail how that will be achieved)</p> <ul style="list-style-type: none"> ○ AMCORD presented the Performance based format (Performance based Code) ○ AMCORD specified the scope of Strategic Planning (housing needs, services, Infrastructure,...) and Development Planning (Urban character, environment care, development standards, funding...) ○ Two issues underpinned IPA: Integration and Performance based planning ○ It enhanced flexibility and focused on the outcomes expected of planning scheme rather than form or process.
2009	Sustainable Planning Act (SPA) Achieve ecological Sustainability <i>P.S: Did not alter the performance based features in the legislation The new planning bill did not change the fundamentals</i>	<ul style="list-style-type: none"> 1- The Act modified the prohibition on prohibitions only to the extent that development identified by the state could be prohibited, 2- The Act changed the desired environmental outcomes to strategic outcomes ○ The Act enforced PB formats of codes and imposed new set of interpretation rules
2016	Planning Act (PA) Achieve Ecological Sustainability	



Notes:
 PBP: Performance-based planning
 IDAS: Integrated Development Assessment System
 Integrated Planning Act 1997(IPA)- Key drivers of reform (Source: Adopted from Steele, 2009, p.134)

Introducing Queensland Planning Provision (QPP)

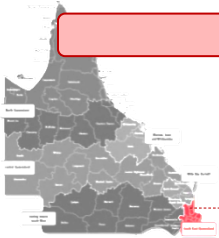


Queensland Case Study: Strategic Plans across Levels (State, City, Neighborhood)

Planning Act (2016)

State Government

Local Governments



GAP Neighborhood



- Education** Building life skills and inspiring bright minds
- Community** Making connections
- Regions** Building thriving communities
- Economy** Forgiving and prosperity
- Health and wellbeing** Being healthy and active
- Environment** Achieving balance
- People** Creating opportunities for everyone
- Infrastructure** Being connected
- Governance** Balancing interests

Vision: In 30 years Queensland will be home to **vibrant** and **prosperous** communities

Our state will be **well planned** with the right infrastructure in the right places, to support a population that has grown across every region. We will **value education** as a lifelong pursuit where we gain practical skills, enrich our lives, find secure jobs and improve the competitiveness of our economy. Our **brightest minds** will take on the world and we will work collaboratively to achieve the best results for Queensland.

We will be the **greatest state** in which to live, work and play, and guardian of a sustainable **natural environment** that inspires an active lifestyle and supports healthy communities. We will have a **community spirit** that embraces our diversity and unique culture and gives everyone the opportunity to shine. We will not leave anybody behind.

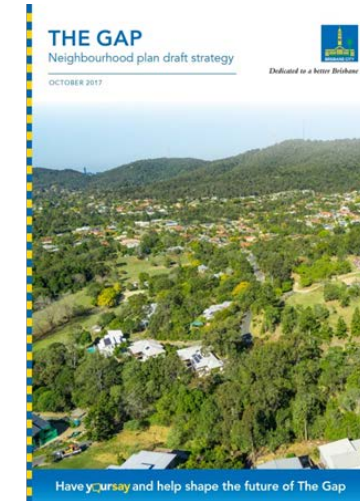
Government can't do this alone but as a community **working together** we can achieve everything we want for our state's future.



- Our accessible, connected city**
- Our active, healthy city**
- Our clean, green city**
- Our friendly, safe city**
- Our New World City**
- Our smart, prosperous city**
- Our vibrant, creative city**
- Our well-designed, subtropical city**

VISION: Brisbane will continue to be a safe, vibrant, green and prosperous city. A city valued by all for its friendly, energetic and optimistic character and subtropical outdoor lifestyle.

Brisbane will be respected for its strong international relationships, particularly with our Asian neighbours, for its boundless innovation and growing economic prosperity.



- Housing for all**
- Centers for village life**
- Green and leafy spaces**
- Community connections**

VISION: The Gap is a family-friendly, safe community framed by steep foothills of native dry eucalypt woodland, connected with dry rainforest ecological corridors along Enoggera and Fish creeks. Our inclusive community is strongly connected with the rich local history as well as the accessible recreation and natural greenspaces, all of which contribute to the essence of the area.

Generations of residents call The Gap home and housing is of a low-density and low rise scale and style, providing choices for young adults, singles, families and older members of the community. Local shops provide for the needs of all members of the community and act as social meeting places. Our centres are well connected by walking and cycling pathways and frequent public transport services to central Brisbane and other destinations.

Queensland Planning System

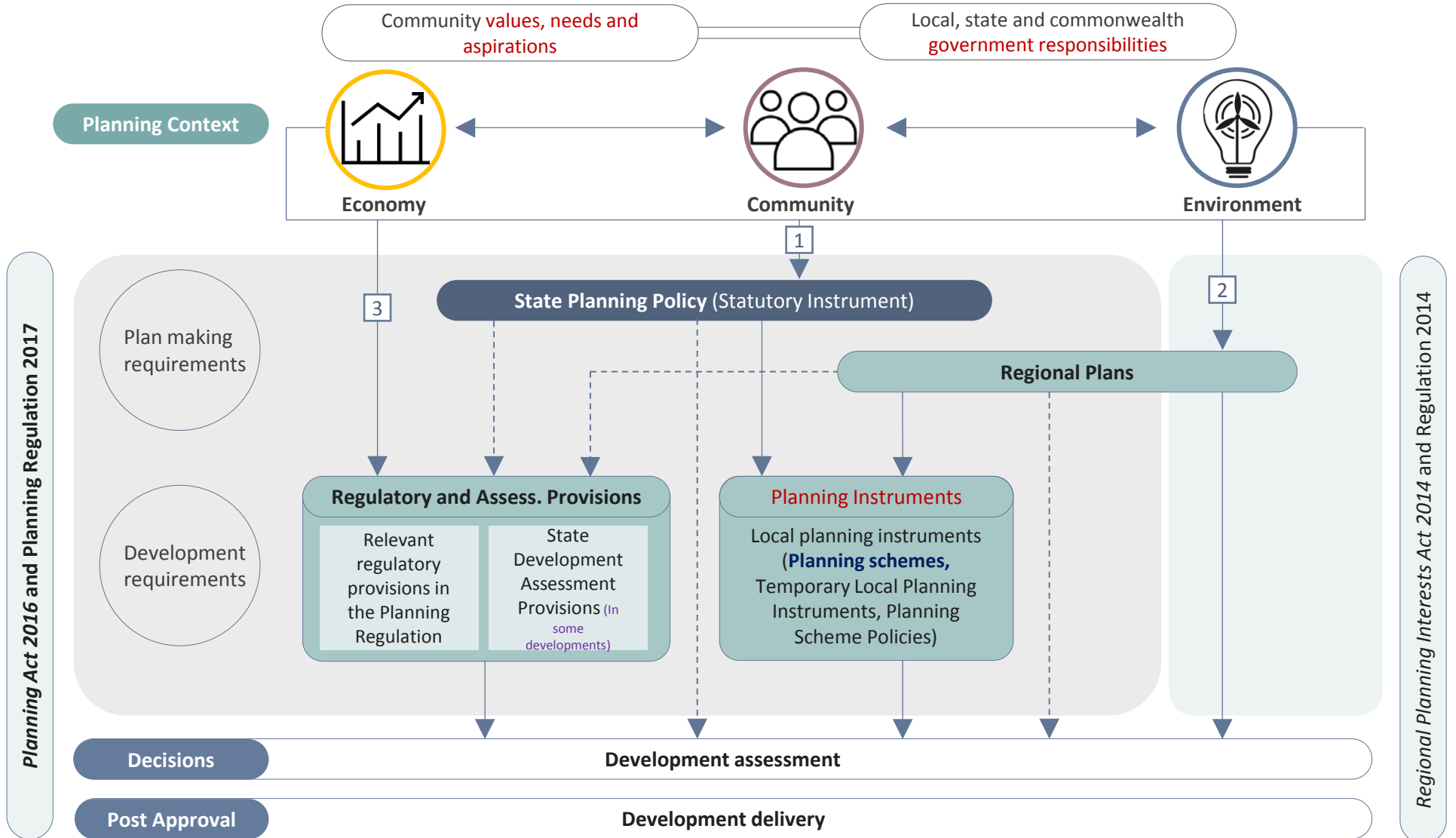
Queensland Spatial Planning System

The figure illustrates the relationship between various planning tools in the Queensland planning system and the context in which planning and development decisions are made

The Q. Government is committed to delivering a better planning system that enables responsible development and delivers prosperity, sustainability and livability

The key areas in which the government focus its efforts are:

1. Enabling better **strategic outcomes** and high quality development outcomes
2. Ensuring effective **public participation** in the planning framework
3. creating an open, transparent and **accountable planning system**
4. Creating legislation that has a **practical structure** and clearly expresses how land use planning and development assessment will be done in Queensland
5. **Supporting local governments** to adapt and adopt the changes.



—▶ Directly informs to the extent relevant

- - -▶ Must apply to the extent relevant

The planning framework

1 Legislation

Planning Act 2016

Planning & Environment Court Act

Planning & other Legislation Amendment Act

2 Regulation

Planning Regulation 2017

3 State planning instruments

State Planning Policy (SPP)

Regional Plans (RP)

SPP *Regional Plans*

4 Local planning instruments

Planning Schemes (PS)

Temporary Local Planning Instruments (TLPI)

Planning Scheme Policies (PSP)

SPP *Regional Plans*

5 Statutory instruments

Minister's Guidelines & Rules

Development Assessment Rules

State Development Assessment

DA *SDA*

Dispute Resolution

Key Elements of Planning

Plan Making (3+4)

Development Assessment (5)

Planning Framework: Who and What

There are a range of tools under the Planning Act 2016 to support different aspects of the system



LEGISLATION

sets the key planning rules and establishes the framework of planning instruments that support the operation of the plan-making, development assessment and dispute resolution systems

WHO

- › Queensland Government

WHAT

- › *Planning Act 2016*
- › *Planning and Environment Court Act 2016*
- › *Planning Regulation 2017*



STATE PLANNING INSTRUMENTS

set out state and regional planning interests for growth management across Queensland

WHO

- › Queensland Government

WHAT

- › State Planning Policy
- › Regional Plans



STATUTORY INSTRUMENTS

ensure the plan-making and development assessment systems are consistent

WHO

- › Queensland Government

WHAT

- › Minister's Guidelines and Rules
- › Development Assessment Rules
- › State Development Assessment Provisions



LOCAL PLANNING INSTRUMENTS

guide growth and development in each local government area

WHO

- › Local governments
- › Approved by the Queensland Government

WHAT

- › Local planning schemes
- › Local Government Infrastructure Plans
- › Temporary Local Planning Instruments
- › Planning scheme policies

The planning framework

1 Legislation

Planning Act 2016

Planning & Environment Court Act

Planning & other Legislation Amendment Act

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DA SDA

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Development Assessment (5)

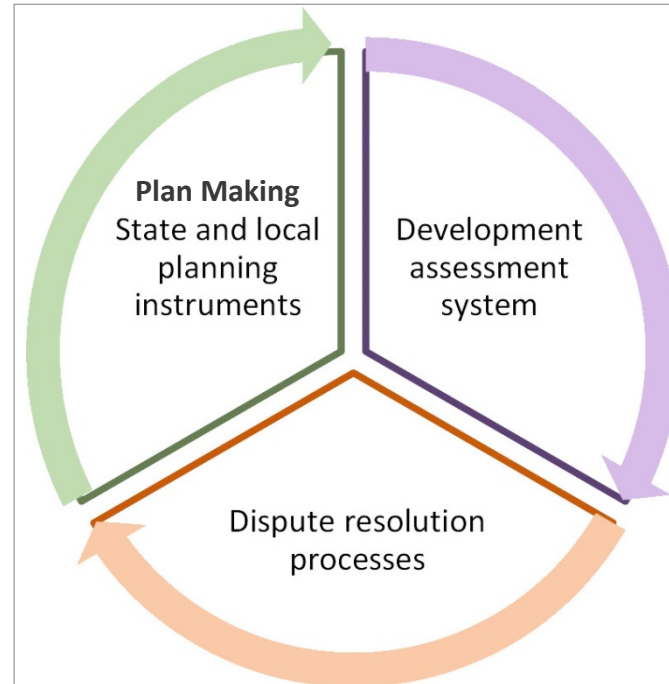
Plan-making instruments

Key Elements of Planning Act 2016

Procedural

State Planning Policy (SPP)

Substantive



1 Plan-making

The plans that set out what development goes where, and how it will be assessed.

What planning matters must be protected for future generations

2 Development Assessment

What is development, how applications should be 'made', 'assessed' and who will make the decision.

The planning scheme guides what development happens in a local area

3 Dispute resolution

Supporting court and tribunal to guide disputes, when they arise

The **State Planning Policy (SPP)** expresses the state's interests in land use planning and development

The State Planning Policy:

- requires that state interest are integrated in local planning instruments, regional plans and development decisions.
- Describes categories of development and assessment; how to make, change, assess and decide development applications

The planning framework

1 Legislation

Planning Act 2016

Planning & Environment Court Act

Planning & other Legislation Amendment Act

2 Regulation

Planning Regulation 2017

3 State planning instruments

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Dispute Resolution

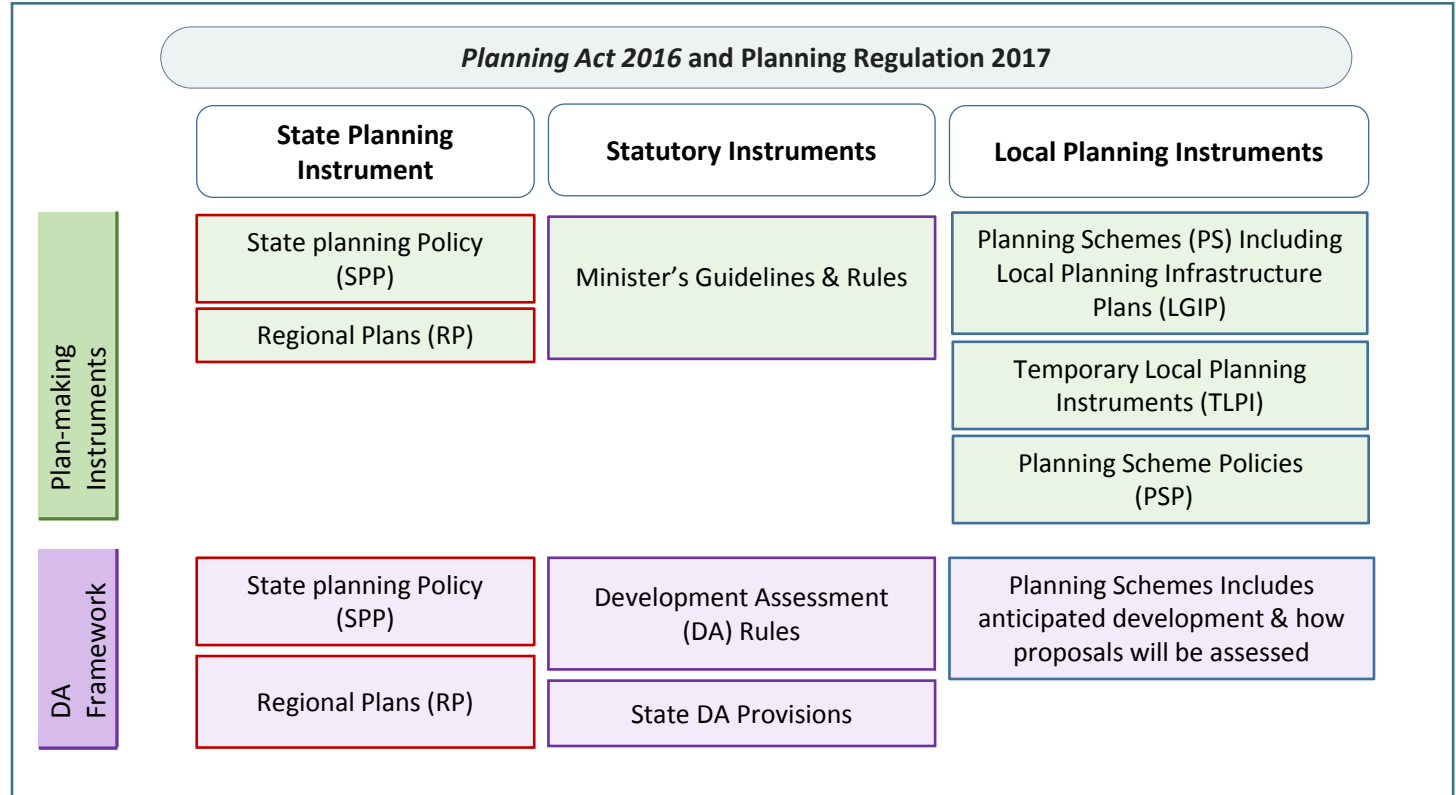
Key Elements of Planning






Plan Making (3+4)

Development Assessment (5)

Plan-making instruments + Development Assessment (DA) Framework

Planning Act 2016 and Planning Regulation 2017



	 <i>State</i>	 <i>Local Council</i>	 <i>Community</i>	 <i>Developers</i>
Plan - making	Sets out (1) which planning matters to be integrated in schemes, and (2) the mandatory processes around making or changing plans	Create the local planning tools, which consider state policy and local circumstances	Get involved in the planning process so local plans meet their expectations	
DA Framework	Sets out what is development and who are the assessment managers. Assesses development applications where a state planning matter has been 'triggered'	Outlines how it will assess development in the local planning scheme. Decides on the majority of development applications lodged in their area	Make a submission against impact assessable development applications. Can appeal a decision in court (if a properly made submission was made).	Makes the applications using the state's DA forms. Conduct public consultation on their proposals (impact assessable)

The planning framework

1 Legislation

Planning Act 2016

Planning & Environment Court Act

Planning & other Legislation Amendment Act

2 Regulation

Planning Regulation 2017

3 State planning instruments

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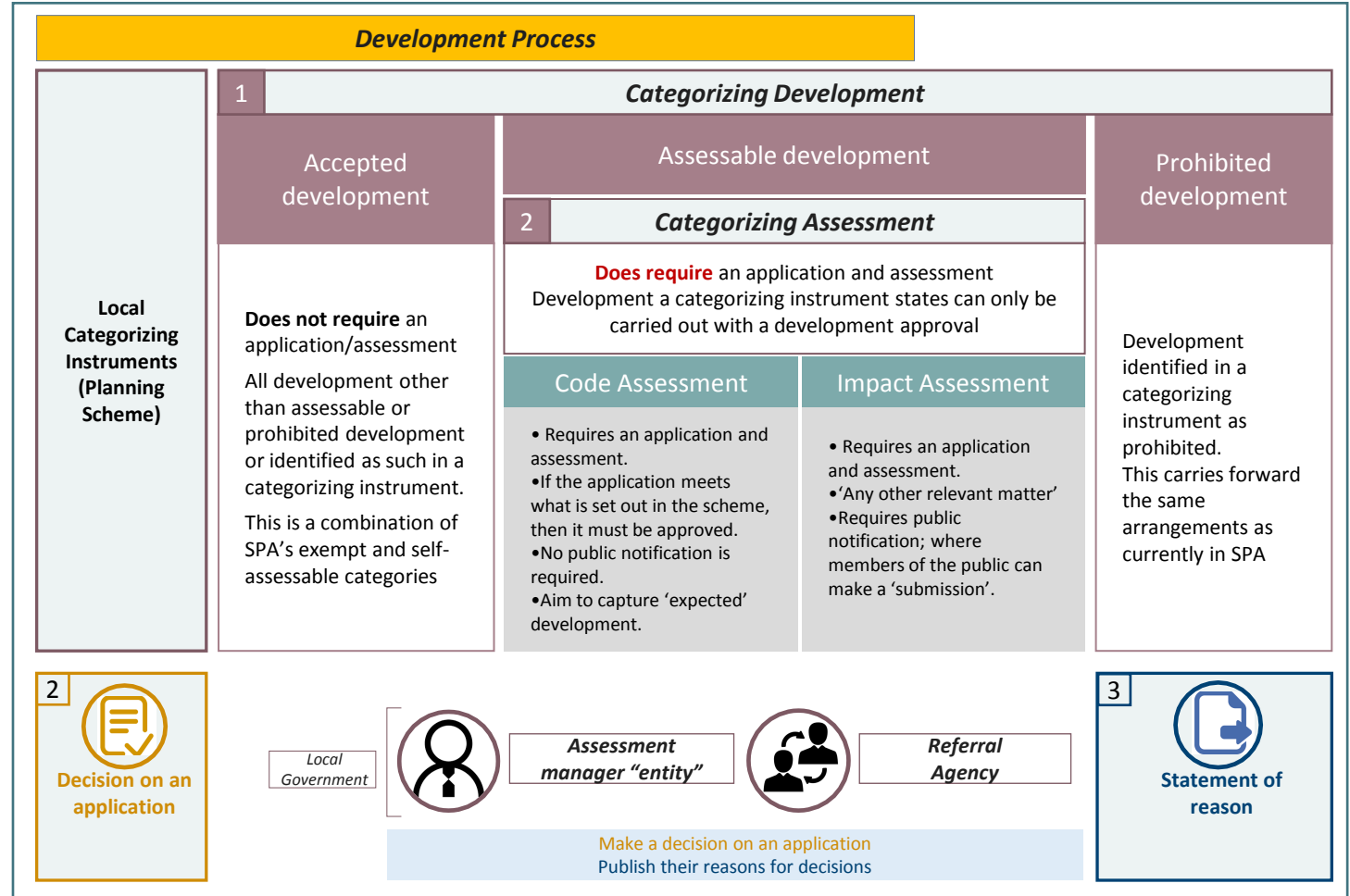
Dispute Resolution

Key Elements of Planning

Plan Making (3+4)

Development Assessment (5)

Development Assessment (DA) Process



The planning framework

1 Legislation

Planning Act 2016
 Planning & Environment Court Act
Planning & other Legislation Amendment Act

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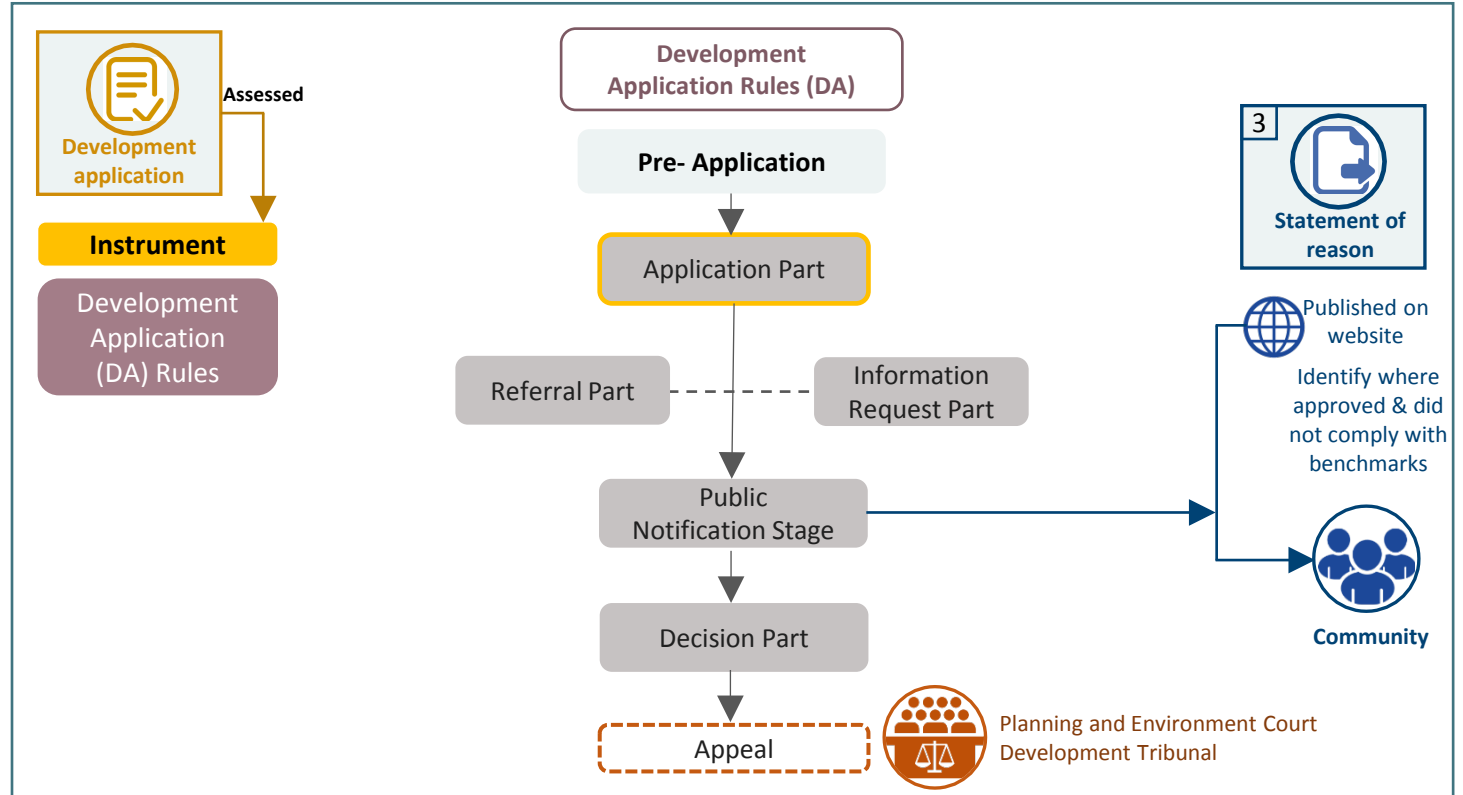
Dispute Resolution

Key Elements of Planning

Plan Making (3+4)

Development Assessment (5)

Development Application Process



Legend

- Parts contained in the DA Rules
- Parts are not contained in the DA Rules



- Formal avenues to resolve and manage disputes
 - Planning and Environment Court
 - Development Tribunal

Note

- Not all parts apply to every development application.
- Not all of the actions within each part may apply. The department created a DA Rules process generator to find out which parts apply to each (your) development

Development Assessment Framework: Design layout of public notices to be placed on the premises

The planning framework

1 Legislation

Planning Act 2016

Planning & Environment Court Act

Planning & other Legislation Amendment Act

2 Regulation

Planning Regulation 2017

3 State planning instruments

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DA *SDA*

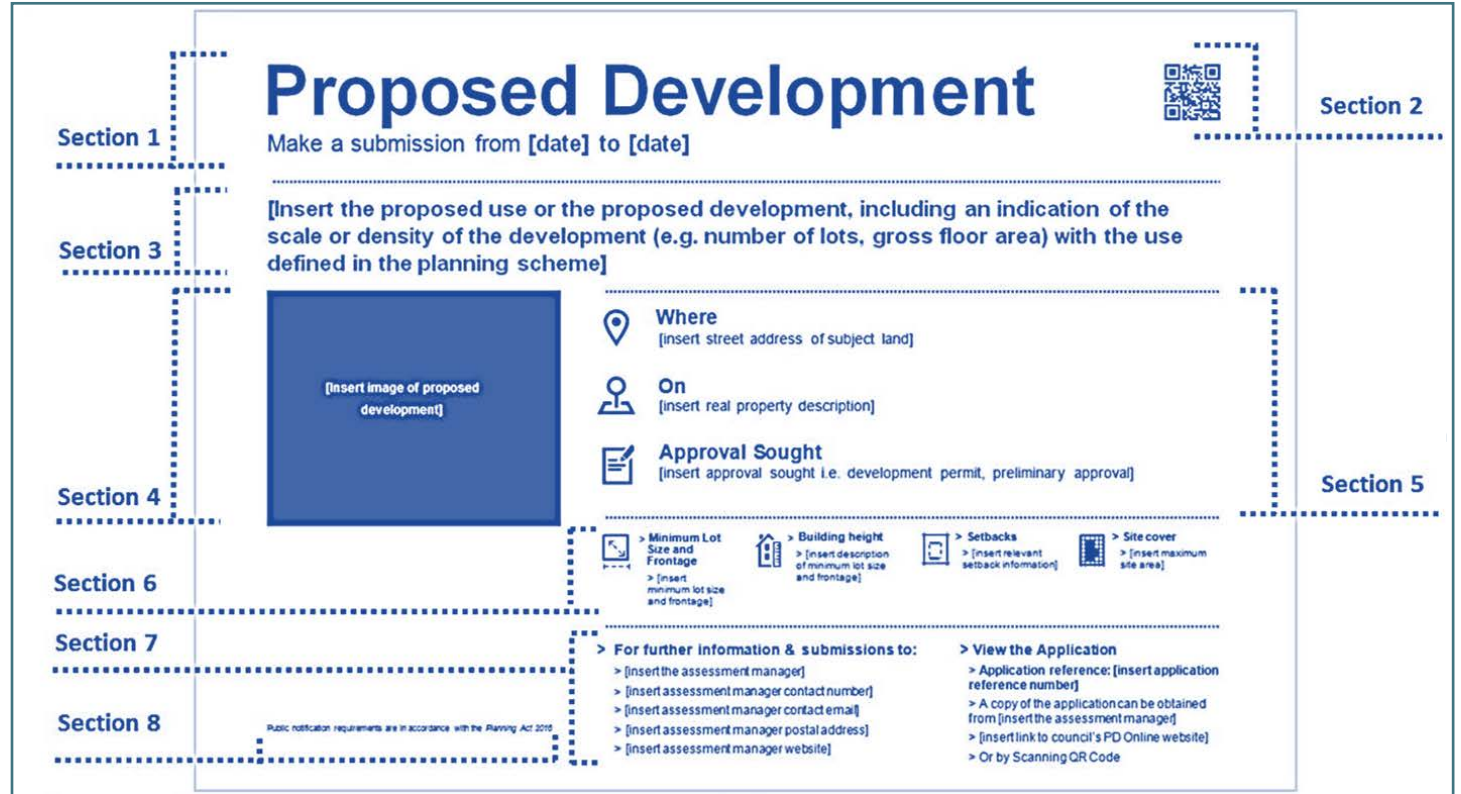
Dispute Resolution

Key Elements of Planning

Plan Making (3+4)

Development Assessment (5)

Design Layout of the public notice



Legend

- Parts contained in the DA Rules
- Parts are not contained in the DA Rules



Formal avenues to resolve and manage disputes

- Planning and Environment Court
- Development Tribunal

Note

- Not all parts apply to every development application.
- Not all of the actions within each part may apply. The department created a DA Rules process generator to find out which parts apply to each (your) development

The planning framework

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Minister's Guidelines & Rules

Development Assessment Rules

State Development Assessment

DA *SDA*

Dispute Resolution

Key Elements of Planning

Plan Making (3+4)

Development Assessment (5)

Brisbane City Plan Structure (Planning Scheme)

Hide Menu
Print section

Expand all

- Citation and commencement
- Part 1 About the planning scheme
- Part 2 State planning provisions
- ▼ Part 3 Strategic framework
 - 3.1 Preliminary
 - 3.2 Strategic intent
 - 3.3 Theme 1
 - 3.4 Theme 2
 - 3.5 Theme 3
 - 3.6 Theme 4
 - 3.7 Theme 5
- ▶ Part 4 Local government infrastructure plan
- ▶ Part 5 Tables of assessment
- ▶ Part 6 Zones
- ▶ Part 7 Neighbourhood plans
- ▼ Part 8 Overlays
 - 8.1 Preliminary
 - ▼ 8.2 Overlay codes
 - Active frontages in residential zones overlay code
 - Airport environs overlay code
 - Bicycle network overlay code
 - Biodiversity areas overlay code
 - Bushfire overlay code

[Part 2 State planning provisions](#)

Part 2 State planning provisions

2.1 State planning policy

At the time of commencement of the planning scheme the Minister had identified that the state planning policy was integrated in the planning scheme.

Editor's note—In accordance with section (8)(4)(a) of [the Act](#), the State Planning Policy applies to the extent of any inconsistency.

Editor's note—State mapping layers are identified on the [State Planning Policy Interactive Mapping System](#) and contain layers that must be appropriately integrated in the planning scheme, layers that must be appropriately integrated in the planning scheme and can be locally refined, and layers that are provided for information purposes only. Where State mapping layers that must be appropriately integrated and not locally refined are reflected as layers in Council's interactive mapping system, for example as overlays, periodic amendment to the planning scheme will be required to ensure the planning scheme reflects the most up to date State mapping layer.

2.2 Regional plan

At the time of commencement of the planning scheme the Minister had identified that the planning scheme, specifically the strategic framework, appropriately advances the [SEQ Regional Plan](#) as it applies in the planning scheme area.

2.3 Referral agency delegations

Schedule 10 of [the Regulation](#) identifies referral agencies for certain aspects of development. The following referral agencies have delegated the following referral agency jurisdictions to Brisbane City Council.

Table 2.3.1—Delegated referral agency jurisdictions

Application involving	Referral agency and type	Referral jurisdiction

Purpose and overall outcome	
<input checked="" type="checkbox"/> Complies with purpose and overall outcomes= Complies with code	
<input checked="" type="checkbox"/> Does not comply= Conflict with code+ have regard to strategic plan	
Performance outcome	Acceptable outcome
<input checked="" type="checkbox"/> Does not meet PO= Assess against purpose and OOs	<input checked="" type="checkbox"/> Does not meet AO (or not AO) = Assess against PO
<input checked="" type="checkbox"/> Meet PO	<input checked="" type="checkbox"/> Does not meet AO (or not AO) = Assess against PO
<input checked="" type="checkbox"/> Meet PO	<input checked="" type="checkbox"/> Meets AO= Meets PO

Effect of QPP rules (Source: adapted from Roughan, 2016, page 10)

The planning framework

1 Legislation

Planning Act 2016

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Planning & other Legislation Amendment Act

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Development Assessment Rules

State Development Assessment

DA *SDA*

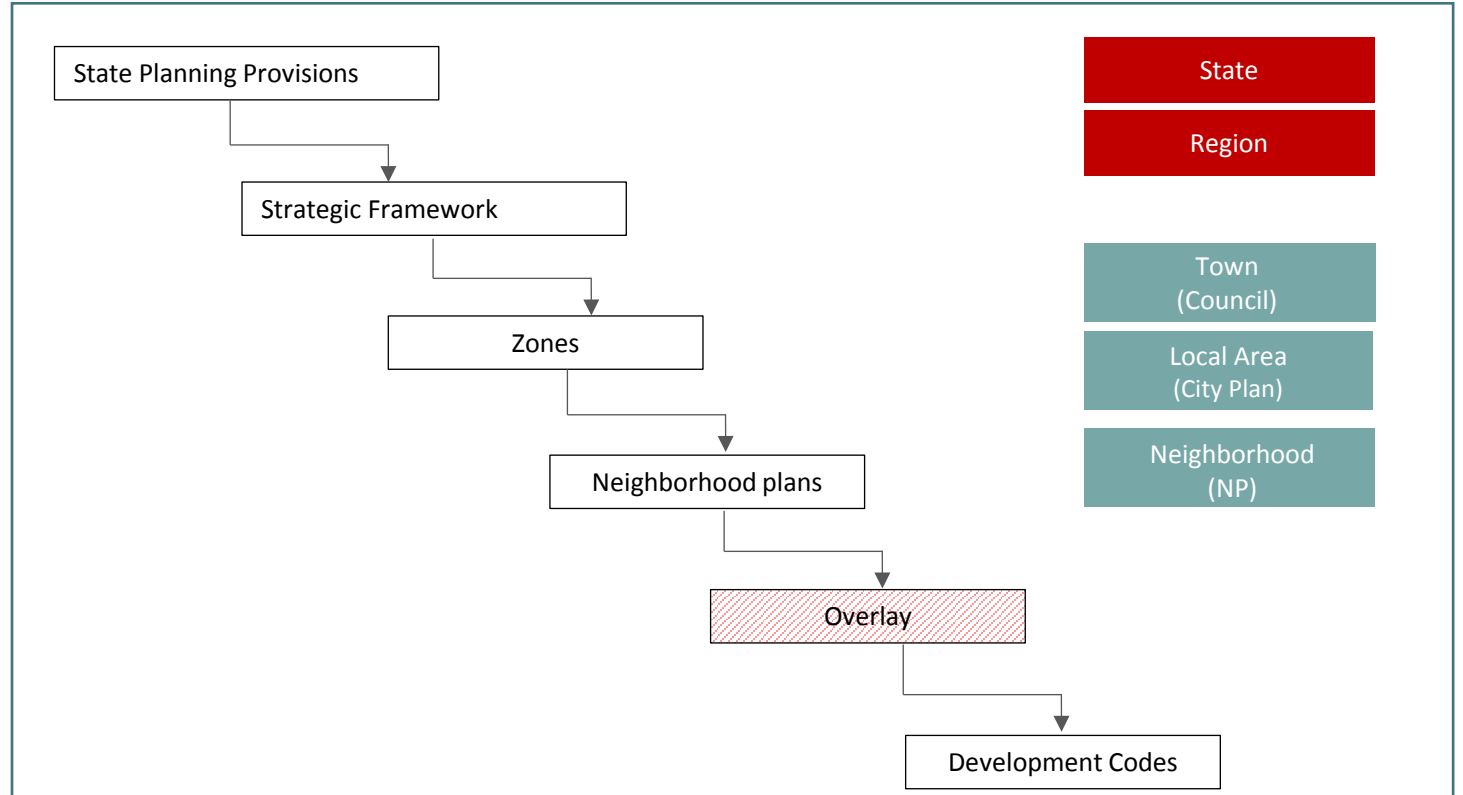
Dispute Resolution

Key Elements of Planning

Plan Making (3+4)

Development Assessment (5)

Planning Scheme Structure



Purpose and overall outcome

- Complies with purpose and overall outcomes= Complies with code
- Does not comply= Conflict with code+ have regard to strategic plan

Performance outcome

- Does not meet PO= Assess against purpose and OOs
- Meet PO
- Meet PO

Acceptable outcome

- Does not meet AO (or not AO) = Assess against PO
- Does not meet AO (or not AO) = Assess against PO
- Meets AO= Meets PO

Performance-based approach: Code Structure and effect of Queensland Planning Provisions (QPP) rules

(Source: adapted from Roughan, 2016, page 10)

The planning framework

1 Legislation

Planning Act 2016

Planning & Environment Court Act

Planning & other Legislation Amendment Act

2 Regulation

Planning Regulation 2017

3 State planning instruments

State Planning Policy (SPP)

Regional Plans (RP)

SPP Regional Plans

4 Local planning instruments

Planning Schemes (PS)

Temporary Local Planning Instruments (TLPI)

Planning Scheme Policies (PSP)

SPP Regional Plans

5 Statutory instruments

Minister's Guidelines & Rules

Development Assessment Rules

State Development Assessment

DA SDA

Dispute Resolution

Key Elements of Planning

Plan Making (3+4)

Development Assessment (5)

Planning Scheme Structure

Planning schemes setting out integrated State, regional and local planning and development assessment policies for all of a local government area. Each local government planning scheme needs to set out integrated state, regional and local planning and development assessment policies for an entire local government area. As such, Local government sets out planning scheme that most go in line with the integrated state through (an integrated state- sort of document that explains how the plan is integrated with the state interest) and set out regional and local development assessment . So state define sate interest that plan making

State Planning Provisions

Identifies how the regional plan and other state planning policies interact with the *Brisbane Planning Scheme*.

Strategic Framework

Sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development is carried out for the life of the planning scheme

Local government infrastructure plan

The purpose of the local government infrastructure plan is to:

- (a) integrate infrastructure planning with the land use planning identified in the planning scheme;
- (b) provide transparency regarding a local government's intentions for the provision of [trunk infrastructure](#);
- (c) enable a local government to estimate the cost of infrastructure provision to assist its long-term financial planning;
- (d) ensure that trunk infrastructure is planned and provided in an efficient and orderly manner;
- (e) provide a basis for the imposition of conditions about infrastructure on development approvals.

Table of Assessment

The tables in this part identify the categories of development, the category of assessment and the assessment benchmarks for assessable development within the planning scheme area.

Zones

Zones organize the planning scheme area in a way that facilitates the location of preferred or acceptable land uses.

Each zone code identifies the following:

- (a) the purpose of the code;
- (b) the overall outcomes that achieve the purpose of the code.

Neighborhood plans

Neighborhood plans address matters at the local or district level and may provide more detailed planning for the zones. The Assessment benchmarks for neighborhood plans are contained in a neighborhood plan code.

The planning framework

1 Legislation

Planning Act 2016

Planning & Environment Court Act

Planning & other Legislation Amendment Act

2 Regulation

Planning Regulation 2017

3 State planning instruments

State Planning Policy (SPP)

Regional Plans (RP)

SPP *Regional Plans*

4 Local planning instruments

Planning Schemes (PS)

Temporary Local Planning Instruments (TLPI)

Planning Scheme Policies (PSP)

SPP *Regional Plans*

5 Statutory instruments

Minister's Guidelines & Rules

Development Assessment Rules

State Development Assessment

DA *SDA*

Dispute Resolution

Key Elements of Planning

Plan Making (3+4)

Development Assessment (5)

Planning Scheme Structure

Overlay code

Overlays identify areas in the planning scheme that reflect state and local level interests and that have one or more of the following characteristics:

- there is a particular sensitivity to the effects of development;
- there is a constraint on land use or development outcomes
- there is the presence of valuable resources;
- there are particular opportunities for development.

Some overlays may be included for information purposes only. This should not result in a change to the category of development or assessment or any additional assessment benchmarks.

Assessment benchmarks for an overlay may be contained in one or more of the following:

- a map for an overlay;
- a code for an overlay;
- a zone code;
- a neighborhood plan code;
- a development code.

Development Codes

Zones organize the planning scheme area in a way that facilitates the location of preferred or acceptable land uses.

Each zone code identifies the following:

- (a) the purpose of the code;
- (b) the overall outcomes that achieve the purpose of the code.

Planning Act 2016				Brisbane city plan Structure (Example of an Integrated Plan)				
Chapter 01	Preliminary							
Chapter 02	Planning	State Planning Instruments	State Planning Policy					
			Regional Plan					
		Local Planning Instrument	Planning Scheme	Part 01	About the planning scheme (City Plan)			
			Temporary Local Planning Instrument					
			Planning Scheme Policies					
Chapter 03	Development assessment	Categories of Assessment		Part 02	State planning provisions	State Planning Policy Regional Plan Referral agency delegation		
		Development Application		Part 03	Strategic framework	Preliminary Strategic Intent		
		Development approvals		Part 04	Local Government Infrastructure plan	Preliminary Planning assumptions Population and economic growth Priority infrastructure area		
		Minister's powers						
Chapter 04	Infrastructure	Provisions for local governments						
Chapter 05	Offences & enforcement	Development Offenses		Part 05	Tables of assessment	Preliminary Reading the tables Categories of development and assessment Regulated categories of development and assessment prescribed by the Regulation Categories of development and assessment—Material change of use Categories of development and assessment—Reconfiguring a lot Categories of development and assessment—Building work Categories of development and assessment—Operational work Categories of development and assessment— Neighborhood plans Categories of development and assessment—Overlays		
		Enforcement notices						
		Offence proceedings in Magistrates Court						
		Enforcement orders in Planning Court						
		Inspectors						
Chapter 06	Dispute resolution	Appeal rights		Part 06	Zones	Preliminary Zone code		
		Appeal to tribunal		Part 07	Neighborhood plans	Preliminary Neighborhood plan codes		
		Appeals to the planning court						
		Development tribunal		Part 08	Overlays	Preliminary Overlay codes Active frontages in residential zone overlay code Airport environs overlay code Bicycle network overlay code Biodiversity areas overlay code		
Chapter 07	Miscellaneous	Existing uses and right protected				Part 09	Development codes	Statewide codes Use codes
		Taking or purchasing land for planning purposes				Part 10	Other plans	Development schemes for priority development areas South Bank Corporation Area Approved Development Plan Long term infrastructure plans
		Public access to documents						
	Urban encroachment							
Chapter 08	Transitional Provisions & Repeal	Appeal rights						

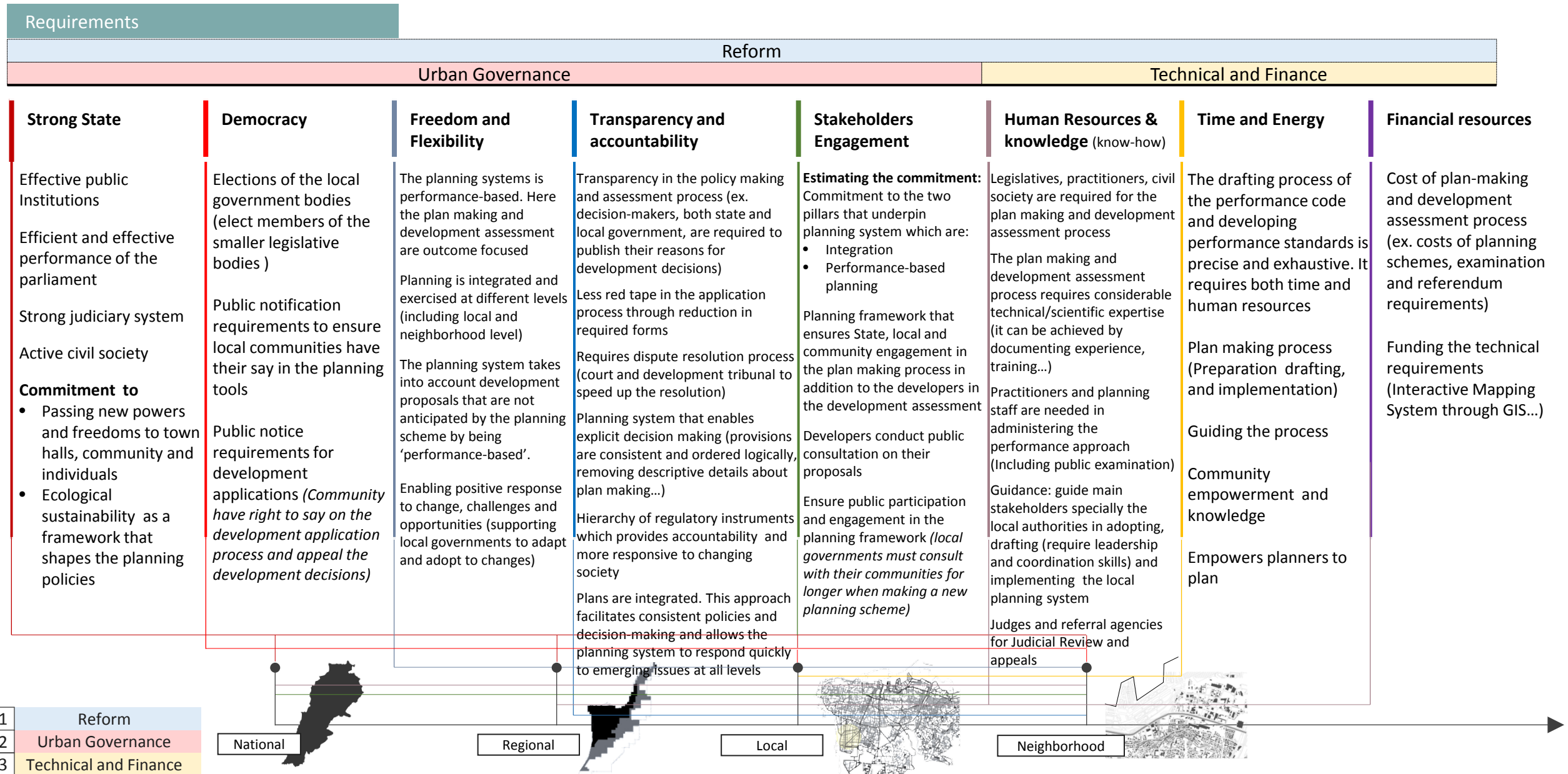
Relation between Planning Act , Planning Scheme of Brisbane city and Neighborhood plan

Queensland Case Study: Procedural and Substantive Aspects

Planning System		Procedural				
Ecological Sustainability	Plan-led	Neighborhood Strategic Plan (10-15)	Vision			
			Framework (Policy-led)	for addressing housing needs, economic, social and environmental priorities		
			Type of Policy	Discretionary (Guidelines)		
	Planning Scheme (20 years)		Develop. Assessment	Performance- based		
			Type	Code and Impact		
	Community-led at local level		Instrument-Making	Public notification		
			Plan-Making	Early Engagement/ Mid stage community engagement Consulting on the completed plan (public examination)		
	Integrated with State level		Development Assessment	Public notification		
	Community Planning tools		Neighborhood plan	Indicative plans	Structural Plans	Block (s) Lot
				Site allocations (Overlay)		
		State/ Community Led Development	Community Land Trust	Community Social Development Trust (sub fund of Quee. Community Foundation)		
Community Infrastructure Levy						
Urban Governance	National level		Regional Level	Local Level	Neighborhood level	
	Design review panel.					
Design Governance						
	Accepted building work Prescribed matters or aspects for local laws or local planning instruments					
Framework	Building Regulation	Safety				Smoke alarms for domestic dwellings, Combustible cladding
						Swimming pool safety
		Competent persons		Cadet building certifiers	General provisions about certificates	

Substantive		Neighborhood Planning	
Criteria	Planning Issues	QUALITY APPROVED	+
Qualitative criteria	Inclusivity and equality	Housing	Housing for all strategy <ul style="list-style-type: none"> Densities (Allocation guideline) Housing diversity (affordable housing strategy) Housing design (Quality design guidelines for all homes)
		Local Business (village life)	Local centers and retail strategy (Guideline based) <ul style="list-style-type: none"> mix use roadmap diversity (low and medium enterprises strategy) expansion/ growth guidelines
	Livability		Employment (envision local economy and growth)
			enclosure and definition of streets and spaces
			ease of movement for pedestrians (permeability and connectivity)
			distinctive features like terraces, landmark buildings or parks
			use of key spaces and the public realm, including social and economic activities
			mix of uses in the area
			Building design: form, scale, massing (bulk), and height of buildings
			Neighborhood Character (Urban design)
Quantitative Aesthetic			
Qualitative and Quantitative criteria	Environment	Historic environments	
		Green and leafy spaces	
		Natural Hazards	
	Mobility and Infrastructure	Community services	
		Community connections (Transport)	
	Non-planning matters		

Queensland Case Study: Key Issues and Requirements for Adoption



- 1 Reform
- 2 Urban Governance
- 3 Technical and Finance

C. Local Plans Case Studies “Importing Plans; Exporting People”

1. Revisiting Beirut’s Local Plans: Three Periods; Three Scales

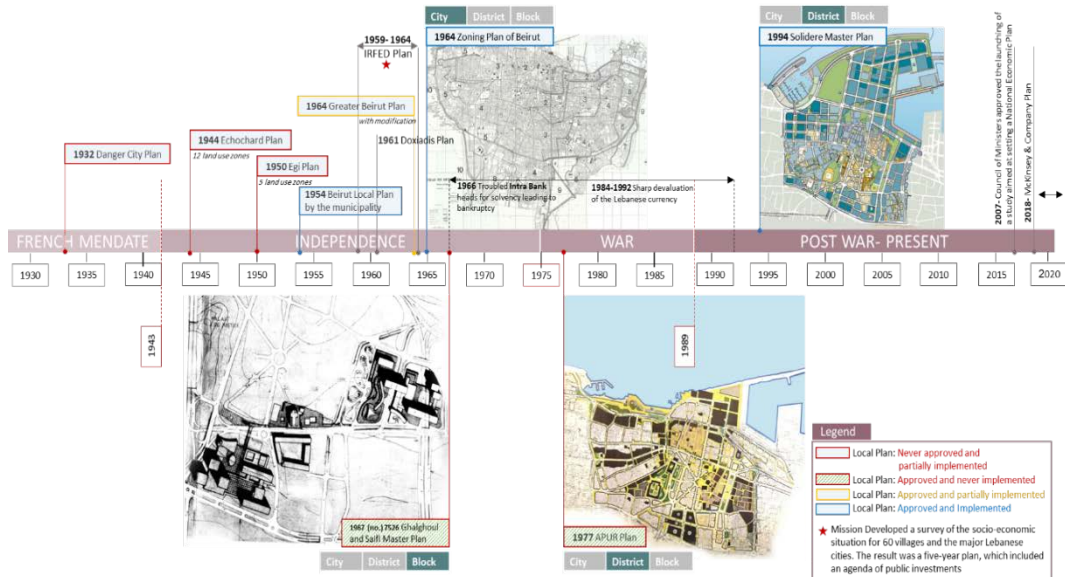


Figure 46 Time line of the main Beirut local plans produced at different scales and periods of time (Source: Author)

This section covers local case studies of city-scale spatial planning from Beirut, each historically placed at key political national periods (the Pre-War Period, the Lebanese Civil War and the Post-War Era) under the title “Importing Plans, Exporting People” (Figure 46). The case studies show that the critical problem and challenge that confront planning in the city of Beirut is the dilemma of positioning the city of Beirut at the regional level and the role that the city owes to play. The adopted key drivers of urban development in the city, especially after independence, aimed to (Rowe & Sarkis, 1998; Saliba, 2004):

- Revive Beirut’s leading role at the regional level
- Reinforce Beirut’s centrality
- Modernize city center through urban design and planning models
- Enhance the real-estate asset value of the city center
- Enhance the city memory (capitalize on preserving some spatial heritage tissues)

These drivers are limited to a certain mode of economic development and enabled planners to import plans and urban renewal models, which in turn displaced local residents especially in the inner neighborhoods. The following section reveals that Beirut experienced three scales in planning across three historical periods. The city scale, district-scale, and block scale.

a. Pre-Civil War Period

i. Beirut Detailed Master Plan: The Zoning Plan (City Scale)

Beirut, except solidier, has a zoning plan at the city level. It does not have a master plan or a strategic spatial plan. However, the detailed master plan is reduced to zoning maps guided by prescriptive regulation for each zone. As such, the zoning plan that dates back to 1954 does not tackle socio-economic issues such as the local economy, poverty, spatial divisions, among others. Instead, it is based on lot coverage and total exploitation ratios. The plan was updated by decree in 1992 and 2004, which amended the implementation framework of the national building law and increased the land exploitation ratio, which had a great impact on the transformation of Beirut's urban form as a whole. As a result, the zoning plan paved the way to extensive speculative real-estate activity. It works within a "conformance views" which means that all building in each zone has to conform to a blueprint of prescriptive code regardless other criteria such as affordability and livability of the development. Nowadays, the neighborhood of Mar Mikhael extends over zones 2, 3, 4, 6, 7 (Figure 47, 48).

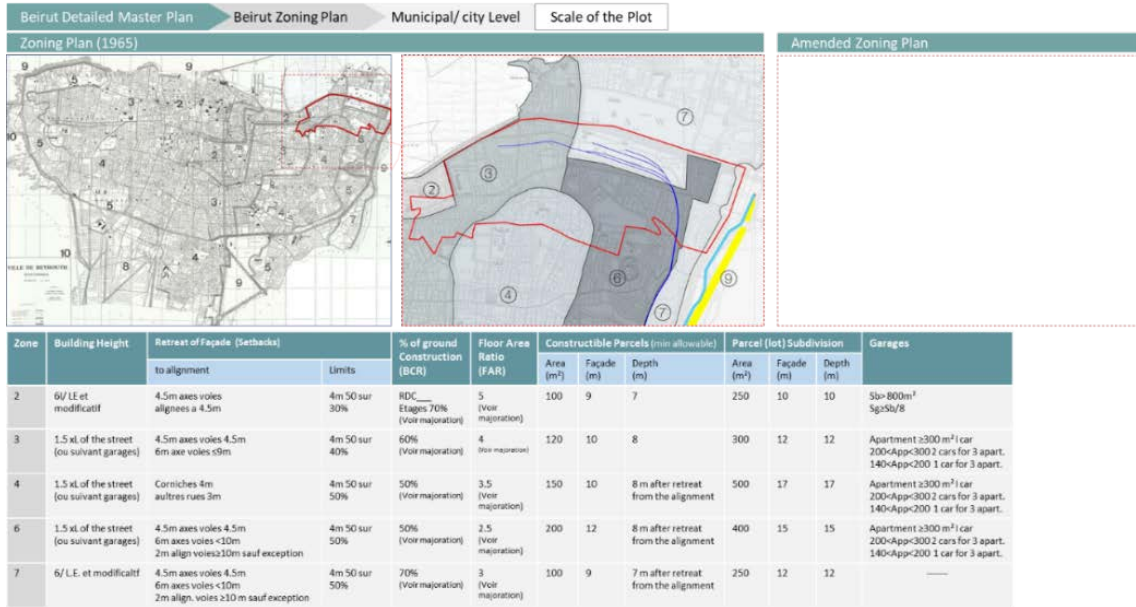


Figure 47 Mar Mikhael zones as per the Beirut municipality zoning plan in 1965 (Source: Author)

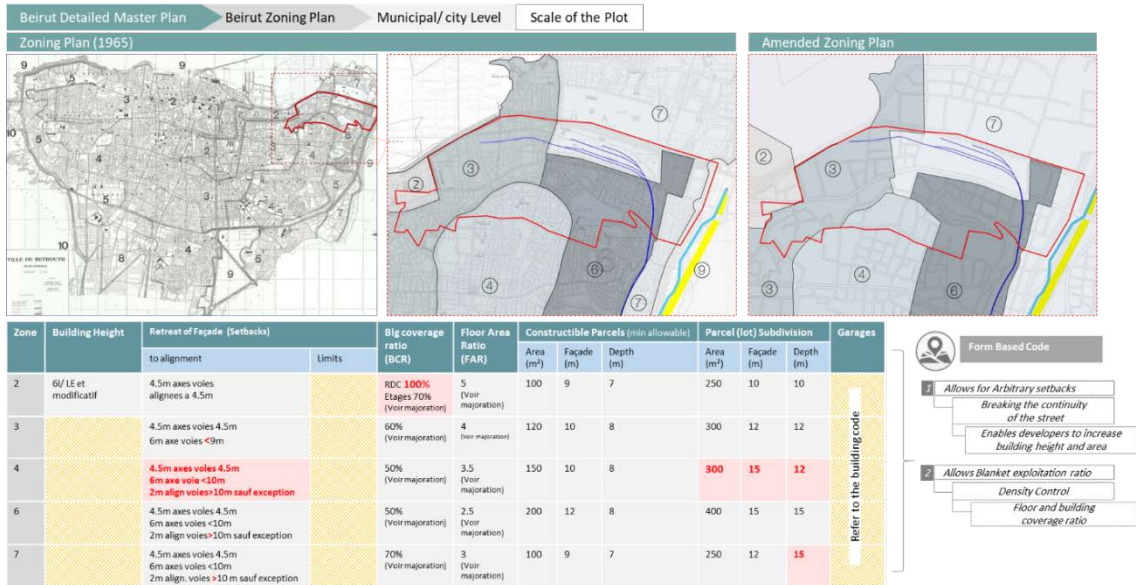


Figure 48 Mar Mikhael current zones as per the Beirut municipality zoning plan (Source: Author)

ii. Ghalghoul and Saifi Master Plan⁴³ (Block Scale)

Departing from the zoning plan at the level of the city, Beirut experienced planning at block level through the Ghalghoul- Saifi master plan.⁴⁴ The vision of the project aimed to transform the core of the city, through the Ghalghoul and Saifi blocks, to a modern financial and economic hub at the international level⁴⁵

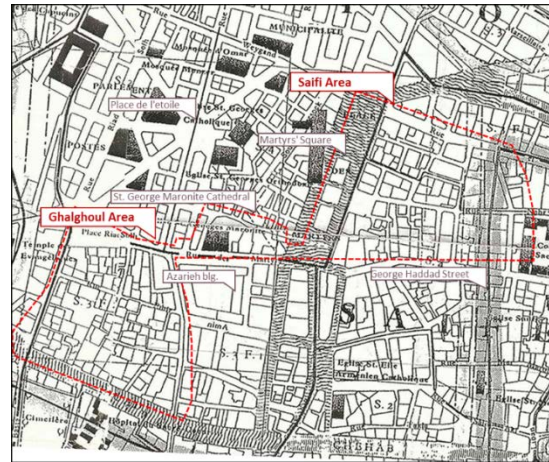


Figure 49 Ghalghoul and Saifi Neighborhood in 1965 (Source: Beirut cadastral map from Abir Zaatari, adapted by author)

(Khodr, 2017). As such, in 1963, the executive council of large projects of Beirut City (CEGPVB)⁴⁶ was established to launch the project⁴⁷ (Verdeil, 2010) (Figure 49, 50).

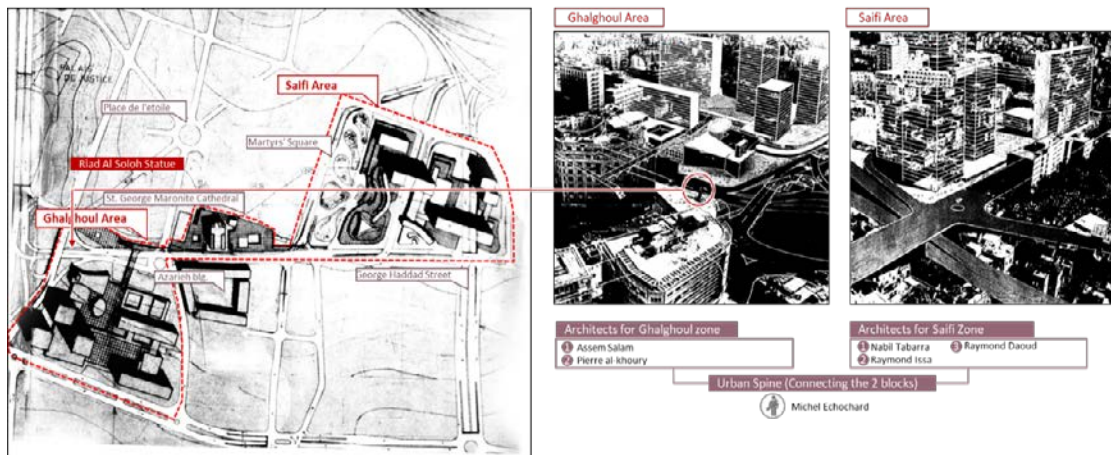


Figure 50 The proposed Ghalghoul and Saifi Master plan (Source: Eric Verdeil, <https://books.openedition.org/ifpo/2176>, modified by author)

⁴³ Decree No. 7526 of 23 June 1967: "General Master Plan for the Ghalghoul Zone and East of Martyrs Square"

⁴⁴ The Al-Ghalgoul neighborhood is located to the southwest of Al-Azaria building and close to the Khandaa al Ghamia. However, the Saifi neighborhood is located on the eastern side of Martyr's Square. It is surrounded with Fouad Chehab Avenue from the south and George Haddad Street from the east (More than 40% of the residents of Saifi neighborhood had lived in the area since before 1943).

⁴⁵ Beirut, at that time, was known as the newest resort in the Mediterranean region.

⁴⁶ CEGPVB: Conseil Executif des Grands Projets de la Ville de Beyrouth is the administrative entity.

⁴⁷ The architects and planners gathered in the CEGPVB for the project were divided into three teams:

1. Assem Salam and Pierre al-Khoury in charge of Ghalghoul zone
2. Nabil Tabarra, Raymond Issa and Raymond Daoud were working on Saifi neighborhood.
3. Michel Écochard, associated to à G. Banshoya and assisted by R. Tager, were the coordinators and Ecochard mainly had to make sure that the vision of the proposed plan were aligned with Beirut's Master Plan that he had elaborated few months ago.

The project adopted an urban renewal approach in urban development⁴⁸. This approach was anchored in the belief that urban form creates social order (Saliba, 2004). Thus, the proposal intended to wipe the existing social and built fabric and replace it with a commercialized real-estate oriented development⁴⁹. Here, the planners of the project argued that the neighborhood is dilapidated and congested⁵⁰ (Verdeil, 2010). However, Ecochard pointed out that the demolition of the Ghalghoul neighborhood aims to demolish the brothels of the Mar Maroun area on the eastern side of Martyr's square (Verdeil, 2010). As such, the master plan came to transform city center into high end-rise development and connect it to the main arteries Ecochard planned through the city. The project consolidates the two largest and most important public squares of the city into an urban spine to form an international center for the city of Beirut. In specific, Ecochard proposed a connective spine between the two neighborhoods and placed at its center, the St. George Maronite Cathedral⁵¹ (Khodr, 2017).

The overall image was one of international style in architecture and those pioneering young architects were fans of this style. As a result, the planning and design framework adopted prescriptive regulation and predefined standards. Here, building use, height, bulk, landscape and elevations are predefined and relies on quantitative criteria (Table 10).

⁴⁸ The master plan of the two blocks corresponded to the logic of the modernist approach with free spaces of the ground floors surrounding high-rise buildings (up to 33 floors). These free spaces were articulated with the concept of separations of flows and circulations on various levels and terraces (some spaces were allocated to pedestrians).

⁴⁹ The two neighborhoods were occupied by low and middle-income class residents

⁵⁰ The neighborhood was composed of buildings that date back to the end of the Ottoman era and the Mandate.

⁵¹ All the urban fabric surrounding the Cathedral are demolished, however Ecochard kept the small Zawiya of Abu Nasr on the corner of Martyr's Square. In addition, the project intended to demolish commercial and institutional buildings such as the University Saint Joseph (USJ), Heuvlin campus in the Monot neighborhood.

Table 10: Programs and building use distribution for the Ghalghoul and Saifi blocks in 1964 (Source: : Eric Verdeil, <https://books.openedition.org/ifpo/2176>)

Saifi - East of Martyrs' Square	m ²	Ghalghoul	m ²
Total surface	50,000	Total surface	45,000
Initial road	7,900	Initial road	5,000
Total off parking	198,960	Total off parking	166,050
Coefficient	4.73	Coefficient	4.15
Private buildings	188,240	Private buildings	145,500
Parking lots and garages	90,000	Garages and car parks	79,200
Total circulation	129000		147600
Air Terminal	1,200	---	---
Stock Exchange	---	Stock Exchange	4,500
offices	120,840	offices	130,000
Commerce and Recreation Center (Bars, cafes, cinemas)	63,000	Shopping center	11,000
Popular theater	3,600	Theatrical complex	10,000
Luxury, Residential, Popular, Daytime Hotels	4,320	---	---
Public buildings	---	City Hall	15,050
Post Hotels	7,200	Of which Offices	7,280
Bus Stations	37,800	Bus stations (2 levels)	68,400

On the another side, the institutional framework adopted for this urban project paved the way for public-private partnership mindset. The implementation process intended to establish a real-estate Company (according to the planning law of September 1962) to proceed through massive expropriations guided by the following process (Verdeil, 2010):

- Owners were regrouped and rights were transformed into shares with the State and the municipality as partners. Both of them benefited from the free 25 % rule once the expropriation is done for public utility (roads, networks and services).
- The real Estate company, that would have become owner of all of these rights, has to execute the works, including the re-parceling and servicing, and sell accordingly all belongings, benefits were to be distributed among shareholders.

The two projects (Ghalghoul and Saifi) were submitted on June 1967, during the Israeli 6 day's war, and actually were never implemented though it was granted formal approval. It is worth mentioning that the projects were opposed by land owners, private sectors and local residents. For instance, a survey that carried out by the town planners,

who surveyed resident's attitude about their neighborhood, did not corroborate planner's perception, since:

- 71% of those surveyed considered that there was no problem in the area,
- "5.4%" complaining of noise and
- "11.6%". % of prostitution (Verdeil, 2010)

Finally, since the mid-seventies, residents gradually abandoned the neighborhoods of Galghoul and Saifi, which were severely affected by the battles that destroyed the capital, and was completely destroyed in 1994 in during the reconstruction process launched by Solidere, and today the Ghalhoul area is known as the property 128 however the Saifi area kept its name (Old Beirut Lebanon Facebook Page, 2019).

b. During the Lebanese civil War: The APUR Plan (District Scale)

Ten years later from the Ghalghoul-Saifi master plan, at the end of the first two years of Lebanese civil war, Beirut city center had a district master plan for reconstruction⁵² known as APUR Plan⁵³ (Figure 51, 52). The APUR plan is both different and similar to Solidere's approach

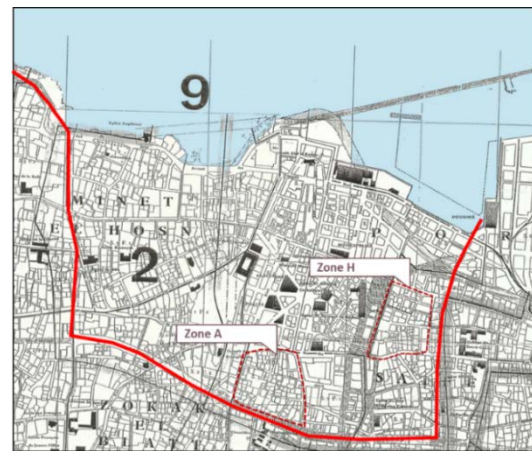


Figure 51 Beirut city center in 1965 (Source: Beirut cadastral map from Abir Zaatari, adapted by author)

⁵² In 1977, at the end of the first two years of civil war, the newly-elected president, Elias Sarkis, and his prime minister, Salim el-Hoss, established the CDR, which was empowered to initiate reconstruction projects throughout the country. The CDR tasked the French public consulting firm, 'Atelier parisien d'urbanisme' (APUR) – along with a group of Lebanese urban planners – to prepare a planning study for the city centre. In 1978, the team developed a scheme called the 'Plan Directeur de Reconstruction du Centre Ville de Beyrouth' (also known as the 'APUR Plan').

⁵³ The project also was criticized. The comments were directed particularly at the need for a more familiar approach that de-emphasized the effects of highways, that linked the center more firmly with surrounding areas, and that developed the aspects of identity the city possessed before the war.

to the redevelopment of the Beirut Central District (BCD). Both aimed to reposition the BCD as a unifying ground for all Lebanese people (Makarem, 2014). But the two differed over two main issues: Firstly, the matter of original property owners; and secondly, that of methods of intervention (Rowe& Sarkis, 1998; Makarem, 2014).

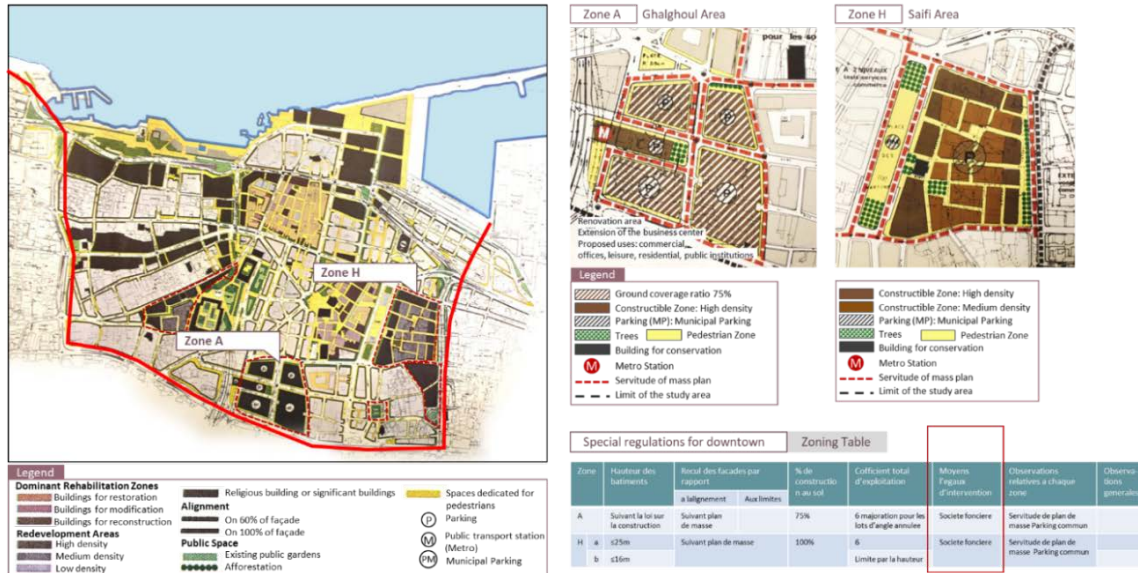


Figure 52 APUR Master plan (Source: Plan d'aménagement du Centre de Beyrouth Document, 1977, adapted by: Author)

The plan was drawn up with two main axes: The first axis was to encourage the legal owners and occupants of the central district to return back to the neighborhood and to their previous activities (Rowe et al, 1998). However, the Second axis was to create more than one real-estate company (implementing corporations) to lead the reconstruction effort (Makarem, 2014).

Legal means of intervention as per the APUR plan (APUR Document, 1977)

Direct expropriation

Expropriation by zone

Partial expropriation

Direct expropriation of passages and public places

Real-estate Company

Regrouping (land consolidation/ Reparcelling)

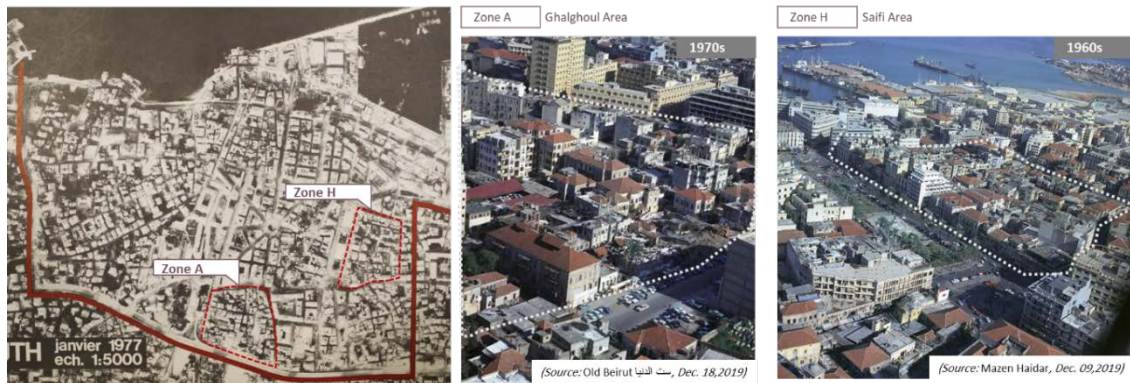


Figure 53 On the right side: Beirut City Center aerial view in 1977 (Source: Plan d'aménagement du Centre de Beyrouth Document, 1977). On the Left Side: Ghalghoul area in 1970s and Saifi area in 1960s (source is written on the images)

Thus, the master plan was guided by (1) set of guidelines at the district level and (2) zoning table for zones at sector level (APUR Document, 1997). The regulations are predefined and prescriptive. However, they are guided by qualitative criteria (e.g.: Provide livability for the district through preserving the built fabric, seashore, and providing urban design standards for streets and public space; enhance inclusivity of the neighborhoods through preserving the social fabric and diversity). However, the plan revealed a new spatial configuration for the Ghalghoul and Saifi area. It showed that the two blocks will be demolished and rebuilt (Figure 52, 53).

Despite some critiques, the APUR plan can be considered as an opportunity to think about local planning at the district level through qualitative criteria and standards. The plan received an approval and went partially into effect. However, it was thwarted by renewed fighting in the summer of 1978 (Rowe & Sarkis, 1998). In 1983, demolitions started in central areas, without any control, that were called for rehabilitation in the 1977 plan (Nardella & Abbas)⁵⁴.

⁵⁴ <http://web.mit.edu/akpia/www/AKPsite/4.239/beruit/beirut.html>

• **Substantive and Procedural aspects**

Criteria		Substantive/ Planning Issues				Planning System		Procedural	
Qualitative	Housing	✓	Maintain original property tenure			Plan based	Vision "Restore the BCD role as a unifying ground for leb's multi-confessional communal structure"		
	Local Busine.	✓	Encourage owners and legal occupants to return to their previous activities				Framework	Social responsive	
Quantitative	View corridors and principle axis		(1) Protect view corridors			Social responsive	Type of Policy	<ul style="list-style-type: none"> Prescriptive regulation designed to implement the zoning plan Set of Guideline for the conceptual framework of the Plan 	
		Mixture of uses and localities					Top down Approach: No community engagement in plan making process		
Qualitative	Urban design	Rehabilitation Zone designation	(1) Bldgs for restoration	(1) Bldgs for modification	(1) Bldgs for reconstruction	Urban Governance (Street based Plan)			
		Density designation Areas	(1) High density	(1) Medium density	(1) low density	District	Sector		
Quantitative	Building height, retreat from façade (Alignment)					Framework	Master Plan	Zoning Plan	
		Environment	Conserving Religious or significant bldgs	Preserve shoreline	Afforestation		Guidelines	Regulations	
Qualitative	Mobility	Public realm	Road network	Municipal Parking					
		Train	✓ Tramway/ Metro	Soft mobility		Means of Intervention	(1) Expropriation	(1') Direct	(1'') Partial
Quantitative	Landscape	Road and Sidewalks	✓	Corniche and public walk ways	Squares and existed public gardens				
						(2) Real estate company	(3) Land regrouping		

c. Post War Reconstruction Scheme: The Solidere Master Plan (District Scale)

Beirut city center, irrespective of the entire city, has a district Master plan. The plan had been established by the private real-estate company Solidere in 1994⁵⁵ (Figure 54). The master plan envisioned the district, as “*An Ancient City for the Future,*” (Makarem, 2014) with the absence of a strategic framework and urban development strategy for the city as a whole. As stated earlier, “Solidere,” which reflects the state model in economic and urban development, has adopted the “island planning” approach”, thus turning its back to the peri-central areas and excluding them from the revitalized center (MAJAL, 2012, p. 14).

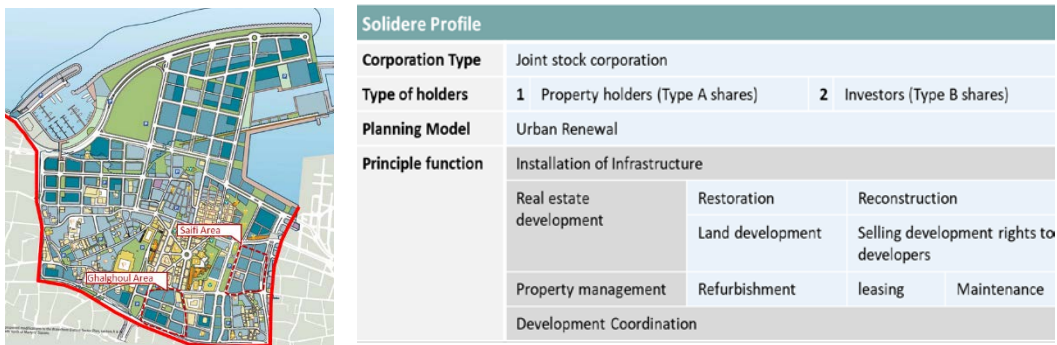


Figure 54 Solidere Master Plan (Source: Master Plan: Solidere; Table, Author)

This post-reconstruction model, to target revitalization for specific districts, set the first waves for city transformation and gentrification. Here, flexible urban design regulations (in parcellation, land use and density designation) were prominent and key drivers of the Solidere master plan (Figure 54) (Skidmore et al, 1999). As such, the

⁵⁵ Solidere is a public-private real estate company, established by special legislation in 1994 and listed on the stock exchange. It was authorized to develop, build, and manage the entire center of Beirut.

Master plan adopted a market-responsive framework (Angus, 2015) and aimed to (Skidmore et al, 1999):

- Balance between preservation and reconstruction on the one hand, and the new on the other.
- Mix facilities that will coalesce over time for a new kind of city center.
- Provide with a detailed, phased and coordinated plan of action for a 1.91 km² modern, mixed-use central district, with 1.18 km² constituting the traditional Beirut City Center and a 0.73 km² extension towards the sea, compensating Solidere's expenses.

Moreover, regarding the regulatory approach, Solider adopted prescriptive regulations designed to implement the planning objectives and provisions. These are more demanding and specific than the national building code (Perkins and Will et al, 1997). Here, Solidere's general master plan is divided into two levels. The district master plan and the statutory sector master plan. Similarly, regulations as well are divided into two: The central district regulations and the sector regulations (Skidmore et al, 1999). However, Solidere has an operational framework. This framework gives Solidere a dominant power on permit and design control, primarily through the design review panel, which is absent outside solider (Skidmore et al, 1999).

As a result, Solider performed an exclusionary urban development model that displaced the local pre-war residents and captured, in return, foreign investments with high-end residents. The master plan did not endorse qualitative criteria such as socio-economic inclusive strategy or guidelines. It was deprived from both affordable housing strategy, and low and medium enterprises strategy.

- **Substantive and Procedural aspects**

Criteria	Substantive/ Planning Issues	Comprehensive Approach	Planning System	Procedural
Comprehensive	Housing	<input checked="" type="checkbox"/> affordable housing strategy	Policy based	Vision "An Ancient City for the Future"
	Local Businesses	<input checked="" type="checkbox"/> low and medium enterprises strategy	Framework	Market responsive (Creation of Value)
Quantitative and Aesthetic	View corridors and principle axis	(1) Protect view corridors (2) Re-establishing historical vistas	Type of Policy	Prescriptive regulation designed to implement the planning objectives and provisions. (More demanding and specific than the national code)
	Urban design (Market responsive)	Opening the new waterfront The Newland fill development area (*) Mixture of uses and localities	Top down Approach: No community engagement in plan making process <input checked="" type="checkbox"/>	
	Development densities	(1) High density Area (2) Medium density Area (3) low density Area	Community Infrastructure Levy	
	Building envelop, containment of high buildings		Urban Governance (Street based Plan)	
Livability	Environment	Historic foundation (1) City buildings and Old city grid (2) Archeological excavation Natural landform	District	Sector
	Mobility	Public realm	Regulations	Subsector (Development Plan)
Qualitative and Quantitative criteria	Landscape	Road network Tramway/Metro Cornice and public walk ways	General provisions that apply to the whole of the Central District	More demanding and constrictive than the provisions of sector plan and regul.
		Car parking Soft mobility (non-motoreadtransport)	Land subdivision, Infrastructure connections, Open space on parcels, Building envelope and Parking regulation	1- Further definition of design and landscaping of public space 2- Detail regulations for: • Façades of buildings and • Street wall controls that govern them 3- Various directions with regard to the architectural character in the sectors, (Materials, colors, and fenestration)
		Squares and major city scale open space	Permitted land uses, prohibited land uses, Minimum parcels sizes, Site coverage, The siting of buildings, Building heights	Block Street Parcel Building Envelope Opening Material
			Planning Objectives	Regulations
			Development Requirement Kit	Codes
			Design Governance	Manuels
				Technical Requirements Documents
				Fieldwork Monitoring

D. Case Studies: Research Insights and key Findings

This section presents my insights on the methods of research in regulatory frameworks and approaches studies; and my case studies key findings.

1. Research Insights

My insights on the methods of research in regulatory frameworks and approaches studies in Australia, UK and Beirut are mentioned below:

- The research on performance-based planning in Australia is limited and primarily focuses on Queensland. They do not tackle the implementation process of performance-based planning. The Quantitative plan evaluation and longitudinal studies of plans are absent and the contextual factors affecting plan content have not been examined empirically. However, understanding performance-based planning in Queensland is limited to a few studies such as Douglas Baker, Wendy Steele, and Travis Graeme Frew. The former tackled the aforementioned gaps in research. He positioned performance-based planning within the conceptual performance adoption

spectrum; the degree of plan performativity, which seeks to understand land use management from procedural and substantive perspectives; and the impact of context on the application of this type of planning in practice.

- The planning system in the UK went through constant transformation and modifications in the past 20 years. The latest system was established in 2011. The new planning system introduced localism which restructured governance in the UK and since 2011 the planning process, especially the preparation of strategic plans at local levels, is in progress. Local authorities are adopting and adapting the new planning framework to local conditions and establishing its own plans. As such, Local plans are either under preparations or examination. As a result, the new planning system lacks critical assessment on plan making, operation framework and implementation process in relation to strategic statutory plans. The literature relies on plans for data but is limited in scope. It does not empirically examine specific planning issues in plans, such as land use, or the reasons for plan content variation. It has not employed detailed/ quantitative analysis methods, and therefore, has limited comparative value. However, few research assessments of the newly established neighborhood plans focused on its ability in delivering affordable housing. These assessments reveal that localism affords local communities more control over housing, supply, and affordability.
- Locally, Beirut local plans are critically investigated however there is an absence for a comprehensive assessment to the operational framework and decision making processes in relation to the exiting plans and regulatory arrangements. Especially that some of these Local plans are either partially

or never implemented. In addition, the substantive analysis of these plans with respect to building and planning code is limited to urban form and built environment and did not investigate either code elements or levels of flexibility and innovation. In addition, similar to the foreign literature, plan evaluations in the majority of cases are critiques, anecdotal and did not present an alternative comprehensive regulatory proposal. It is confined to recommendations that influence public policy.

2. Case Studies Key Findings

The key findings are divided into two key headings (a) Key findings from the UK and Queensland case studies (b) Key findings from the local case studies

a. Key Findings from the UK and Queensland Case Studies

- Localism

Localism reflects a deeper shift in urban governance and hinges on the commitment of passing new powers and freedom to communities and individuals on one hand and the performance of the planning process at the local level on another hand. The rationale behind localism is to decentralize power, limit the level of bureaucracy and corruption. It aims to achieve efficiency, effectiveness in local planning. For instance, it enables community and individual to deliver local needs such as housing and communal projects.

- Governance Structure

- The performance-based planning approach is deeply connected to the politics of policy reform and mobilization done by the state at the

national level. It requires national planning policy with an integrated planning strategy.

- Local planning at city and neighborhood levels is a key level of urban governance in a performance-based system. Planning is exercised at the lowest practical level through neighborhood planning tools and participation tools.

i. Neighborhood Planning

Neighborhood planning, as mentioned in the case studies, gives sub municipal entities such as parish council, town council or neighborhood forum authority to establish and develop neighborhood plans and orders. As such, Local councils and neighborhood forums are established and supported by diverse sources of funding mechanisms. Here, local authorities are required to cooperate through fund, expertise and data collection (evidence-based). Besides, Neighborhood forum consists of local residents, activists, and professionals despite their place of origin, race, gender, age and sect among others.

ii. Community Engagement in the Planning Process

Performance-based planning enables community participation in the decision making, plan making, and assessment process.

- Performance-based planning and development rights

In a performing regulatory system development rights are assigned as a non-binding policy reference that must be assessed in conjunction with a given strategic framework. Here, all spatial plans and decision making should apply to a presumption of this strategic framework.

- Performance-based code:

Performance code aims to deliver planning objectives of the strategic spatial plans into a set of performance criteria (outcome). It translates a collective vision into performance standards or policies that enhance both flexibility and certainty. Flexibility is achieved through the performance criteria. However, acceptable outcomes provide certainty through examples of what may enable the achievement of the Performance Criteria. Thus, substantive issues in Performance planning are beyond quantitative criteria and include qualitative criteria such as livability and inclusivity of the built environment among others.

b. Key Findings from Local Case studies (Beirut Local plans)

- Gentrification is embedded in the historical development of the city. The unimplemented Ghalghooul and Saifi master plan in 1967 is a prominent example of a gentrification process in the modern history of Beirut city.
- Planning at the level of neighborhoods is also embedded in Beirut local plans; it took different forms, such as zones in municipal Beirut or sectors in the Solidere plans. Such terms reflect the absence of the social layer and focus in the urban form.
- Solidere adopted flexible tools in land use and density designation between sectors (Figure 55):
 - Flexible approach to the parcellation of blocks. It provided smaller rather than larger block-sized parcels.
 - The choice of land use is relatively flexible at the district level. An overall mixed-use policy with general emphasis and concentration of particular uses in sectors.

- Density designation between sectors is to some extent flexible. It allows for the transfer of up to 10 % of floor space between Sectors. However, the regulations have limited development rights to a defined maximum by parcel and in total.

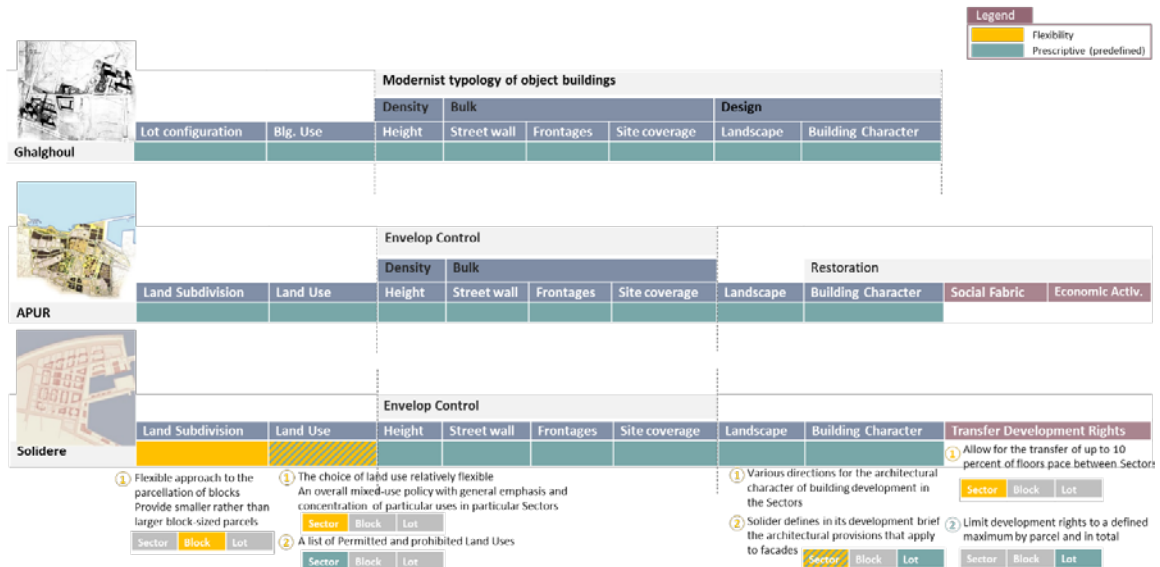


Figure 55 Level of flexibility in the urban regulation between Ghalghoul, APUR and Solidere plans (Source: Author)

E. Chapter Recap

The case studies show that introducing performance-based planning in Lebanon requires structural and economic reforms. Structural reforms include re-structuring levels of governance and local governments, reshaping the functions of the local governments, and defining the framework in which urban regulations and planning occur. Conversely, the economic reform requires a hybrid approach through introducing a macro and micro economic strategy. As such, departing from the critical question in urban regulations which shed the emphasis on regulations that are able to deliver strategic objectives, and from the case studies that showed urban and land use planning is deeply connected to the politics of policy reform and mobilization, the next chapter returns back to the Lebanese context to identify the challenges that could be addressed by the potential implementation of performance-based planning both form procedural and substantive aspects.

CHAPTER VI

POLICY-BASED INTERVENTION PROPOSAL: NATIONAL PLANNING SCALE

This chapter paves the way for a concrete and responsive Policy-Making Proposal, which stems from identifying the main challenges to be addressed before performance-based planning can be introduced. To this end, this chapter revisits the Lebanese urban planning process, in specific, its institutional governance structure (Scales of planning governance, institutional framework, and planning tools). In return, I present the *Integrated Planning Framework* with an effective regulatory approach that can introduce new criteria to planning processes that are qualitative in nature and facilitate the implementation of a developed vision at the local level. As such, the policy intervention proposal contextualizes performance-based planning through a national-scale roadmap. It includes: Scales of planning governance and its scope of work, institutional framework (key actors and power dynamics), planning tools (spatial plans), regulations (Performance code) and planning criteria that should be included in the code.

A. Key Challenges

The key challenges to the implementation of performance-based planning from a procedural perspective are the deficiency in the structures of the Lebanese planning process. Specifically, the planning institutional framework misses several of the pillars of governance necessary for performance-based planning. The key issues that should be addressed by the potential implementation of performance-based planning are articulated below (Figure 56):

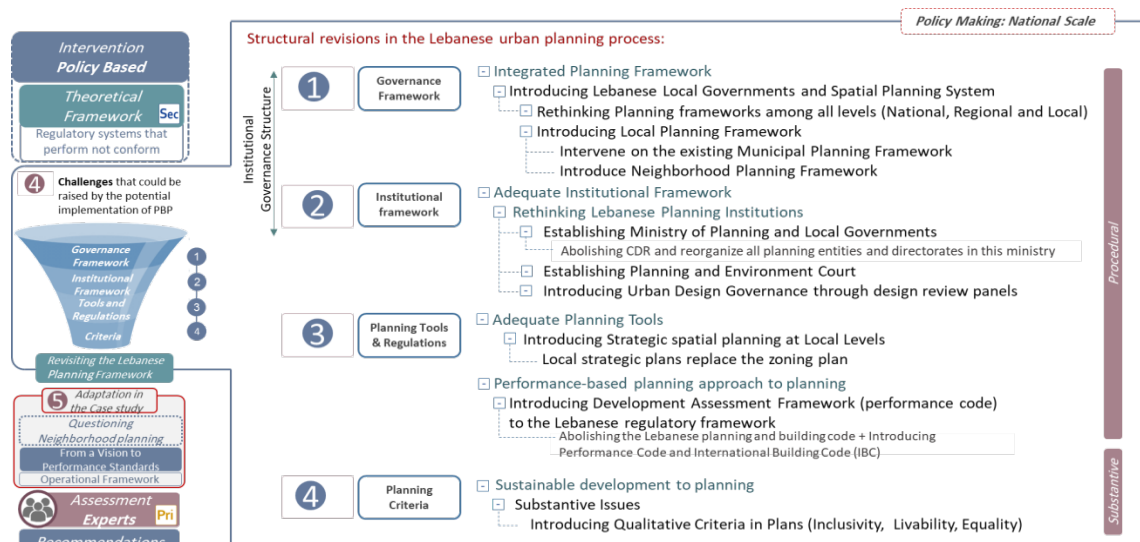


Figure 56 The key issues to be addressed before performance-based planning can be introduced (Source: Author)

1. Governance Structure

- Introducing Lebanese Local Governments and Spatial Planning System:

One of the main challenges in the Lebanese planning system is the absence of an effective spatial planning framework. The existing system lacks (1) a national planning policy with an integrated planning strategy among levels of spatial governance (2) an effective and accountable planning framework at local levels. As such, introducing performance-based planning requires rethinking urban planning at national, regional and local levels. In specific, a pre-requisite to introducing performance-based planning is Lebanese Local Governments and Spatial Planning System, it includes: Levels of Urban Governance (encompass neighborhood planning) and local planning framework to increase municipality power to have neighborhood planning.

2. Institutional Framework

- Rethinking Lebanese Planning Institutions

The existing urban planning institutions in Lebanon are dysfunctional and independent from an efficient institutional hierarchy. Rather than a single planning entity, planning is fragmented among different councils, ministries and directorates. As

a result, planning is not able to perform in an efficient and effective manner. This requires a unified and accountable institutional structure that is able to deliver planning in an efficient, effective and transparent way. In addition, the current institutional framework in Lebanon lacks accountability mechanisms, meaning a court specialized in urban planning and environmental issues. As such, my recommendation is for two main public institutions to handle planning in the Lebanese Institutional framework. These are:

1- A Ministry of Planning and Local Governments

2- A Planning and Environment Court

- Introducing design review panels as an integral element of urban design governance
Lebanon lacks urban design governance⁵⁶. All planning and architecture schemes are not confronted to a design assessment process through design review panels⁵⁷. In addition, communities don't give their feedback on urban projects that will impact their localities. Here, design schemes are not related to planning and design objectives. Thus, introducing design review panels is a key requirement in urban design governance.

3. Spatial Planning Tools and Regulations

- Introducing Strategic planning at local levels

Strategic plans, at the local level, should replace the zoning plan. Both city and neighborhood plans should be strategic, which means they begin with a vision and policies built on the vision. This is what will be turned into performance standards (code).

⁵⁶ Urban design governance as defined by Carmona (2016, p.705) is: 'the process of state-sanctioned (give official permission or approval for) intervention in the means and processes of designing the built environment in order to shape both processes and outcomes in a defined public interest'.

⁵⁷ Design Review is an independent and impartial evaluation process in which a panel of experts on the built environment assesses the design of new development projects. The design review aims to improve the quality of buildings and places for the benefit of the public (Check section E-3 in this chapter).

- Introducing Performance-based regulations

Lebanon relies on an outdated prescriptive urban regulation. Here, introducing performance-based regulations require introducing a Development Assessment Process to the Lebanese regulatory framework. As such, the Lebanese planning and building code need to be abolished; in return, a Performance Code and International Building Code (IBC) are introduced to replace the existing codes.

4. Planning Criteria

The substantive aspect in urban regulations, such as level of flexibility and innovation, is a key challenge in performance-based planning. It goes beyond prescriptive standards and comprises qualitative criteria. Planning must be situated within a framework where all plans and decisions are set and taken under strategic objective. Here, spatial plans and codes must deliver substantive issues such as *Inclusivity, livability, and equity*. As such, planning in practice can deliver the aforementioned issues, when plans are able to fulfill its objective through a performance-based approach.

B. Description of the Planning and Regulatory Context

The institutional scaffolding of urban and regional planning in Lebanon was built incrementally, as needs aroused and interests converged (Verdeil, 2012). Rather than an integrated planning framework that helps coordinate across scales and levels, the system appears dysfunctional and disjointed, often operating in the cracks rather than the core of the system. Incremental changes include (Figure 58): (1) abolishing and reestablishing planning institutions (2) instituting new planning entities (councils) to bypass existing institutions with no clear coordination mandate, (3) creating joint stock, private, or public companies for exceptional planning purposes (Harb, 2003) (4) approving exemptions and exceptions to bypass existing regulations instead of modifying and abolishing laws and regulations (Fawaz, 2015) (5) disregarding local planning conversations and commissioning instead foreign experts or consultancy firms to establish spatial plans or strategies (Verdeil, 2012).

In the following sections, I explore the Lebanese urban planning framework. I specifically present a brief history of planning institutions, regulations, tools and laws in Lebanon. Additionally, I map the current urban governance structure (Institutions, scales of planning governance and spatial planning tools) (Figure 57). My aim is to understand both the history and current situation of the Lebanese urban planning framework and regulations in order to intervene on the wider framework that governs local planning processes for the sake of more effective and localized policymaking.

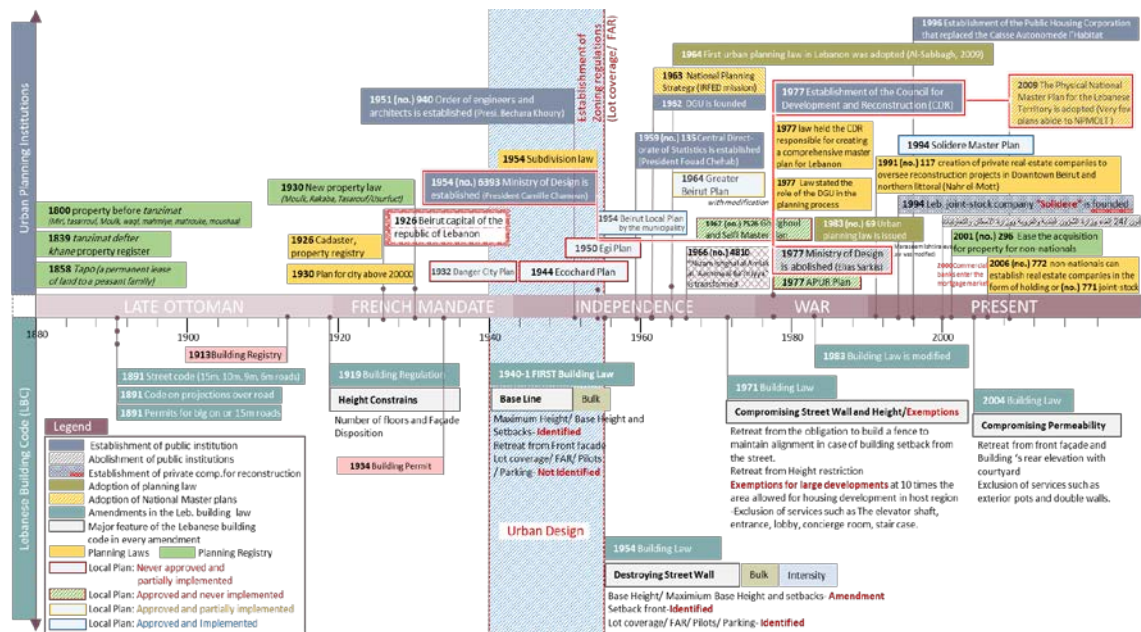


Figure 57 Time line of the Lebanese planning institutions, key urban regulations and laws, and the historical development of building law (Source: Author)

1. A Brief History of Urban Planning Institutions in Lebanon

In this section, I present a brief history of planning institutions in Lebanon, developed into three historical moments of Lebanon’s history: The pre-civil war (1943-1975), the civil war (1975-1990), and the post-civil war (1990-to date) (Figure 57).

1- The Pre-civil war period (1943-1975) was characterized as a moment of planning in Lebanon where most of the national planning agencies were established:

- During Camille Chamoun’s presidency, decree number 6393 was issued in 1954 to establishing a Ministry of Planning. Planning was considered an integral part of the national state, and practiced through central state agencies.
- During Fouad Chehab presidency, urban planning was driven by reform, commonly known as Shihabist reforms (Rowe & Sarkis, 1998). The reform introduced for the first time both, (1) Legislation governing urban planning at the national level where the Higher Council of Planning, the

General Directorate for Town Planning and Central Directorate of Statistics were established. (2) Rules of appointments, hierarchy, terms of reference, and accountability for civil servants (Rowe& Sarkis, 1998)

2- The Lebanese civil war (1975-1990): “Planning as public entities”

- During the Lebanese civil war, planning as an integrated framework was fragmented and deregulated. As such, the Ministry of Planning was abolished in 1977 and, instead, a central state body, the Council for Development and Construction (CDR), was instituted to lead on post-war reconstruction (Rowe& Sarkis, 1998). The CDR was conceived as an emergency institution to assist central state agencies in reconstruction projects with the speed and efficiency characteristic of the private sector before it is dismantled again (Rowe& Sarkis, 1998). Instead, the CDR was maintained, as we will see below, and its role was increased⁵⁸. Conversely, the role of state institutions during the war period was limited to providing basic and essential services responding to emergency needs only while planning was difficult amidst territorial divisions. Still, the civil war had moments of interruptions where the imagination of a planned national territory flourished. Most interesting was the 1986 master plan of Greater Beirut that reinvigorated the idea of integrated spatial planning (Verdeil 2012). These moments were however short lived as state agencies remained considerably weaker than militias that controlled territories.

⁵⁸ <http://www.cdr.gov.lb/eng/profile.asp>

3- The post- civil war: “Planning as deregulated entities”

In the aftermath of the Lebanese civil war, urban planning became even more fragmented, as various institutions took charge of scattered responsibilities without integration.

- a. The Council for Development and Reconstruction (CDR) emerged as the most powerful planning agencies. The execution arm of the Prime Minister, the Council was entrusted with the development of post-war reconstruction plans (e.g., Horizon 2000, 2005) and its scope of work was inflated to accommodate multiple tasks⁵⁹. In 2000, the CDR also launched a National Physical Master Plan, an ambitious project to determine the developmental goals of Lebanon and translate them into a strategic spatial national plan. Despite many hurdles, the plan was adopted in 2009 but it has not been effectively followed (UN Habitat, 2013)⁶⁰.
- b. The Directorate General of Urbanism: Established, as noted above in 1964, the DGU remained an archaic planning agencies whose role is essentially limited to the development of local and regional land use plan, land pooling and re subdivision projects, and the technical evaluation of building permits. In the 2000s, the DGU was involved in a number of strategic spatial plans through the efforts of international donors. However, the DGU has remained weak, highly corrupt, and poorly protected from political interferences. As a result, the Agency is

⁵⁹ Refer to the article “CDR after 40 years USD 11 billion of project”

https://monthlymagazine.com/article-desc_4424

⁶⁰ Check Section C “Mapping the Current Lebanese Urban Governance Structure” in this chapter

considered as the location where laws are bypassed for the sake of specific projects and interests.

- c. Municipalities: Established in Lebanon since the Ottoman Tanzimat of the late 19th century, the Municipalities gained power after the 1977 law on Municipalities granted them powerful authority in the provision of building permits and the management of their territories. Municipalities are however scattered, poorly equipped, and prone to take over from family and political parties' power (UN Habitat, 2013).
- d. The Private sector is the main driver of all building development in Lebanon. As such, its role is critical in the organization of the territories. Developers are influential, several are tightly partnering with members of the political class. In addition, the post-war witnessed a widening role of the private sector through the creation of private real-estate companies to oversee reconstruction projects, particularly Downtown Beirut and the northern littoral (Makarem, 2014). Below is a list of important Planning Institutions and Agencies

Year	Event
1951	Establishment of the Order of Engineers and Architects
1954	Establishment of the Ministry of Planning (وزارة التصميم العام)
1959	Establishment of the Central Directorate of Statistics
1962	Law passed by the parliament for last organization of Ministry of Planning and establishment of the Directorate General of Urbanism (DGU)
1977	Abolition of the Ministry of Planning
1977	Establishment of the Council for Development and Reconstruction (CDR) that replaced Ministry of Planning
1996	Establishment of the Public Housing Corporation. It replaced the Ministry of Housing and falls under the Ministry of Social Affairs Privatization of the Housing Bank
2000	Abolition of the Ministry of Municipal and Rural Affairs and the Ministry of Housing and Cooperatives

2. A Brief History of Urban Planning Regulations and Spatial Plans in Lebanon

(Establishing and Dissolution of Spatial Plans and Planning Regulations)

Each political phase in Lebanon's history has its own urban regulations that shaped urban development in Lebanon. In this section, I present a brief history of urban regulations in Lebanon, developed into three historical moments of Lebanon's history: During the French Mandate (1920-1943), the Independence (1943-1975), and the post-civil war (1989-to date).

- 1- During the French Mandate (1920-1943), planning regulations were introduced to regulate territories. These regulations built on a number of reforms that had been developed during the Ottoman period (Ghorayeb, 1989). For example, the Mandate established a Property Cadaster in 1929 that was entrusted with the organization of property ownership (Fawaz, 2016; Ghorayeb, 1989). The French Mandate authorities also began to consider planning territories, notably by inviting planners from France (e.g. Rene Danger, Egli, Ecochard) (Rowe& Sarkis, 1998) (Figure 58). The plans were however not adopted.
- 2- After independence (1943-1975), efforts to introduce plans continued. These efforts were heightened under President Chehab who invited several international organizations (Verdeil, 2010). During this period, numerous cities and regions have adopted and developed local land-use plans or strategies. The majority of these plans are either done by or commissioned to private consultancy firms. Figure 58 presents the key characteristics of these plans.

1932	1943	1944	1950	1954	1964
Danger City Plan	Early Independence	Ecochard Plan ★	Egli Plan	Beirut Local Plan	Greater Beirut plan
Recommended the outskirts of Beirut	Development was guided by the building code without a master plan	Established a zoning plan in the perimeter of the Ville Nouvelle	Reduced the number of zones involved to five (5)	Confined to a network of roads	Specified the densities and regulations for all areas
Determined the zoning coefficients and defined areas with a system of separation of activities and social class		Considered that the planning of Beirut should go beyond administrative boundaries (Nahr al Mawt in the north to Ouza in the south)	Recommended the adoption of the Ecochard Plan	Set high densification standards commonly known as the "Coefficient of Exploitation", Coupled with the uncontrolled land costs.	Designated an area for the heavy industries
Determined the major axes of circulation (organized peripheral road)		Proposed 12 land-use zones in Beirut		Provided no zoning, i.e., definition of density, occupation, and function in various areas	Protected the coast and the beaches
Proposed to link Beirut to Tripoli, Saida and Damascus		Proposed a complete study for the protection of natural sites		Never looked at Beirut in its regional context	Preserved the woods and the natural sites
Determined Densities of occupation and property holdings		Provided the main transportation arteries (3)		Never touched on any of the factors that could affect future trends and developments (ports, airports, industry)	Established two governmental precincts
Created dwelling quarters planned in the spirit of garden cities		Proposed a commercial ring around the center	Made no study of or attempt to preserve the natural sites and historic monuments		
Located all necessary utilities		Indicated the location of the present airport			
		Offered an intensive survey of existing open spaces and gardens			
Note: The three main goals were: 1- Make the city more hygienic 2- Solve zoning and circulation problem 3- Establish the city	Beirut continued to grow rapidly to meet its rising political and economic aspirations. <i>Institutions were mostly used instruments in the hands of the ruling bodies—and displaced services centers when conducted with the dynamism of private sector</i>	Note: 1- Ecochard defined priority zones to be urbanized first. 2- Basic concepts were preserved and introduced in later plans. ★ The plan is of military importance because it facilitates the connection with other port towns - Tripoli, Saida		Note: 1- The municipal administration appointed a commission of experts to establish the plan (Ernst Egli) 2- It is derived essentially from the earlier Ecochard proposal 3- This plan is in effect even now within the administrative boundaries of Beirut, and has been responsible for its development as we see today	Note: Commission appointed and assisted by Ecochard for the preparation of the plan for Beirut and the outskirts, (From Nahr al Kalb to Khaldeh)
Legend: Local Plan: Never approved Local Plan: Approved but not adopted Local Plan: Approved and Implemented					

Figure 58 Key characteristics of the zoning plans of 1932, 1944, 1950, 1954 and Beirut regional plan of 1964 (Source: Text from Rowe & Sarkis, 1998 adapted and modified by author)

The early 1960s witnessed the first planning law aimed to regulate urban development and land uses at the national scale (Al-Sabbagh, 2009). Here, two types of tools can be distinguished: The regulatory tools and the operational tools. The 'regulatory tools' are land use plans used to create a framework for future development that many be adopted at the national, regional, or local levels. The plan may be general or detailed, depending on the level of regulations introduced by the master plans. 'Operational tools' are used to enable direct and concrete interventions on the built and natural environments, such as land pooling, subdivision, and real estate companies.

Additionally, different laws were passed in the 1960s, it followed private interests wanting to build along the coast for tourism purposes. For instance; on June 1966, a decree 4810, Nizam Ishghal al Amlak al 'Aamma al Ba'hriyya, was passed that transformed the nature of the entire Lebanese coast. Also, Decree 4811 amended the zoning regulations for Zone 10 in Beirut which stretched from the military basin to Ramlet el Baida beach (Dictaphone Group, 2012). Such laws impacted the rationale of common goods in urban planning.

As such, shared spaces are acquisitioned through regulation for building activities by real-estate developers in the city.

- 3- During the post-war period (1989-to date), regulations were proposed to facilitate the penetration of the private sector, particularly non-nationals, into the real estate market such as decree (no.) 296 in 2001 that eased the acquisition for property for non-nationals. Also, the state facilitated the ways in which non-nationals can establish companies either in the form of holdings (e.g. Law 772/2006) or joint-stock companies (through IDAL, Law 771/2006). Such regulations impacted the real-estate market by enabling wealthy investors, locals, and foreigners to control the housing market through high-end developments and large scale real-estate projects which in turn attract dollars to the country. Since 2000, numerous cities and regions have developed spatial plans⁶¹. The majority of these plans are either done by or commissioned to private consultancy firms or nonprofit organizations such as European Union. Despite the number of these plans, the un planned areas in Lebanon constitutes 85.6% of the Lebanese territory (Public Works, 2018)⁶² (Figure 59).

⁶¹ Check thesis work of Yara Hamadeh and Yara Najm (2016) about strategic plans that were adopted in the 2000s

⁶² <https://www.jadaliyya.com/Details/38067>

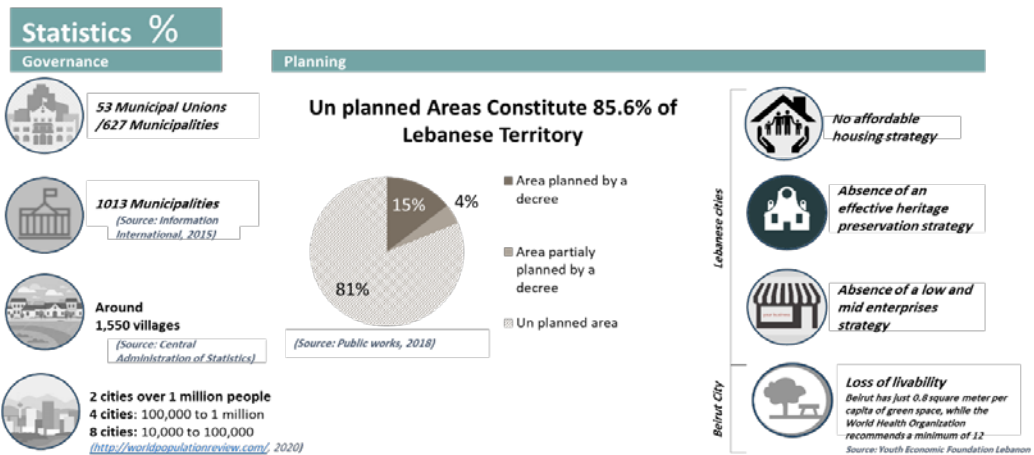


Figure 59 Facts about spatial planning and governance in Lebanon (Source: Author)

At the national level, with the efforts of the Council of Development and reconstruction (CDR), the National Physical Master Plan of the Lebanese Territory (NPMPLT), was put on the table in 2004 and finally adopted with a decree in 2009. However, the role of this strategy remains consultative, whereby it is there to guide developers, yet they are not forced to abide by it (Very few plans abide to NPMPLT). Below is a list of key Planning laws, National Spatial Plan and Strategy.

National Spatial Plan and Strategy	
1963	Regional/ National Planning Strategy- IRFED mission (Verdeil, 2012)
1977	Law held the CDR responsible for creating a comprehensive master plan for Lebanon
2009	The National Physical Master Plan for the Lebanese Territory Adopted as a performance plan. It needs prescriptive translation that never happened
Laws	
1964	First urban planning law in Lebanon was adopted (Al-Sabbagh, 2009)
2001	Ease the acquisition for property for non-nationals
Establishment of private real-estate companies	
1991	Creation of private real-estate companies to oversee reconstruction projects in Downtown Beirut and the northern littoral (Nahr el-Mott)
2006	Non-nationals can establish real-estate companies in the form of holding or joint stock

3. A Brief History of Building Law in Lebanon

The following table highlights briefly the historic development of building codes and its impact on both building and urban form. I present the modification and

amendments of the Lebanese building law⁶³ starting from the late Ottoman period in 1919 till the last amendment in 2004 (Figure 57).

Table 11 The historical development of the Lebanese building codes and its impact on both building and urban form (Source: Author)

Year	Event	Characteristics
1919	Building Regulation	<ul style="list-style-type: none"> • Height Constrains Number of floors and Façade Disposition
1940-1	First Building Law	<ul style="list-style-type: none"> • Base Line, more concerned about bulk ○ Maximum Height/ Base Height and Setbacks- Identified ○ Retreat from Front façade ○ Lot coverage/ Floor area ratio (FAR)/ Pilots/ Parking- Not Identified
During 1940-1954, Urban Design criteria were present in the neighborhoods through the alignment of buildings, pedestrian lanes, architectural identity and common internal residual spaces.		
1954	Amendment of Building Law	<ul style="list-style-type: none"> • Destroying Street Wall more about bulk and intensity ○ Base Height/ Maximum Base Height and setbacks- Amendment ○ Setback front-Identified ○ Lot coverage/ Floor area ratio (FAR)/ Pilots/ Parking- Identified • During this period, the building permit became a requirement. Until then, it was only for large/public buildings
1971 1971	Amendment of Building Law	<ul style="list-style-type: none"> • Compromising Street Wall and Height ○ Retreat from the obligation to build a fence to maintain alignment in case of building setback from the street. ○ Retreat from Height restriction in Beirut where 6 floors were the maximum ○ Exclusion of services such as the elevator shaft, entrance, lobby, concierge room, stair case from the coefficient of exploitation. • Introduction of the “large developments” Article 16 that exempts large developments (10 times the minimum area allowed for housing development in host region) to bypass some of the zoning regulations and go through approval from the Higher Council of the DGU.
2004	Amendment of Building Law	<ul style="list-style-type: none"> • Compromising Permeability and building character ○ Retreat from front façade and Building ‘s rear elevation with courtyard ○ Exclusion of services such as exterior pots, double walls and insulation ○ Closing balconies with transparent/movable panels⁶⁴

Table 11 shows that the amendment of building law had the following impacts on building form and urban form:

- Canceled gradually Urban Design criteria (such as the alignment of buildings in the inner neighborhoods, continuity of shop fronts, and architectural identity of old buildings)

⁶³ The Lebanese building code was based on the French model. It was drafted by Architects who belong to the modern movement in Lebanon. Those architects came from feudal lords and the urban bourgeoisie (such as Trad, Houry, Tabet, Salam, Edde, and others). Check the working paper by Abir Saksouk <https://www.aub.edu.lb/Neighborhood/Documents/abirAbirNIREport.pdf>

⁶⁴ قانون رقم 646 تاريخ 11 كانون الأول 2004 تعديل المرسوم الاشتراعي رقم 148 تاريخ 16 أيلول 1983 قانون البناء

- Increased building height which in return overshadowed the low buildings in the inner neighborhoods. As of 1971, every version of the building law allows developers/landowners to build more, higher and denser.
- Compromised permeability and building character of old buildings (As of 2004). It allowed developers and owners to close balconies with curtain walls and join them to the interior areas of apartments⁶⁵. As such, it separated the outside from the inside⁶⁶.

As a result, the building law can be considered as a planning tool, beyond public health and safety measures⁶⁷, that shaped urban development in Lebanon. The following paragraph presents the substantive issues (key elements) that constitute the Lebanese building law.

a. Substantive issues that constitute the Lebanese Building Law

Lebanese building law relies on metric standards, known as codes. Every building permit needs to comply and meet predefined norms and measures irrespective of other criteria such as building character, quality of design, and building integration. The aim of this section is to deconstruct the Lebanese building code, by extracting the main elements that constitute the code. These elements are extracted from the Lebanese building code table of contents (Figure 60). These are namely: Bulk, permit, Interior environment, design, and Intensity (FAR).

المادة 14 (معدل الاستثمار السطحي وعامل الاستثمار العام) من القانون رقم 646 - تعديل المرسوم الاشتراعي رقم 148 تاريخ 1983/9/16، 2004-12-11

⁶⁶ Check the article titled “على شرفات بيروت” by Mazen Haidar <https://legal-agenda.com/article.php?id=5704>

⁶⁷ The International Building Code (IBC) addresses both health and safety concerns for buildings based upon prescriptive and performance related requirements (https://codes.iccsafe.org/content/IBC2018?site_type=public)

Deconstructing the Lebanese Building Code Elements			المرسوم التطبيقي لقانون البناء	
Elements		Topics	Page	المحل الأول في رخصة البناء
Bulk	Bulk	Permit and Secondary works	1	الرخصة الأولى
		Walls	2	الأشغال المستندة من الرامية الترخيص
		Retaining walls	3	
		Terracing	6-4	
Permit	Bulk	Heights	8-7	
		Permits	8	تقديم التصريح اعطاء الوصول بالتصريح
			9	اصول منح رخصة البناء وما عليها
			14	شروط رخصة الأشغال (السكن)
Interior Environment	Interior Environment	صفحات الأشغال العمومية والخصوصية	16	صفحات الأشغال العمومية والخصوصية
		Envelope	18	الغلاف
		Light and Air	19-20	التواء من الغلاف
		Projections	20-24	سدى وقوع الظل
Design	Design	Light and Air in Plan	24-29	إشغال خاصة بالسلامة والصحة العامة و
		Tall Buildings	29-30	المتطلبات المعمارية
		Building Frontages	30	
		Mechanical	31	
Intensity	Bulk	Heights - Multiple Buildings	31	ارتفاع البناء و عدد الطوابق، البناء المنقطع،
		Floor Area Ratio (FAR)	33	معدل الإنشطار السطحي ومعدل الإنشطار العمق
		Setbacks	48	الإنتابات، المنسوح، الإنتها، حيس، التراجع، الفروع، قلوباً
		Planned Developments	49	التنموجات الكبرى
Design	Design	Parking	51	التوقف
		Parking Garages	62	التوقف الإضافي والمخفي
		Light and Air (Heights)	65	في الارتفاع تحت الضياء
		Permit	66	منطقة الحر الطق
Intensity	Bulk			بيت الرئيس القلي لتلاوة بمنطقة الحر الطق بالإضاح الغير المكونة بعد رفعها اليه بتقرير معال من قبل الوحدة المختصة
			66	المادة التسعة عشرة
				المادة العشرون
				المحل الثالث الطوابق
				المحل الرابع - أكثر عامة

Figure 60 Key elements that constitute the Lebanese building law (Source: Author)

Every section in the Lebanese building code reflects one or more of these elements. The key findings of the analysis are:

- Metric standards that are related to bulk are dominant. They include retaining wall, terracing, building heights, envelopes, and setbacks. However, standards that are related to the interior environment are given limited attention. The code particularly compromises the amount of light and cross ventilation needed in internal spaces.
- The design element is neither related to the character of the neighborhood nor to the quality of design. The design standards define wall measurements, frontages, and projections. As a result, buildings are poorly integrated within their surrounding context.
- The building code reflects an intersection with the approved urban regulations through the designation of the floor area ratio (FAR) and lot coverage among others.

As a result, building code contains common metric standards for bulk, design and intensity (FAR). It does not comply with the adopted criteria in the international

building code and does not include qualitative issues about the quality of design and concern for integrating buildings within their surroundings.

4. Deconstructing the Lebanese Regulatory Arrangements in Relation to the Best Practices (Building code, zoning table, planning code and bureau technique)

This section deconstructs the Lebanese regulatory framework in relation to the best practice in planning and building tools from international experiences. As such, I revisit the Lebanese regulatory arrangements and deconstruct the Lebanese zoning and building code, Mandatory technical check, also known as bureau technique, and planning code. Figure 61 shows that there is a need for restructuring building code within a strategic regulatory framework that performs not conforms and revisiting planning frameworks and institutions.

		Planning and development Regulatory framework	Subdivision and zoning										
		D. Corporations	Lot configuration	Use	Bulk	Density	Design	Structure	Fire	Egress	Accessibility	Light	Ventilation
Best Practice	Zoning Code												
	International Building Code												
Lebanon	Zoning Code												
	Building Code												
	Mandatory Technical Check												
	Planning Code												

Figure 61 Elements of the Lebanese regulatory framework in relation to the best practice in planning and building tools from international experiences (Source: Author)

The approach aims to compare the main elements that constitute Lebanon’s regulatory arrangements with the best practices documented in international experiences:

- Zoning code in best practices consists of at least five categories: land use, bulk, density, design, and lot configuration. In Lebanon, the zoning code is limited to two of these categories, use and density. In addition, while the planning code constitutes from lot configuration and other operational tools such as building corporations, land subdivision, and pooling.
- Building code in best practices, known as International Building Code (IBC), includes criteria for structure, fire, egress, accessibility, light, and ventilation.

The Lebanese building code is limited to bulk and design; however, the remaining elements structure and fire egress are part of the mandatory technical check (Bureau technique).

As a result, Lebanese regulatory arrangement constitutes of four codes: Zoning code, Building code, Safety code through the Mandatory Technical check and planning code. These codes are prescriptive. Here all cases must conform to certain criteria and meet predefined norms.

- **Operational Framework (Permit Issuing Roadmap)**

The operational framework is the process of permit issuing. It relies on three bureaucratic phases. Each permit needs to go through the following phases: Planning and regulatory framework phase, the design review and permitting phase, and construction monitoring. The main stages required in each phase are mentioned in the following diagram.

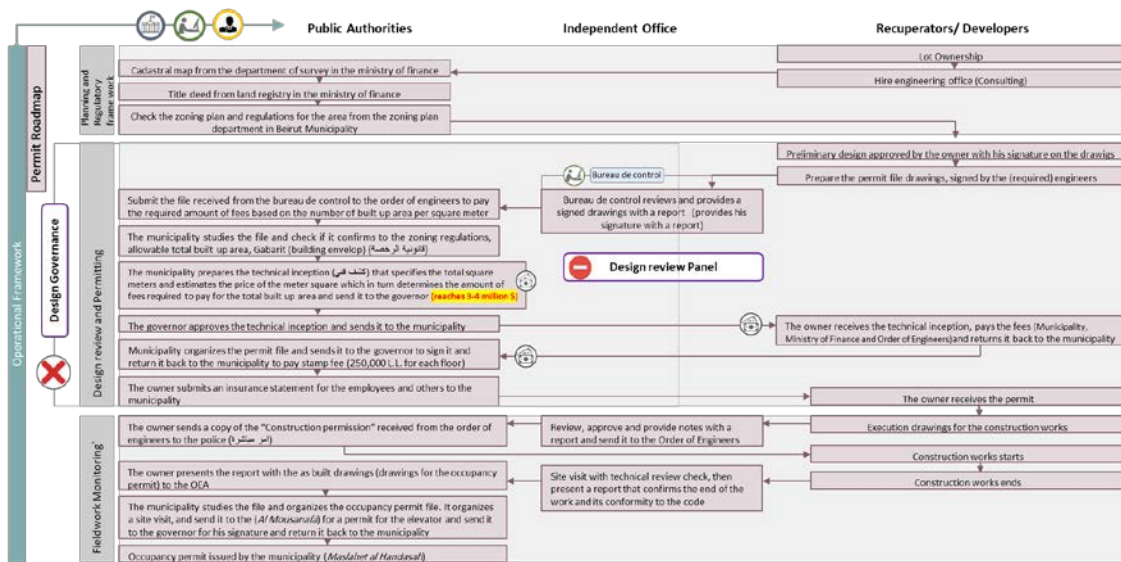


Figure 62 Permit issuing roadmap (Source: Author)

Diagram (62) shows that the operational framework relies on three main requirements:

1. Building permits must comply with building code and zoning regulations.

2. Building permits must comply with the technical requirements through the technical check (Bureau Technique) led by an independent office.

3. Owner must pay the required fees and taxes to different public institutions such as the Municipality, the Order of Engineers and Architects, and the Ministry of Finance⁶⁸. For instance, the amount of fees paid by the owner in the inception report (كشف فني) reaches 4 million dollars. In this report, the municipality estimates the price of the meter square which in turn determines the amount of fees required to pay for the total built-up area and send it to the governor. In addition, the adopted operational framework contains cracks through the following:

- Misses a design review panel that assesses the quality of design⁶⁹.
- The amount of fees in the inception report (كشف فني) reveals that the municipality relies on real-estate permits to capture capital for the municipality. As such, the increased number of permits enhanced urbanization and city transformation in the last 15 years. From a planning perspective, such tax system and fees accumulation raise concerns about the problematic incentive for local authorities.
- The high amount of taxes and fees restricts urban development and housing production to a specific category of developers such as joint-stock companies, holders, and wealthy developers. Different studies revealed that amateur developers failed to sustain in the real-estate market.

In sum, the process of permit issuing is bureaucratic and costly. These two features are key factors in monopolizing urban developments to a certain group of real-estate developers who own capital, networks and skills.

⁶⁸ Three main actors are in charge for approval: Order of Engineers, Municipality and Governor

⁶⁹ Unless the project is large, it is reviewed by the Directorate General of Urban Planning (DGU)

C. Mapping the Current Lebanese Urban Governance Structure

(Institutions, Tools, Scope, Powers and Networks)

In this section I argue that one of the main weaknesses of Lebanon’s planning framework is the redundancy of authority, the overlapping prerogatives of various agencies, and the lack of coordination between them that particularly sidelines local authorities (Figure 63). In addition, I show that planning fails because of ensuing conflicts across plans, poor public representation, technical weaknesses. Here I present the actual performance of the current planning process based on an assessment study titled “Performing Urban Planning System in Lebanon: findings of the research/assessment” conducted by UN habitat in June 2013.

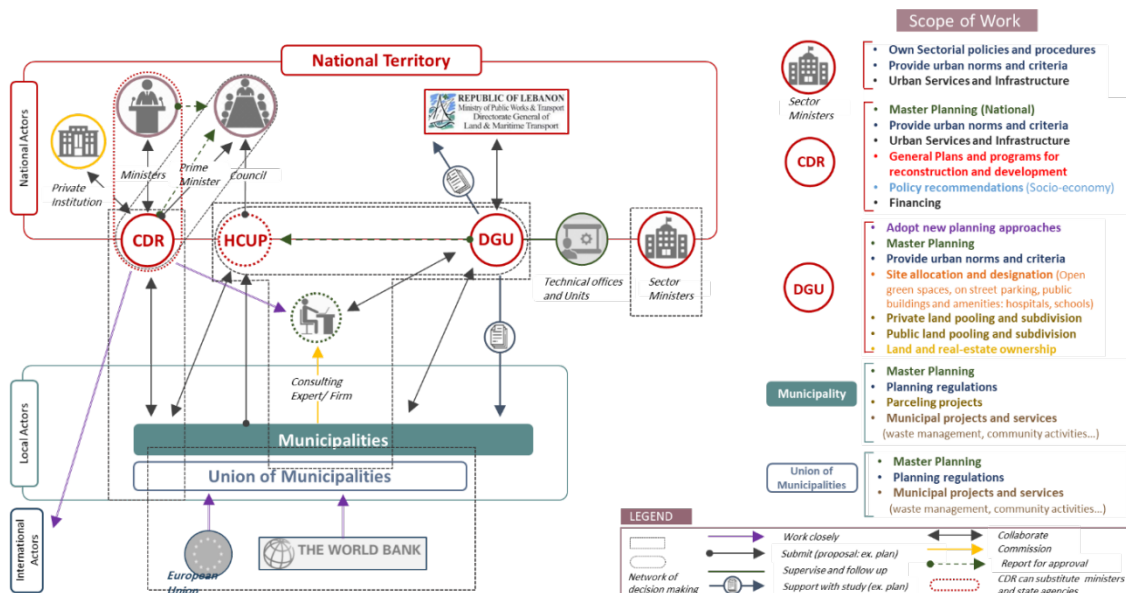


Figure 63 Mapping the current Lebanese urban governance structure (Source: Author)

- Various **planning actors (Institution)** act independently and compete with each other as the provider of planning and urban projects across different levels. For instance, the CDR, who operates at the national level to introduce capital projects, competes with the DGU at the local level through regional planning studies and projects (UN Habitat, 2013). In addition, it competes with specific

ministers as the key provider of main urban services, infrastructure, and even environmental norms and criteria (UN Habitat, 2013). As such CDR substitutes ministries and state agencies in:

- Financing matters,
- Studies and execution of development projects

In addition, International nonprofit organizations, especially the European Union and World Bank bypass sometimes the DGU and prefer to work directly with the union of municipalities in spatial planning (UN Habitat, 2013). On another hand, sector ministers have their own network in plan and decision-making. They have their own policies and do not abide by issues raised in the master plan at the local level (UN Habitat, 2013).

On the contrary, local actors who are considered the key-planning agents of their territories are reclaiming more power in decision-making. However, they are being challenged by national actors because central planning is imposed on them (UN Habitat, 2013). As a result, DGU and municipalities compete and sometimes clash due to the conflict between the political representation of the municipalities and the technical/legal representation of the DGU in the planning process. As such, DGU is unable to operate in an efficient manner because of the rigid procedural structure accompanied with an absence of clear procedures of collaboration with the other key planning actors especially with municipalities.

As a result of the overlapping authorities, we find that **spatial planning tools**⁷⁰ are often overlapping, missing key components, reductive in their understanding of the complexity of the city.

- 1- Urban projects are implemented without consideration of the national spatial plan. For example, infrastructure projects and regional master plans are approved and implemented independently from the National Physical Master Plan, sometimes in contradiction with its guidelines (UN Habitat, 2013).
- 2- Planning tools lose their effectiveness due to the reductive ways in which they are used. For instance, the Detailed Master Plan is reduced to zoning maps and replaced by spatial, technical, legal and aesthetic criteria. Such planning manipulation impacts the efficiency and the ability to deliver planning issues beyond prescriptive regulation. As such the zoning plan does not tackle socio-economic issues such as degradation of local economy and social networks, poverty, spatial divisions among others (Figure 64).
- 3- Key planning actors are not adopting effective spatial planning tools in plan making. As such, strategic planning is not active and limited to a few forms of initiatives by international organizations.
- 4- Several tools that are in place are mainly attached to the central government or introduced by international donors who are present with their own tools, such as regional planning by the European Union. However, each of these tools:
 - Has its own set of constraints and implementation rules and regulations.

⁷⁰ Spatial planning tools are the National Physical Master Plan, Physical Master Plan (Territorial Plan, Master Plan, Detail Master Plan) and Strategic Plans

- These tools are keen to be mobilized and instrumented depending on the particular situations and according to variables related to the municipal actor-networks' profiles or stakes.

Planning Tool	National Physical Master Plan (NPMPLT)	Physical Master Plan			Strategic Planning
		Territorial Plan	Master Plan (MP)	Detail Master Plan (DP)	
Institution	CDR	DGU	DGU	DGU	DGU
Approach	Prescriptive/ comprehensive				
Framework	Provides general national planning framework with general guidelines: <ul style="list-style-type: none"> Structuring the territory along main urban centers, developing an inclusive economic plan, providing public facilities in an efficient and effective strategy, developing the territory's transportation network, urban development respecting the specificities of each area, developing a strategy to preserve the natural wealth in the territory, managing the water resources, and, Solving the problem of wastewater, quarries, and solid wastes 	Local urban planning plans and regulations should be in conformity with its content, and as such should also serve as the main framework for the other two categories (MP and DP)	<ul style="list-style-type: none"> Promote public interest by specifying the main land use orientation <ul style="list-style-type: none"> Define land uses, and classify areas... Provide detailed guidelines for urban planning for cities and villages <ul style="list-style-type: none"> urban extensions, balancing between urban settlements and natural and agriculture domain, delimitation of historic centers Specify urban services, such as: <ul style="list-style-type: none"> electricity, potable water, garbage collection ... In addition to issues related to environment protection and heritage preservation... 	The plan is conceived at the scale of the plot and is legally binding for all citizens. It is the equivalent of the classic land use plan. This plan defines also: <ul style="list-style-type: none"> the final zoning regulations, exploitation ratios, construction norms, street wall controls, and servitudes related to hygiene. All of which in conformity with the Master Plans	The government has instigated strategic regional planning (1) Master Plan for the metropolitan region of Beirut (1983-1986) (2) Socio Economic Programs for post conflict development for southern Lebanon (1998-1999) (3) Regional Plan for Tripoli "Alfayhaa". However Strategic Planning was in the form of initiatives supported from non profit organizations, such as Saïda Urban Sustainable funded by European union and CBCMED. In addition to plans for Jezzine, Tyre. These plans produced a collective vision.
Limitations and difficulties	Very few plans abide to NPMOLT limited to determine general orientations associated with land use, without specifying the procedural mechanisms that facilitate its use at the level of line ministries and public administrations	No subsequent article defines explicitly its: <ul style="list-style-type: none"> Content; the implementation mechanisms; the authority that would be in charge of its application 	It was never implemented and whether implemented occasionally it failed It was never legally binding for public administrations, as all infrastructure projects were approved and implemented independently from Master Plan	Reduced to zoning maps with tables of construction conditions and regulations. In practice the Detailed Master Plan has substituted the Master Plan	Absence of : 1- formal approval by the Council of Ministers and therefore a lack of commitment to financing them; 2- a programming phase following the drafting of the Plan
Critique	The social-economic dimension is not addressed. Urban issues like housing, regressing local economy, poverty, social segregation, spatial divide are being neglected, overseen and replaced by spatial, technical, legal and aesthetic considerations only.				

Figure 64 Characteristics of the existing spatial planning tools in the Lebanese planning framework (Source: UN Habitat, 2013; adapted and modified by author)

- **Planning issues and scope of work** overlap across the key planning actors at the national, local and international levels. For instance, master planning can be done by national actors through CDR, DGU, and local actors through Municipality and Union of Municipalities. However, urban and environmental norms are driven by sector ministers, CDR and DGU. The absence of defined missions, tasks and ways of collaboration is leading to conflict among urban regulations and plans (Figure 63).

As a result, planning tools and regulations do not adapt to actual conditions and do not respond to the emerging trends and processes of urban transformation such as gentrification and urban sprawl. Here, urban Planning criteria are limited to land use, aesthetic, preservation and hygienic dimension; however, urban regulations are limited to quantitative and prescriptive approaches.

- Centralization of **decision-making processes**

- 1- Planning processes are controlled through public actors at the national level; however, decision-making is centralized in the executive authority among the following three main actors: Sector Ministers, Council of Ministers and Prime Minister. The former actor has a prominent power and influence in the decision making through the CDR. It reports directly to the council of Ministers and directly attached to the Office of Prime Minister. As such, The CDR is accountable to the Council of Ministers through the Prime Minister. It's worth mentioning that even the parliament who elects the prime minister and proposes/ selects members of the council controls the process of legislation and law production. The parliament is not playing its role in addressing public needs. Just five laws that address public concerns were proposed by the members of the parliament between 2010 and 2018 (Atallah & Geagea, 2018)⁷¹.
- 2- Absence of **community engagement** in the decision-making processes: The plan-making is confronted to the prominent actors at the national level who exert control in the decision making without confronting plans to public notification (Yazigi, 2010). For instance, the Directorate General of Urbanism reports to the Higher Council of Urban Planning, which in turn approves the master plan and submits it to the council of ministers without any public notification.

⁷¹ Check the article titled "Addressing Citizens' Concerns is not on the Parliament's Agenda" by Sami Atallah and Nayla Geagea <https://www.lcps-lebanon.org/featuredArticle.php?id=142>

- Lack of expertise, skills and funds
 - 1- The administrative structure is rigid and embedded within bureaucratic networks and channels. It is characterized by number of departments and units with a fragmented pattern of coordination among departments.
 - 2- Lack of financial means with limited resources. Few planning studies and master plans were awarded since the last 15 years.
 - 3- Lack of expertise and planning approaches. The Directorate General of Urbanism including the Higher Council for Urban Planning lacks diverse expertise and approaches to deal with issues related to urban transformation on local, regional and national levels.
 - 4- Lack of skills and knowledge. The immunity staff recruitment does not necessarily fit into planning competencies and skills. Some of the head of departments are on interim basis. This leads to fragile and unaccountable project assessment and evaluation throughout the decision making process (UN Habitat, 2013).

- A- Lack of accountability and transparency in urban projects designation. The mechanism of designation is not transparent and lacks equal opportunities among all consultants and contractors. Such performance enhances the manipulation of certain structures in construction and planning field.

D. The Performance of the Current Lebanese Planning Process: The Failed Process

Departing from the previous sections and work of the key scholars (Mona Fawaz, Serge Yazigi, Mona Harb, Hiba Bou Akar, Eric Verdeil, Sami Atallah, Jihad Farah, Leon Telvizian, and Hisham Ashkar), we can notice that planning in Lebanon is embedded and channeled through concealed mechanisms and networks. The analysis reveals that corruption is an integral part of the institutional arrangements and networks. In addition to the absence of effective and good planning. Here, the absence of a national planning policy and effective spatial system had an impact on the integration between planning strategies across all levels of governance. The adopted planning mechanisms among different actors and powers produced a fragmented and dysfunctional planning system. As a result, *Urban Planning* is not performing in an efficient, effective way and not able to respond to the emerging trends of urban transformation. As such, the existing planning process failed to deliver key values of good planning (*Urban Inclusion and livability*) and respond to public needs. Thus, there is an urgent need to: rethink scales and levels of urban governance, integrate planning strategies, activate and review planning tools, and democratize agenda setting and implementation. Below I present the performance of planning at the National level and local level, and the key drivers of planning in Lebanon (Figure 65).

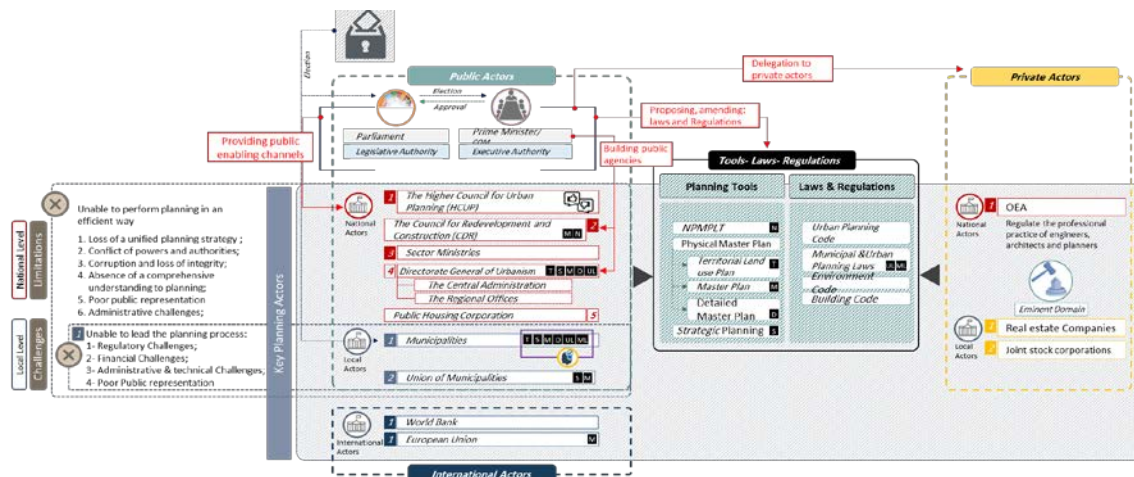


Figure 65 Diagram illustrates the performance of the Lebanese planning process (Source: Author)

Planning in practice, at the national level, is not able to perform in an efficient and effective way due to the following

- Loss of a unified planning strategy;
- Conflict of powers and authorities;
- Corruption and loss of integrity;
- Absence of a comprehensive understanding to planning and its role;
- Poor public representation;
- Administrative challenges

On the local level, municipalities are not able to lead the planning process due to:

- Regulatory challenges;
- Financial challenges;
- Administrative and technical challenges;
- Poor public representation;
- Politics and decision-making

As a result, urban planning in Lebanon is driven and guided by the following factors:

- 1- Socio spatial divisions through spatial terrorization (building social enclaves by class or sect) (Abou Akar, 2018)
- 2- Urbanization through capital production mindset which in turn reproduce social class and sectarian divisions (Abou Akar, 2018; Fawaz, 2019)
- 3- Private interest (mainly for electoral purposes) through enhancing clientelism (Fawaz, 2017).⁷²

⁷² Check the article “Circular 352: The right to build or lack thereof?” by Mona Fawaz <https://www.lcps-lebanon.org/featuredArticle.php?id=126>

E. Structural Revisions in the Lebanese Planning Process

Departing from the previous sections, the national scale of intervention that is required to contextualize performance-based planning and reshape the local planning process with decentralization and qualitative thinking in mind are specified below:

1. A National Vision for Planning

My comprehensive vision for planning in Lebanon emphasizes the desirable values of livability and urban inclusion with in a performance-based approach in planning. Here, I reconstruct the Lebanese regulatory and planning framework to achieve the following three goals: First, to introduce qualitative criteria through the performance code. Second, to adapt Lebanese building code to international building standards. Third, to locate urban planning to a wider strategic spatial system. As such, I propose the following (Figure 66):

- The zoning code will be removed and substituted with the Performance code. This code constitutes of different categories derived from a development strategic plans that is able to deliver qualitative criteria in planning. These categories reflect a deeper shift from prescriptive criteria and include:
 - 1- Livable Neighborhood
 - 2- Inclusive neighborhood
 - 3- Neighborhood character
 - 4- Site planning

		Livable N.	Inclusive N.	N. Character	Site planning	Structure	Fire	Egress	Accessibility	Light	Ventilation
Proposal	Performance Code										
	International Building Code										
	Planning	Local Governments and Spatial Planning System									

(N): Neighborhood
 Livable N.: Livable Neighborhood
 Inclusive N.: Inclusive Neighborhood
 Neighborhood Character: N. Character

Figure 66 Key elements that constitute the proposed regulatory and planning framework (Source: Author)

- The building code will be replaced by the International Building Code (IBC). As such, building safety and security will abide by the six elements that constitute the IBC. It includes: Structure, fire, egress, accessibility, light, and ventilation
- The planning code will be transformed into a planning framework where the Local Governments and Spatial Planning System and Strategy are introduced. In the following section, I will develop and explain the newly proposed spatial planning system where all levels of governance are integrated.

2. Revisit the Institutional Governance Structure of Planning

In this section I present the *Integrated Planning Framework* with an effective regulatory approach that can introduce new criteria to planning processes that are qualitative in nature and facilitate the implementation of a developed vision at the local level. Figure 67 shows the proposed institutional governance structure. It includes: Scales of planning governance and its scope of work, the key institutions and spatial planning tools in each level.

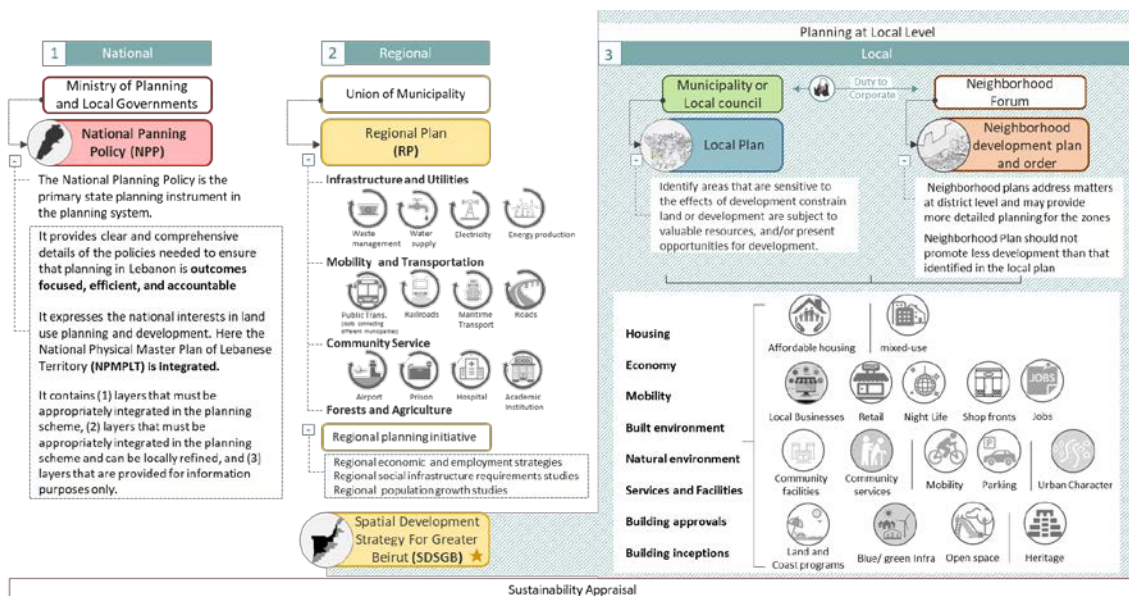


Figure 67 Three scales in planning: National, regional and local (Source: Author)

a. Integrated Framework of Planning at Multiple Scales

The spatial planning system proposal is built on the premise of introducing a localism act by the Lebanese parliament. The act facilitates the devolution of decision-making powers from central government control to local communities. It re-structures levels of governance and local governments, reshapes the functions of the local governments, and defines the framework in which urban regulations and planning occur. Figure 68 shows the three Levels of governance, sometimes referred to three levels of government. These levels are correlated to deliver planning in an efficient and effective way through the integrated planning framework (Figures 68 and 69). These levels are National Level, regional Level, and local Level.

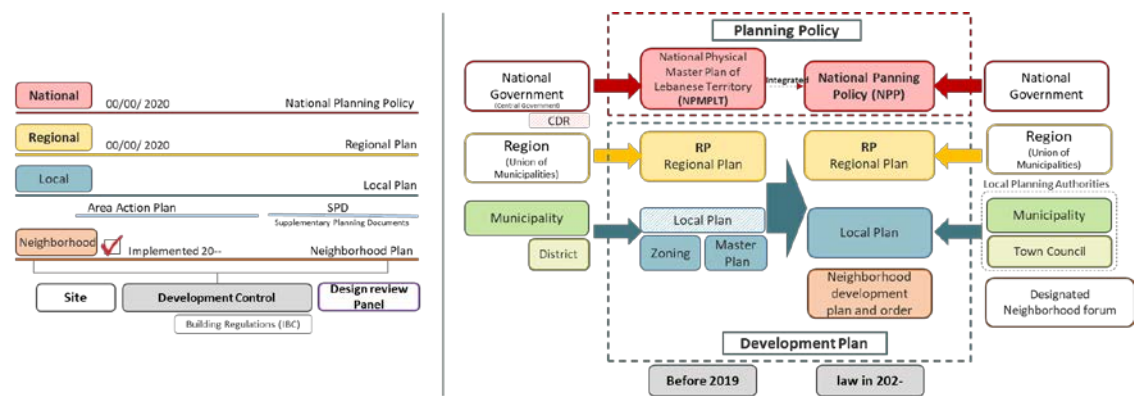


Figure 68 The proposed institutional governance structure of planning (Source: Author)

- National Level through the Ministry of Planning and Local Governments

The National Government issues the National Planning Policy (NPP) prepared by the Ministry of Planning and Local Governments. It is the primary state planning instrument in planning. It provides clear and comprehensive policies to ensure that planning in Lebanon is outcome-focused, efficient, effective and accountable. Additionally, The National Planning Policy expresses the national interests in spatial planning and development (such as: Urban inclusion, Livability, Environment and Heritage, Safety and Resilience to Hazards among others). Here the National Physical Master Plan of Lebanese Territory is integrated.

The National Planning Policy is accompanied with The NPP Interactive Mapping System (GIS). It provides a visual representation of the policies or requirements associated with some state interests (Page 71). As such, the National planning policy contains (1) layers that must be appropriately integrated into the planning scheme⁷³, (2) layers that must be appropriately integrated into the planning scheme and can be locally refined, and (3) layers that are provided for information purposes only.

- Regional level through Union of municipalities

Union of municipalities develops regional plans. These plans, except Greater Beirut, deliver main services that impact both urban and economic development for regions. It is focused on issues that are related to the following sectors:

- 1- Infrastructure and Utilities such as energy production, electricity, water supply and waste management.
- 2- Mobility and Transportation such as roads, maritime transport, railroads, and public transit routes that connect different municipalities together.
- 3- Community Services such as airport, academic institutions, hospitals and prison.

In addition, regional planning includes *Regional Planning Initiatives* (RPI). These plans are done by nonprofit organizations that influence public institutions through economic development strategies and studies. Such plans are flexible and respond to any emerging national/ regional and local trends or emergency events such as influx of refugees and pandemics. It includes:

- a. Regional economic and employment strategies

⁷³ Planning Scheme is a planning instrument made by a local government. It sets out integrated state, regional and local planning and development assessment policies for all of a local government area. Additionally, it identifies strategic outcomes for the local government area to which the planning scheme applies; and includes measures that facilitate the achievements of the strategic outcome.

b. Regional social infrastructure requirements studies

c. Regional population growth studies

However, Greater Beirut has its own strategic plan, known as “The Spatial Development Strategy for Greater Beirut (SDSGB). It is a Statutory planning document for Greater Beirut and serves as a roadmap for the future development and inclusive growth of Greater Beirut. It sets out an integrated economic, environmental, transport and social framework for the development of Greater Beirut over the next 20-25 years (figure 70).

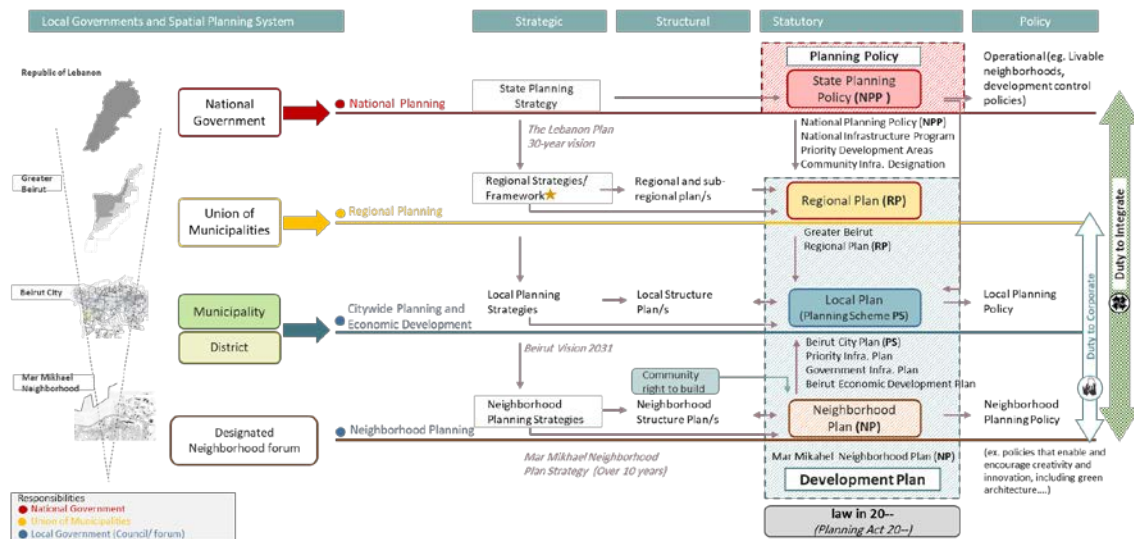


Figure 69 The integrated planning framework (Source: Author)

- The local planning framework consists of two complementary levels: The Municipal Level and the Neighborhood Level:

1- City scale through Municipalities (Local Councils)

Municipalities are the key planning actors at the local level. They develop strategic local plans and dictate preferred land uses at the local level derived from each neighborhood area. Local plans are statutory strategic plans and identify areas that:

- are sensitive to the effects of development,
- constrain land or development,

- c. are subject to valuable resources, and/or
- d. present opportunities for development.

Additionally, Local governments (municipalities) are the key planning actor who develops the Planning Scheme (Figure 69). Planning scheme is a planning instrument made by a local government. It sets out integrated State, regional and local planning and development assessment policies for all of a local government area. In addition, it identifies strategic outcomes for the local government area to which the planning scheme applies; and includes measures that facilitate the achievement of the strategic outcomes.

Main components of the Planning Scheme are:

1. State Planning Provisions
 2. Strategic Framework
 3. Regional Plans
 4. Table of Assessment (Identify the categories of development and assessment for development within the planning scheme area)
 5. Preferred Land uses
 6. Local Plan (Overlay),
 7. Neighborhood Plan
 8. Development Codes (Codes for assessment)
- 2- Neighborhood scale through a designated Neighborhood Forum (NF)

Neighborhood planning is new statutory level in local planning led by Neighborhood Forum. It allows communities (local residents) to have more influence and control over their local area. Both, neighborhood area and forum designation are approved by a planning committee at the local authority (municipality) (Figures 69, 70). It is important to mention that after producing

the neighborhood plan, Neighborhood Forum transforms into **community land trust** or **development trust** in order to support the implementation of the neighborhood plan.

Neighborhood Planning includes: Neighborhood Plans (NPs) and Orders (NOs).

- Neighborhood Plans are strategic statutory plans (Short term plans). They address planning issues at the district level. A neighborhood plan is a community led evidence-based vision for an area and provides planning policies for the use and development of land. It can allocate sites for different types of development (housing, retail and office space) and designate areas of community greenspace (Figure 70). Neighborhood plans should not promote less development than those identified in the local plan. They must meet with the National Planning Policy, conform to the strategic policies of the Local Plan, and comply with human rights legislation.
- Development orders grant planning permission for specified forms developments agreed upon by the neighborhood. They could be used, for example, for certain types of household or small business extensions or proposals.

Both Neighborhood Plan and orders are approved by an independent inspector and submitted it to the planning committee at local authority for approval and voted on by at least 50% in a local ballot⁷⁴.

⁷⁴ Independent inspector assesses whether the plans are prepared in line with the relevant legal requirements and whether it is “sound”.

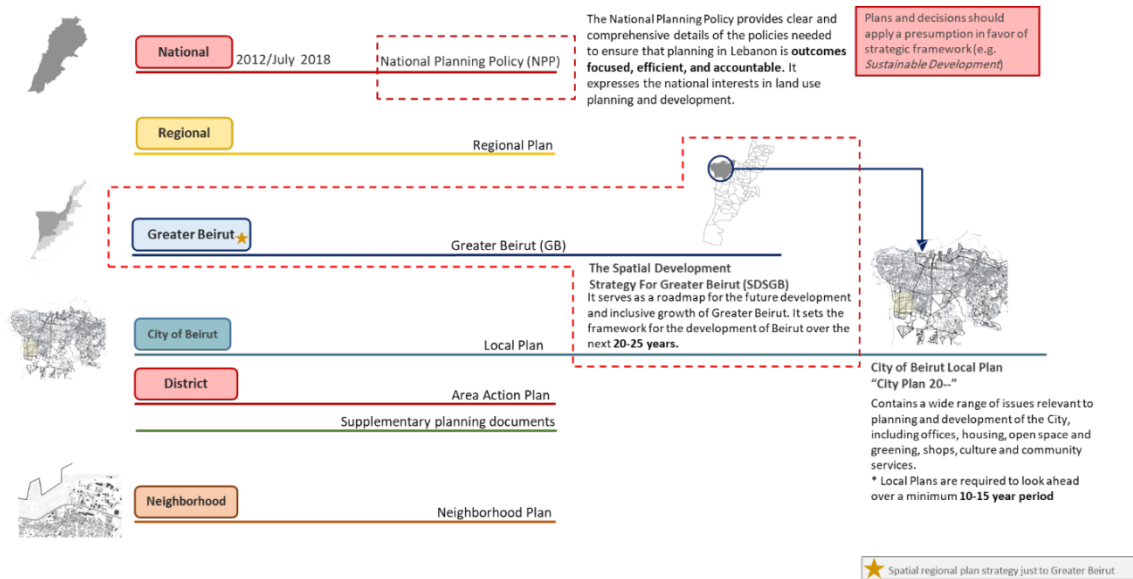


Figure 70 Characteristics of the strategic plans of Greater Beirut and Municipal Beirut (Source: Author)

To this end, the proposed local planning framework gives local communities in cities direct power to:

- 1- Develop a shared vision for their city and neighborhoods and shape the development and growth of their local area.
- 2- Deliver the development that local communities want and need.

Additionally, both Local and neighborhood plans are prepared to:

- Clarify what is to be achieved,
- Should be sufficiently flexible to adapt to rapid change
- Provide a sound basis for preparing and assessing development proposals.
- Provide the link with the Design Elements. The policies that is built on the articulated vision will be turned into performance code.
- Should not be confined to land use,
- Should include issues (polices) such as housing, community and cultural development, community services, urban design, transport, and the local environment.

3. Additional Tools and Institutions in the Local Planning Framework

The local planning framework includes additional planning tools such as (Figure 71):

- Duty to co-operate. It is a legal requirement for corporation between local planning authorities and other public bodies at local levels. These bodies are required to co-operate with councils on issues of common concern to develop sound local plans. This tool ensures that local authorities and other public bodies work together on cross-boundary strategic issues.

- Community infrastructure levy. It is a fee that new developments must pay, whereby the money raised through the Levy is used to fund a wide range of infrastructure needed to support the development of the area.

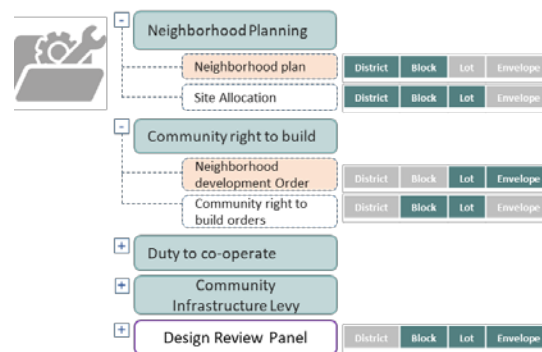


Figure 71 List of planning tools in the local planning framework (Source: Author)

However, the design review panel is a key planning actor in the operational framework (permit issuing)⁷⁵ at the local levels. The Design Review Panel comprises a group of independent multi-disciplinary professionals working in the field of the built environment. The Design Review Board (committee) functions as the decision-making body for the design of new development projects of different scales, renovation projects and exterior changes to buildings elevations among others.

⁷⁵ Permit issuing roadmap is articulated in the next chapter section C-1

F. Performance of the Proposed Planning Process: The Performative Process

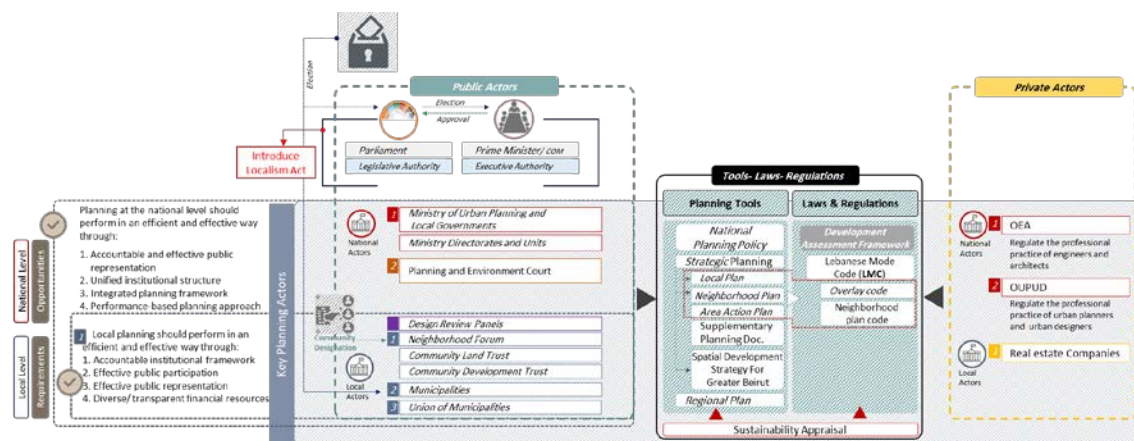


Figure 72 Diagram illustrates the performance of the Lebanese planning process (Source: Author)

The alternative planning framework requires an effective and accountable parliament in order to introduce a comprehensive reform at the national level. This reform, as mentioned earlier, introduces the Localism act that will restructure the entire planning framework. It will give communities and individuals more control over planning issues that affect their localities.

As such, planning should perform in an efficient and effective way at the national level through (Figure 72):

1. Accountable and effective public representation
2. Unified and accountable institutional structure
3. Integrated planning framework
4. Performance-based approach in urban regulation

In addition, Local actors will lead the planning process at local levels in an effective and accountable manner through:

1. Accountable institutional framework
2. Effective public participation in the plan and decision making process
3. Effective and accountable public representation
4. Diverse/ transparent financial resources

As a result, planning will be driven and guided by the following planning values:
*Inclusivity through (Housing affordability and social and economic diversity), Livability
(through qualitative design standards) and Equity.*

CHAPTER VII

CONTEXTUALIZING PERFORMANCE-BASED PLANNING: LOCAL PLANNING SCALE

This chapter presents the local scale of intervention that is required to adapt performance-based planning to local conditions. It includes:

- A. Introducing Neighborhood Planning in Mar Mikhael
- B. Adopting and Adapting Performance Code to Local Conditions.

A. Ingredients of Neighborhood Planning in Mar Mikhel

This section returns to Mar Mikhael, to explore the possibilities of finding in Mar Mikhael the necessary ingredients to introduce Neighborhood Planning, namely (1) a neighborhood forum or alternative discursive platform, (2) the development of a neighborhood plan, (3) level of community participation, and (4) potential funding mechanisms (Figure 73).

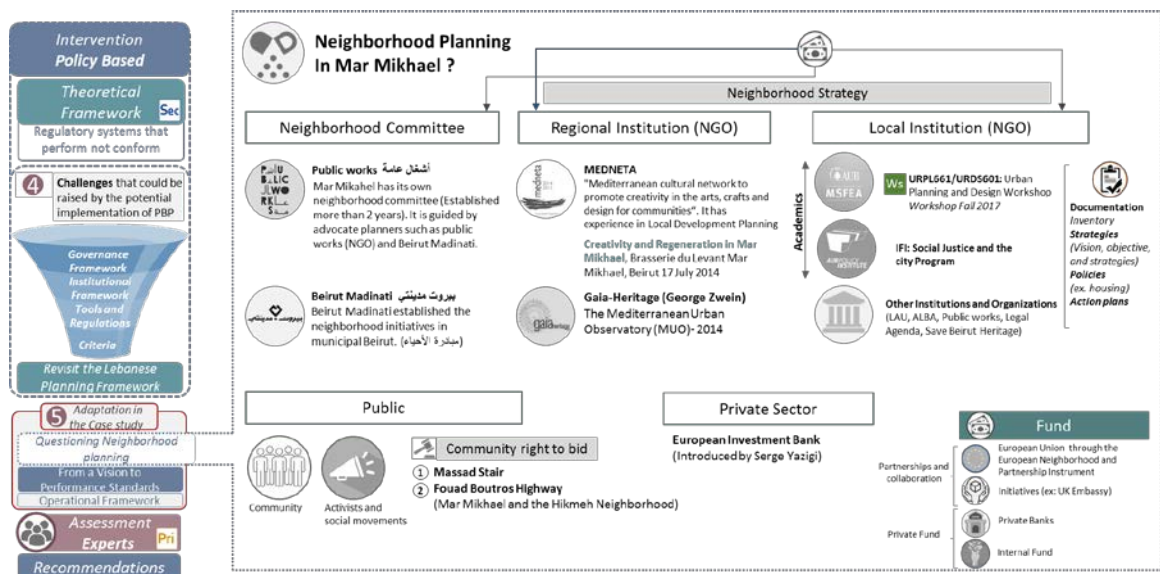


Figure 73 Ingredients of neighborhood planning in Mar Mikhael (Source: Author)

1. Neighborhood Committee

Mar Mikahel has its own neighborhood committee, established for more than two years. It is guided by advocate planners such as Public Works Studio. In addition, Beirut Madinati⁷⁶, the emerging political party, established the neighborhood initiatives in municipal Beirut. It aims to deliver specific communal projects in the neighborhoods such as recycling and alternative mobility patterns. Both public works and Beirut Madinati organized community meetings in the neighborhood. One of the meetings brought together residents from Mar Mikhael, Ras Al Naba'a, Zaqqat Al Balat, Badaro, Tarek Al-Jadida and Ras Beirut to discuss locals needs and priorities such as: public spaces, healthcare, housing issues and rent.

2. Neighborhood Strategy

Different organizations and institutions developed urban planning strategies for the neighborhood. Two prominent actors were involved in this initiative: The European Union (EU) through the MEDNETA⁷⁷ project and The American University of Beirut (AUB) through the graduate program in Urban Planning and Policy/ Design and the Social Justice and the City program at the Issam Fares Institute (IFI).

a- MEDNETA Project through ENI CBC Med, Cross-Border Cooperation (CBC) initiative (Regional level):

MEDNETA chose Mar Mikhael as a concrete ground for the European Union Project due to the following considerations: The high concentration of ACDs

⁷⁶ Beirut Madinati is a local political part. It emerged during the Beirut municipal elections in 2016. It is a civil, non-sectarian political party that seeks to build an alternative political project outside the sectarian frameworks. Beirut Madinati does not have a specific founder, but rather, the party is a collective initiative founded by many local individuals, mainly academics and activists of Beirut. Its primary objective is to make Beirut a more livable city. <https://civilsociety-centre.org/party/beirut-madinati>

⁷⁷ MEDNETA is one of the 95 projects implemented under the ENPICBC Mediterranean Sea Basin Programme 2007/2013. It is financed by the European Union through the European Neighborhood and Partnership Instrument (<http://www.enicbcmed.eu/>). The objective of MEDNETA project is to enhance cross-border cultural dialogue and cooperation among multiple stakeholders with the aim to support creativity in the Arts, Crafts and Design (ACDs) as a means for the regeneration of communities inhabiting the historical cities in the Mediterranean Basin (MB).

present in the neighborhood, the location of Mar Mikhael and the affordability of business properties as well as the identity of its “preserved” urban tissue. Here, Gaia Heritage within MEDNETA, led by Georges Zwein, surveyed the development of Mar Mikhael since 2010, it conducted an extensive survey of the neighborhood’s creative economy and of its socio-economic environment. As a result, they organized a conference titled ‘Creativity and Regeneration in Mar Mikhael’.⁷⁸ The conference presented a developed vision for the neighborhood that branded it as the creative neighborhood of the city. As such, the neighborhood was designated as a hub for creative industries in Beirut with the absence of a strategic framework and spatial plan for the city as a whole. The project was funded by the European Union through the European Neighborhood and Partnership Instrument in collaborations with UK embassy in Lebanon.

b- MUPP/D Workshop and Social Justice and the City Program at AUB (Local Level)

AUB developed different studies led by the Department of Urban Planning and Policy at the Faculty of Engineering and Architecture (MSFEA) and Social Justice and City program at IFI:

- i. MSFEA through the urban planning and design workshop in fall 2017 mapped the neighborhood and developed vision, strategies, policies and design interventions.
- ii. IFI published different research studies and developed housing policies for the neighborhood in collaboration with other institutions (e.g. Sciences Po, Konrad Adenauer Foundation- KAS).

⁷⁸ The conference took place at the ‘Grande Brasserie du Levant’ in Mar Mikhael in 2014

It's worth mentioning that other institutions and organizations conducted similar studies and research on the neighborhood (Universities such as: LAU and ALBA; NGOs such as: Public Works and Legal Agenda).

3. Level of Community Engagement in the Neighborhood

Civil society and local community are active in Mar Mikhael. Residents of Mar Mikhael often claim their rights, through social movements and mobilization supported by local advocate planners and activists. This affords the local community the ability to exert some control over the transformation of their urban, socially produced space and challenge Beirut's municipality. For instance:

- They stopped municipal projects that have an impact on the neighborhood built environment such as the Massad stair project and the Fouad Boutros Highway. The Massad stairs were to be demolished and replaced with a sub alley/ street as additional access for a new high-rise building. However, the highway, as mentioned earlier, intended to cross the neighborhood as per Echochard's master plan in the 1950s, linking Charles Malek to Charles Helou Avenue.
- Initiatives between residents and pubs to reduce noise and enhance the quality of life in the neighborhood. The aim of these initiatives is to manage the nightlife in the neighborhood. They were led by the neighborhood committee.

4. Possible Funds

The private sector is active in Beirut's transformation. However, some of the private actors showed interest to fund neighborhood projects (community-led projects) such as European Investment bank led by professor Serge Yazigi.

As a result, Mar Mikhael has an informal neighborhood planning led by emerging political groups, nonprofit organizations and activists. They deliver urban planning

issues and influence public policy. However, the neighborhood committee in M.M. faces the following challenges:

- Access fund to implement neighborhood project
- Beirut municipality coordinates with the newly established neighborhood committees in implementing specific communal projects. However, these projects are not integrated into a wider strategic framework or to a strategic local plan.
- Absence of effective heritage preservation strategy and law enforcement. The neighborhood, as mentioned in the case profile, is witnessing high number of permits for demolition.

B. Adopting/ Adapting Performance Code (LMCUD) to the Local Levels

In this section, I introduce the Lebanese Mode Code for Urban Development (LMCUD) and present the process of adopting and adapting performance code, through LMCUD, to local conditions by local governments. In addition, I present the structure of the performance scheme (format) also known as Tables of Assessment.

1. LMCUD Brief Definition

The Lebanese Mode Code for Urban Development, known as LMCUD, is the national resource document for urban development⁷⁹. It is a guiding document introduced by the Ministry of Planning and Local Governments at the national level to advance and guide planning actors to the assessment process and to help them build their own performance-based regulations. The document can be adopted and adapted by state actors (where necessary), regional governments and local authorities in preparing and producing their own performance codes, policies, and regulations. This document

⁷⁹ The Performance code structure in my thesis is inspired by The Australian Mode Code for Building Development (AMCORD) in 1997.

aims to achieve national objectives in spatial planning and development. Here, the major stakeholders in urban development are the local community, state authorities, local authorities, the housing industry, and private developers. The key categories of the performance code are under the four key headings:

- 1- Livable neighborhood by preserving the quality of the built environment. It includes blue and green infrastructure, transportation, and public open spaces.
- 2- Inclusive neighborhood by maintaining affordable housing and inclusive economy.
- 3- Neighborhood character by enhancing neighborhood identity and spatial specificity. It includes streetscape and landscape, building appearance, and heritage.
- 4- Site planning by making better land configuration. It includes lot layout, street setbacks, privacy, on-site car parking and access, private open space, landscaping.

2. Performance Code Structure (Format)

LMUCD aims to control urban development through an assessment process. It delivers planning objectives of the local plans, translates these objectives into performance outcomes (criteria), and specifies how these outcomes can be achieved. The document encourages integration of planning issues and development control processes. It explains the design element format and process of adaptation (Figure 74). Here, design elements are derived from strategic plans. The design element format constitutes of (Figure 74):

- 1- Intent: The Intent outlines the aim of the Design Element and reflects identified planning and policy requirements.

- 2- Performance outcomes: They are general statements of the means of achieving the Intent. They are not meant to be overly limiting in nature, however, enhance flexibility in achieving these outcomes. They provide designers and developers with an opportunity to develop variety of design responses.
- 3- Acceptable solutions: They provide certainty in achieving these outcomes, specifying one way that the Performance outcome can be met. They should not be interpreted as an alternative prescriptive form of regulation nor should they preclude other solutions or outcomes.

Planning and Design Categories (Main Issues)	
Element Categories	
Design Elements	
Design Elements Format	
Intent (an emphasis on objectives -the design Intent)	
Performance Outcome (Criteria)	Acceptable Outcomes (Solutions)
The description of Performance Outcome to achieve the Intent;	The provision of Acceptable Solutions illustrating one way that the Performance Outcome can be met.

Figure 74 Key features of the Design Elements (Source: AMCORD, 1997, adapted and modified by Author)

As such the document promotes innovation and flexibility in urban and building regulation. The following section presents how local authorities adopt and adopt LMCUD into local conditions.

3. Adopting and Adapting LMCUD to the Local conditions

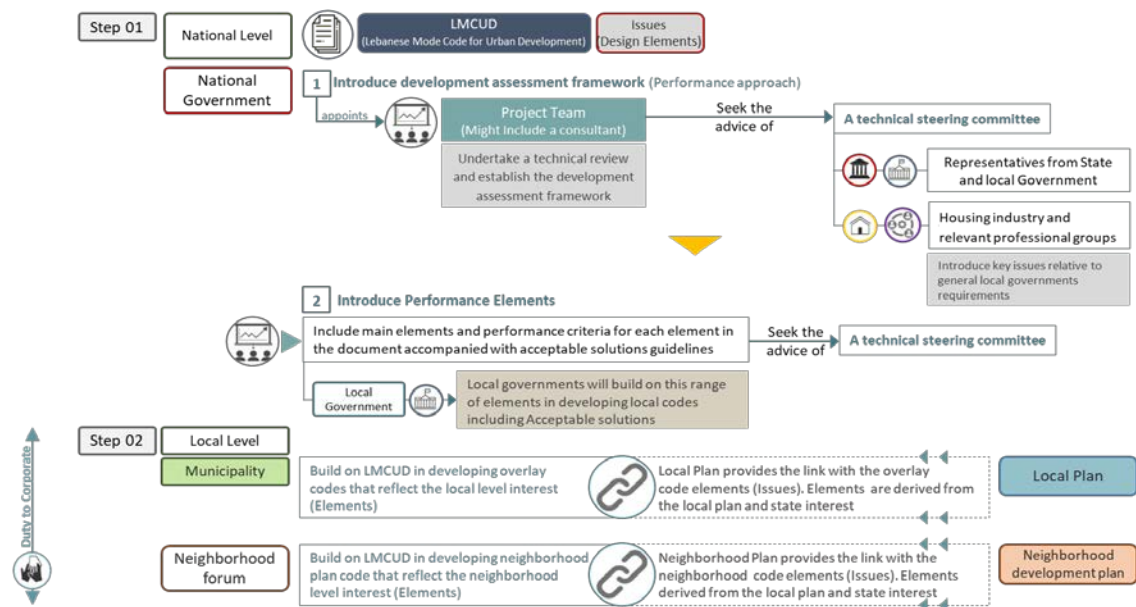


Figure 75 Adopting and adapting the LMCUD to Local conditions (Source: Author)

Figure (75) summarizes the two key steps required for Adopting and adapting the LMCUD to Local conditions. These steps are:

- Step 01: Introducing the Development Assessment Framework

Ministry of planning and Local Governments at the national level introduces the development assessment framework (Performance code). It should appoint for this purpose a project team to undertake a technical review and establish the development assessment framework. The project team must cooperate with a technical steering committee. It is comprised of (1) representatives from state and local governments and representatives from the housing industry and relevant professional groups. The aim of this committee is to introduce a wide spectrum of key planning and design issues (known as categories) relative to state interest and general local governments' planning issues (Figure 76).



Figure 76 Example of the planning categories (right side) and element categories (left side) (Source: AMCORD)

- Step 02: Introducing the Design Elements

Departing from the identified key planning and design issues, the project team in the Ministry of Planning and Local Governments develop these categories into element categories. Each element category is developed into a set of design elements (Figure 77). The project team expands each design element into intent, performance outcome, and acceptable outcomes guideline for each outcome. As a result, the Ministry of Planning and Local Governments through the assigned project team accomplishes a manual that will guide both state, territorial government and local governments to build performance codes and policies. Leaving Acceptable Outcomes (Solutions) to be reviewed and developed by the local government.



Figure 77 Example of element categories (right side) and design elements for each element category (left side) (Source: AMCORD adapted by author)

As such, Local Governments (municipalities) will build on this range of elements to develop local codes. It should review all elements and build its own set of categories, design elements and format, relative to its planning and design issues. These issues are derived from its strategic plan. As a result, municipalities at the local level will build on LMCUD in developing overlay codes, (performance-based Format, Figures 77-79) that reflect the local level interest. As mentioned earlier, Here the local

strategic plans provide the link with the overlay code elements. In other words, the element categories are derived from the local plan and respond to state interest.

Element 1.2
Integrated Movement Networks
Design Element

Need

Street networks must support the movement and provision of facilities for pedestrians and cyclists, public transport and cars and service vehicles.

The street network should be planned as a single integrated system so that the facilities for the various transport modes support each other cost-effectively.

There is also a need to re-examine the relationship between the movement system and the form of residential development. Large-scale, low-density suburban housing and unconnected street networks have locked the community into a car-dominated environment because public transport cannot be provided economically. The subsequent environmental and social consequences of air pollution, traffic noise and accidents, consumption of non-renewable energy, and social isolation are of increasing public concern. The financial resources to provide and operate transport facilities are being stretched (refer to Element 1.1 – Neighbourhood Design).

Integrated Provision

An integrated approach towards housing and transport is needed. The transport demand generated by housing must be satisfied by roads, streets and cost-effective and convenient public transport. This can be achieved with neighbourhood densities of at least 15–20 dwellings per ha and connected street networks, which should be the aim of land and housing development in urbanising areas.

New higher-density residential areas should be related to existing public transport infrastructure. (Figure 1). This particularly applies to commuter

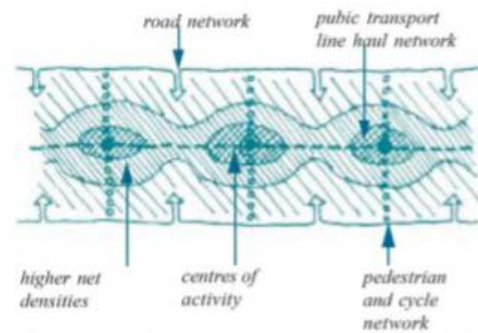


Figure 1: Networks should support each other and be related to residential density and centres of activity.

Figure 78 Example of Design Element (Source: AMCORD adapted by author)

However, the neighborhood forum through its planning and design committee (at a neighborhood level) will build on LMCUD and local plan in developing neighborhood plan code that reflect the neighborhood level interest (Elements). Neighborhood Plan provides the link with the neighborhood code elements (Issues). These Elements are derived from the neighborhood plan. It includes Intent, performance outcome and acceptable solutions. Finally, the developed neighborhood code will be submitted to municipality for approval.



Figure 79 Example of Design Element Format (Source: AMCORD adapted by author)

C. From a Vision to Performance-Based Standards (Neighborhood Level)

In this section I present the process in which a developed shared vision is translated to performance standards, also known as outcomes or criteria, at a neighborhood level. As mentioned earlier, Neighborhood plan provides the link with the design and planning categories. Here, the objectives and development intentions for a particular area may differ from those for another area, even within the same council area. In addition, some Design Elements may apply in one but not another area. The desired outcomes for a particular neighborhood area will determine which Performance outcome (criteria) are relevant (i.e. which matters should be taken into account) and what is considered acceptable outcomes for that neighborhood area (for instance, how they should be interpreted). Moreover, there are examples where the Performance Outcome (criteria) and Acceptable outcomes may differ from one area to another, such as on-site and on-street parking, open space, and street setbacks. When desired outcomes for each neighborhood area are clarified, there is a clear basis for determining what Performance Outcomes should be included in the Design Elements and how they should be interpreted. The justification for particular Performance Outcome, and the explanation of what they mean for designing and assessing a proposal in a given area, are found in the strategic neighborhood plan.

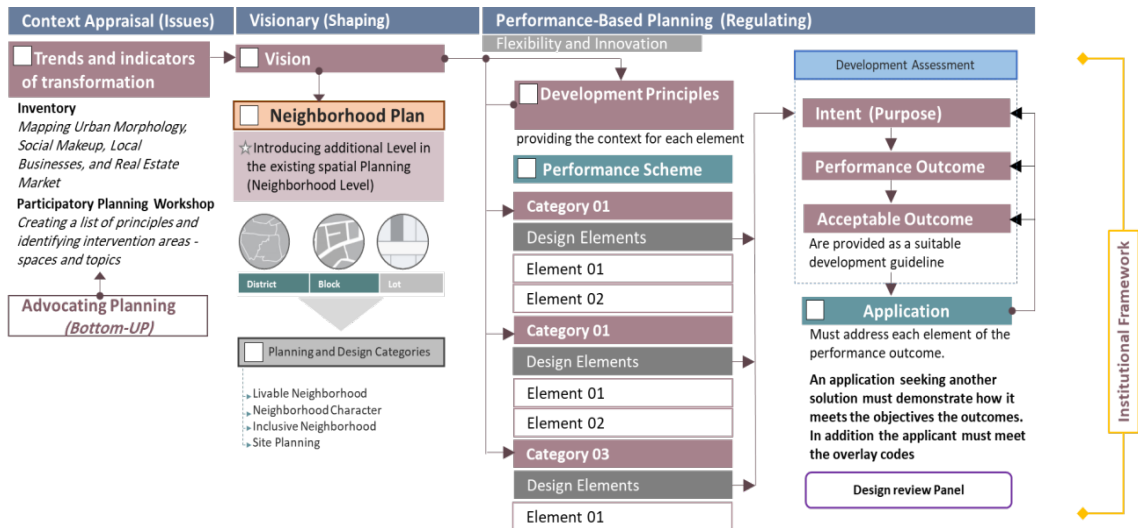


Figure 80 The process of translating a vision to performance outcome (criteria or standards) (Source: Author)

Figure 80 presents the process of translating a vision into a set of performance standards:

- Firstly, departing from the vision produced by the neighborhood, the neighborhood forum specifies key development principles. These principles provide the context of each planning, design category and design elements.
- Secondly, the planning committee in the neighborhood forum specifies the key planning and design categories (e.g.: Livable Neighborhood, Neighborhood Character, Inclusive Neighborhood and Site Planning).
- Thirdly, these categories will be developed into Element categories and Design Elements (Intent, Performance outcome and Acceptable outcome).

As such, each urban development in the neighborhood must meet the performance outcome of the design element. However, developers who are seeking another performance solution should demonstrate how it meets the objectives of a specific element to the review panel.

1. Operational Framework: Development Application Roadmap

The developer hires a design review panel and submits a report to the panel committee. The report specifies project issues or interests such as building use, functions, list of areas and number of floors etc. The panel committee reviews the neighborhood plan and performance code, of the neighborhood and writes a development brief (Figure 81). The panel committee through this brief aims to help clients to achieve the performance code objectives and meet all legal requirements and policies among other public sectors such as the ministry of environment and culture. However, developers who are seeking another solution should demonstrate how it meets the objectives of a specific performance element and send his suggestions to the committee. The committee either incorporates and approves his solution or rejects it. After the developer receives the approved brief, he hires a consulting firm or architect who translates this brief into a preliminary design and sends it to the panel committee for preliminary confirmation. The panel committee reviews the design as per brief requirements, confirms on the design layouts, and calls for public notification. If the project did not receive an appeal the architect proceeds in the execution drawing. Finally, the design review committee reviews the execution drawings, approves these drawings and gives the developer a construction permit for execution. Finally, the developer needs to pay all required taxes for the development.

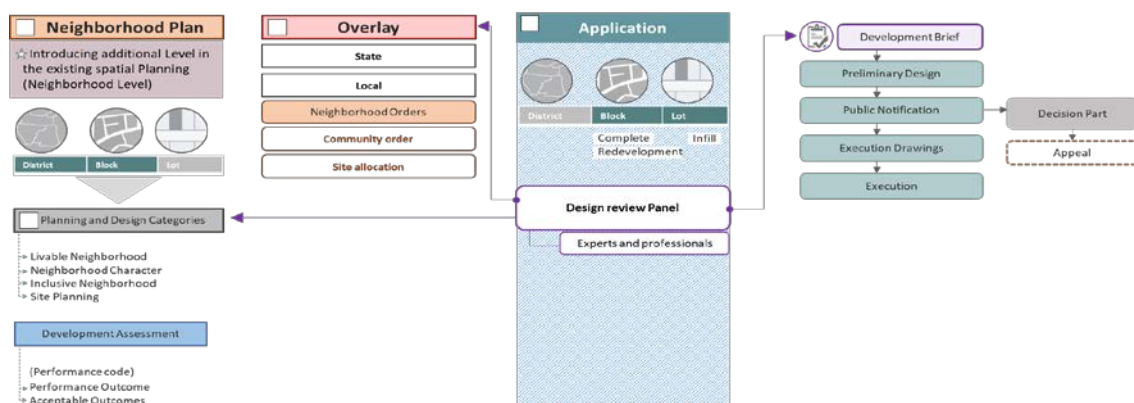


Figure 81 Permit issuance roadmap (Source: Author)

D. Revisiting the Urban Planning and Design Studio

In order to apply my approach in the neighborhood, I revisited the urban planning and design workshop and presented the key issues that are missing and required for the implementation of performance-based planning in the neighborhood. Two key issues were identified:

- 1- Designating a neighborhood area
- 2- Transforming the articulated vision into a set of guidelines for the neighborhood of Mar Mikhael (Performance code)

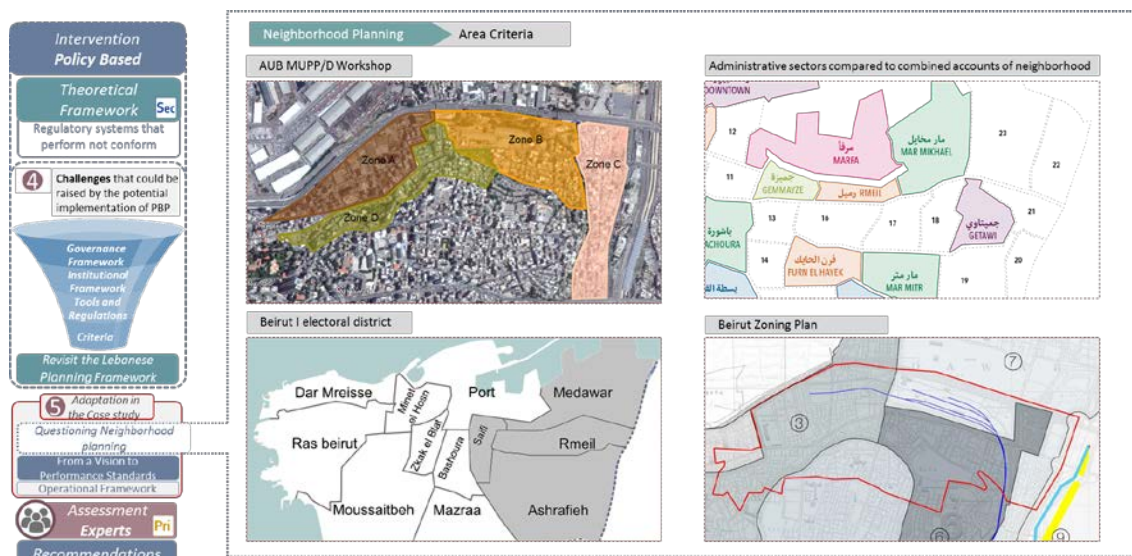


Figure 82 Four different criteria for designating a neighborhood area (Source: Author)

1. Designating a Neighborhood Area

Figure (82) shows four different criteria for designating a neighborhood area. These criteria reflect urban design and administrative approaches. In my research, I specified four approaches that could be investigated. Thus, I will not limit neighborhood area into one approach, however I present different possibilities that can be further investigated: These approaches are:

- a- The Urban Planning and Design approach: Here neighborhood areas were designated based on the key elements that constitute the urban form such as edges, landmarks, nodes, paths and districts. In addition to other factors such as urban morphology and social specificity (for instance district C was designated as a neighborhood where the majority of the residents in the area are Armenians). As a result, Mar Mikhael in the urban planning workshop was divided into 4 districts.
- b- Neighborhood area also can be designated based on the current electoral districts of Beirut. Here Beirut is divided into 12 districts.
- c- Another possibility is to specify neighborhood areas as per the administrative sectors compared to combined accounts of neighborhood (Fawaz et al, 2019);⁸⁰
- d- Or to adopt the same zones of the Beirut zoning plan. As such, each zone will be designated as a neighborhood area.

2. From a Vision into a Set of Guidelines for the Neighborhood of Mar Mikhael

Three key steps are required to transform the articulated vision in the workshop into performance standards:

- 1- Firstly, translate the objectives into planning issues and classify them into design and planning categories (e.g.: Livable Neighborhood, Neighborhood Character, Inclusive Neighborhood and Site Planning) (Figure 83).
- 2- Secondly, translate each Strategic objective into Design elements (Figure 83).
- 3- Thirdly, develop each strategy into elements (Figure 83).

As a result, each element will be translated into Intent, Performance Outcomes, and Acceptable Outcomes as per the design element format (Figure 84)

⁸⁰ Refer to map 3A-3B in the study of “Refugees as City Makers” page 86 conducted by Fawaz et al.

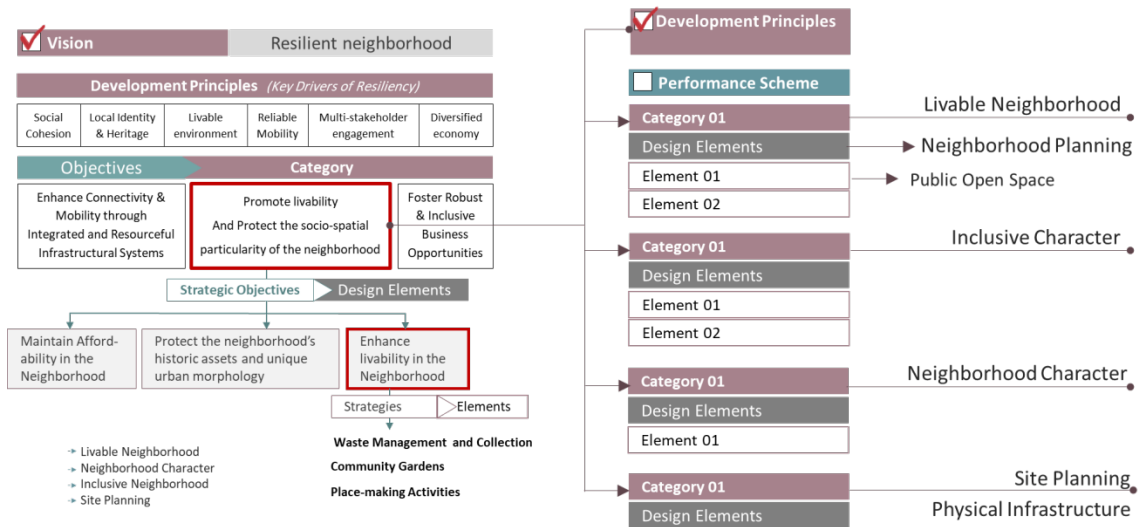


Figure 83 Steps required in translating articulated planning objectives to performance regulation

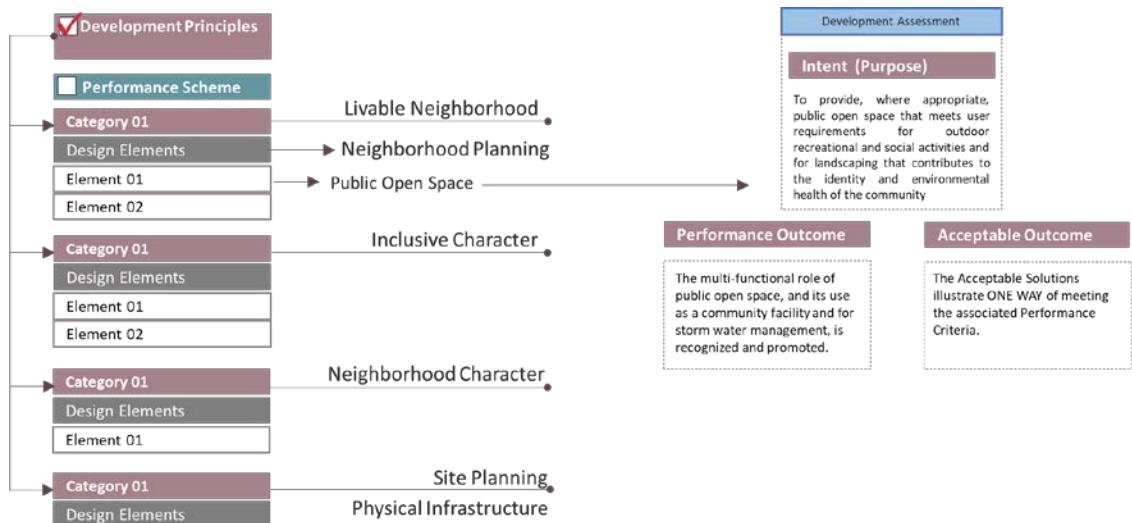


Figure 84 Example of translating an element to fit the design element format

E. Chapter Recap

The chapter ends with approaches of adoption and implementation of performance-based planning in Lebanon. These two approaches reflect the key issues that have been explored in this chapter.

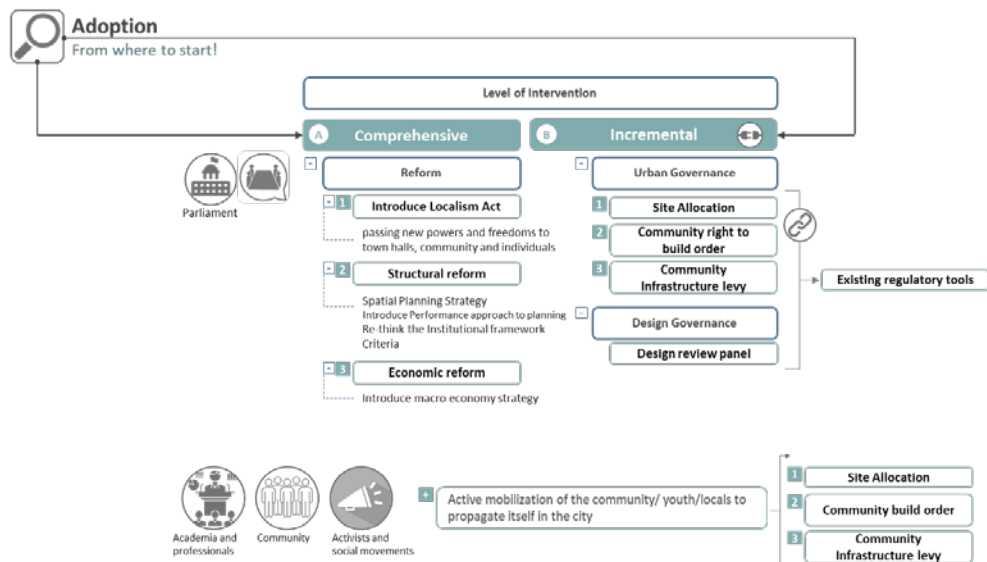


Figure 85 Possible approaches for implementation: The Incremental and Comprehensive Approach (Source: Author)

1. Possible Approaches for Implementation: Incremental and Comprehensive Approach

Figure (85) presents two possible approaches for adopting performance-based planning in Lebanon. I propose two approaches: The comprehensive intervention approach and the incremental approach.

The comprehensive intervention approach adopts the proposed planning framework. It is comprehensive because it requires a reform at national level through the parliament that can bring planning to the lowest levels in governance. This reform can be achieved through:

- a. Localism act by passing new powers and freedoms to municipal councils and communities.
- b. Structural reform by introducing a new spatial planning strategy and performance-based approach in the Lebanese regulatory framework within a newly established institutional framework.
- c. Economic reform by introducing macro and micro economic strategy within a strategic economic framework.

However, the incremental approach intervenes on the existing regulatory framework through strategic modifications. For instance, introducing design review panels to the current permit issuing process (Figure 85).

CHAPTER VIII

THESIS RECAP

A. State Performance Spectrum: Positioning the Performance-based Planning

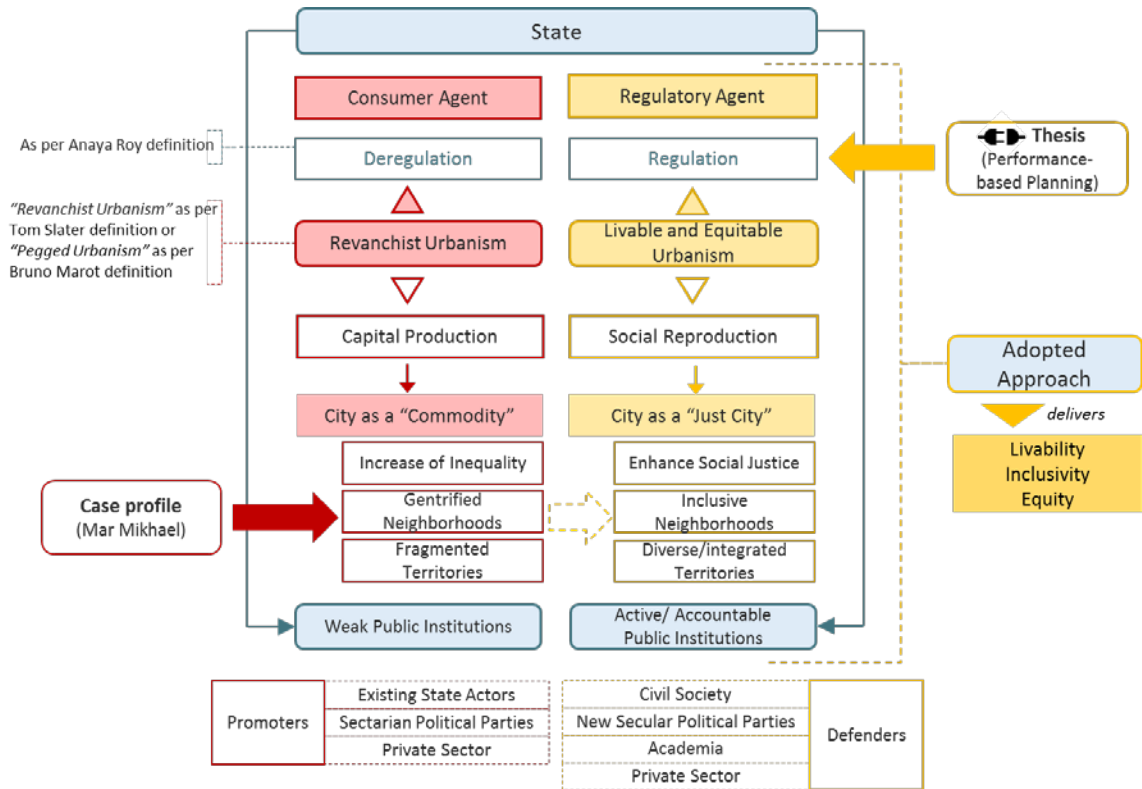


Figure 3 State Performance Spectrum (Source: Author)

B. Thesis Conclusion

My research shows that urban transformation that is taking part in the inner neighborhoods requires an effective *Integrated Planning Framework* and regulatory approach in the Lebanese planning system (Figure 86). Here, urban transformation can be tackled through an integrated planning framework and performance approach in urban regulation in which strategic spatial plans and regulatory arrangements are established, developed, and exercised at the local levels in a flexible, efficient and effective way.

The proposed performance-based planning approach is significant in its three-fold contribution to urban planning in the inner neighborhoods: Firstly, it produces a qualitative standard that can challenge issues related to urban transformation. Secondly, it allows flexibility and innovation in planning regulations. Thirdly, it allows urban planners to exercise their profession and engages community in the decision-making process.

As mentioned earlier, introducing performance-based planning approach requires structural revisions in the Lebanese planning process:

- A- Articulating a national vision for planning to emphasize the desirable values of livability and urban inclusion.
- B- Revisit the institutional governance structure of planning to facilitate the implementation of this vision:
 - 1. Introduce the Integrated Planning Framework (Figure 87)
 - a. Rethink Planning frameworks among all levels (National, Regional and Local)
 - b. Introduce the Lebanese Local Governments and Spatial Planning System
 - i. Intervene on the current Local Planning Framework
 - ii. Introduce the Neighborhood Planning Framework
 - 2. Rethink the Lebanese Planning Institutions
 - a. Establish a Ministry of Planning and Local Governments
 - b. Establish a Planning and Environment Court
 - c. Introduce a Design Review Panels at the local level
- C- Rewriting Planning tools and Regulations to shift them towards a performance-based approach

1. Introduce strategic plans at Local Levels to replace the zoning plan, and have a neighborhood plan. Both are strategic, which means they begin with a vision and policies built on the vision. This is what will be turned into performance code.
 2. Introduce a development assessment framework
 - a. Abolish the current Lebanese planning and building code
 - b. Introduce the Performance Code and International Building Code.
- D- Qualitative criteria should be included in the performance code (e.g. Neighborhood inclusivity, livability etc.)

Finally, the potential of my approach relies on two essential commitments:

- 1- A commitment to economic and structural/ institutional reforms. In specific, a commitment of passing new powers and freedom to municipalities and neighborhood forums and to ensure a good performance of the planning process at the local level.
- 2- An endeavor to mobilize local communities and youth groups to activate and reclaim their space. This would afford communities the ability to exert some control over the transformation of their urban, socially produced space.

Integrated Planning Framework

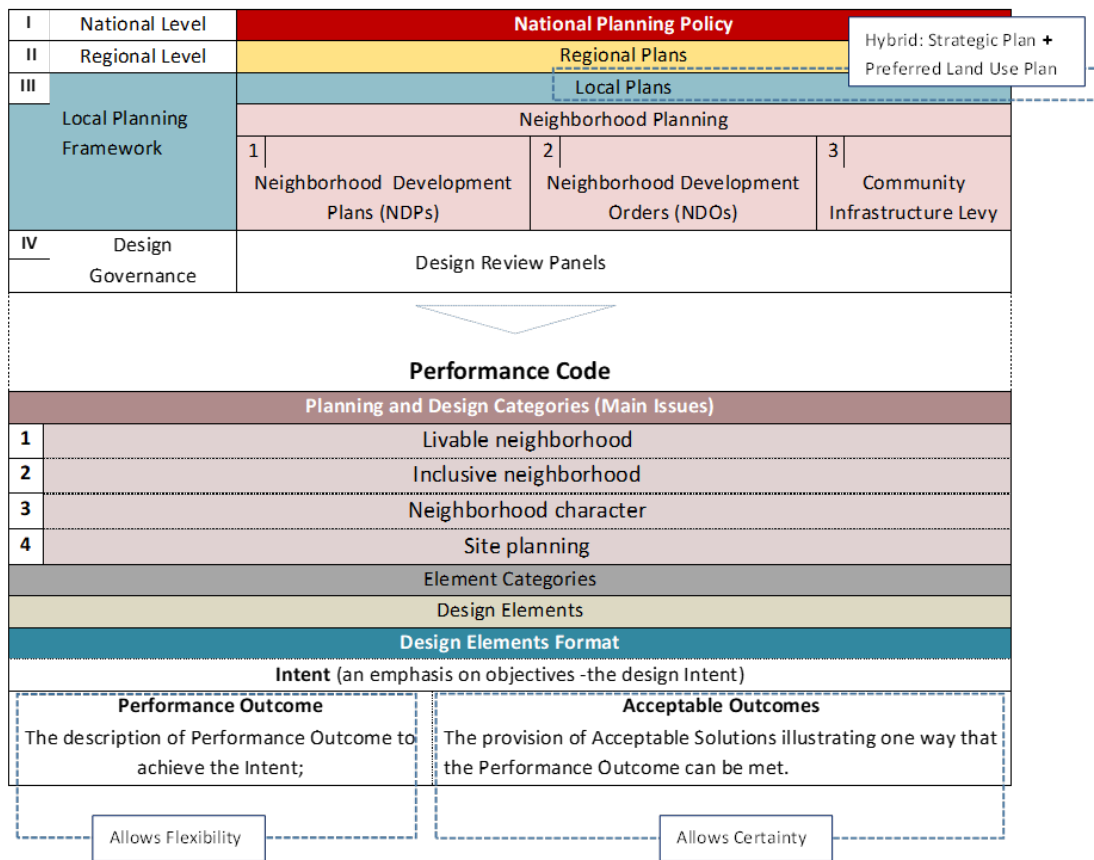


Figure 87 Key elements of the Integrated Planning Framework (Source: Author)

C. Thesis Outcome: The So What Question

My research paves the way for a major transformation in the philosophy of what urban planning and regulation should be in the Lebanese context. It opens the discourse on performance-based planning; discretionary planning and neighborhood planning in Lebanon. The research calls for rethinking urban governance, institutional arrangements and development regulations processes in any core strategy for tackling urban transformation in our neighborhoods and in delivering the three values in urban planning: *Livability, Inclusivity and Equity*.

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APPENDIX-I

Urban Planning Workshop- Fall 2017 (Data Collection)

Data Category	Urban Morphology			
Data Subcategory	Place Making		Block Structure	
Achieved Data	Urban Furniture	Graffiti	Lot Area	Lot ownership
Primary Source of Data	Primary Sources of Information: Mapping the location of urban furniture in District D	Primary Sources of Information: Mapping the location of Graffiti in the neighborhood on 04 October 2017	Primary Sources of Information: Generating and categorizing the plot structures and areas in District D	Primary Sources of Information: Interviewed the Pastor of Mar Mikhael & the Armenian Church to retrieve the waqf land owned by the Christian Patriarchy on 30 September 2017.
Secondary Source of Data			Secondary Sources of Information: Obtaining the updated cadastral map from the DGU	Secondary Sources of Information: Obtaining list of plots owned by the Municipality of Beirut in Mdawar, Rmeil, and Achrafieh, and scanning for Municipal owned parcels in District D. Using the Expropriation Map issued by the CDR vide Decree 8228 dated 30 May 2013 to map the expropriated lots in District D. The remaining "numbered" lots were considered private property.
Source of Data	Primary: Fieldwork observation	Primary: Fieldwork observation and Survey	Primary: Computer aided software Secondary: Map from DGU	Primary: Interview (Unstructured) Secondary: DGU cadastral map- Beirut Municipality regarding municipal lot ownership
<u>Methods of Research</u> Significance and Objective		The map shows that the allocation of Graffiti is mainly on public stairs and amenities, and on the fences of construction sites, where it is used as a tool to show discontent from these new phenomena	The map shows the presence of three types of parcels with a large number of lands with an area less than 250 sqm	

Data Category	Urban Morphology				
Data Subcategory	Building Classification	Building Morphology	Green & Open Spaces		
Achieved Data		Building Age, Building Typology, Ground Floor Use, Upper Floor Use, Building State, Number of Floors, Street Sections, Street Elevation	General Structure Layout	Tobajji Garden	The Staircases zone
Primary Source of Data	Primary Source of Information: Data on heritage classification and processes have been generated following a study with Ms. Ousama Kallab at the DGA on 25 September 2017.	Primary Sources of Information: Mapped Building Height, Building Typology, Occupancy Status, Building Age, Ground Floor Use, and Upper Floor Use on 30 & 28 September 2017, and 05 & 04 October 2017. This work is accompanied with a chart that was filled with all needed data on site relevant to each building.	Primary Sources of information: Mapping different components of open and green spaces on 04 & 03, 02 October 2017.		
Secondary Source of Data	Secondary Source of Information: Obtaining map of the classified buildings done by Khatib and Alami and sample of work done by APSAD with a map of the classified area. In addition to an official document of stair classification of Massad Stair.	Secondary Sources of Information: Mapped building occupation status & modification in building use based on Public works study on Roum Neighborhood of Mar Mikhael. Besides, mapping building age based on observation and understanding of Building typologies throughout history (based on building height, typology, finish...etc). This was by the available historical maps. Building Classification retrieved from Khatib & Alami's study.	Secondary Sources of Information: Obtaining list of plots owned by the Municipality of Beirut in Mdawar, Rmeil, and Achrafieh, and scanning for Municipal owned parcels in District D. In addition to the usage of the Expropriation Map issued by the CDR vide Decree 8228 dated 30 May 2013 to map the expropriated lots and endangered green spaces in District D.		
Source of Data	Primary: Interview Secondary: Map Synthesis, Official documents, Theses	Primary: Fieldwork observation, random conversations, and survey Secondary: Documents, historical maps	Primary: Fieldwork mapping and surveys		
<u>Methods of Research</u> Significance and Objective			DGU cadastral map- Stop the highway build the park for Fouad Boutros highway case- Beirut municipality for Municipal lot ownership.		

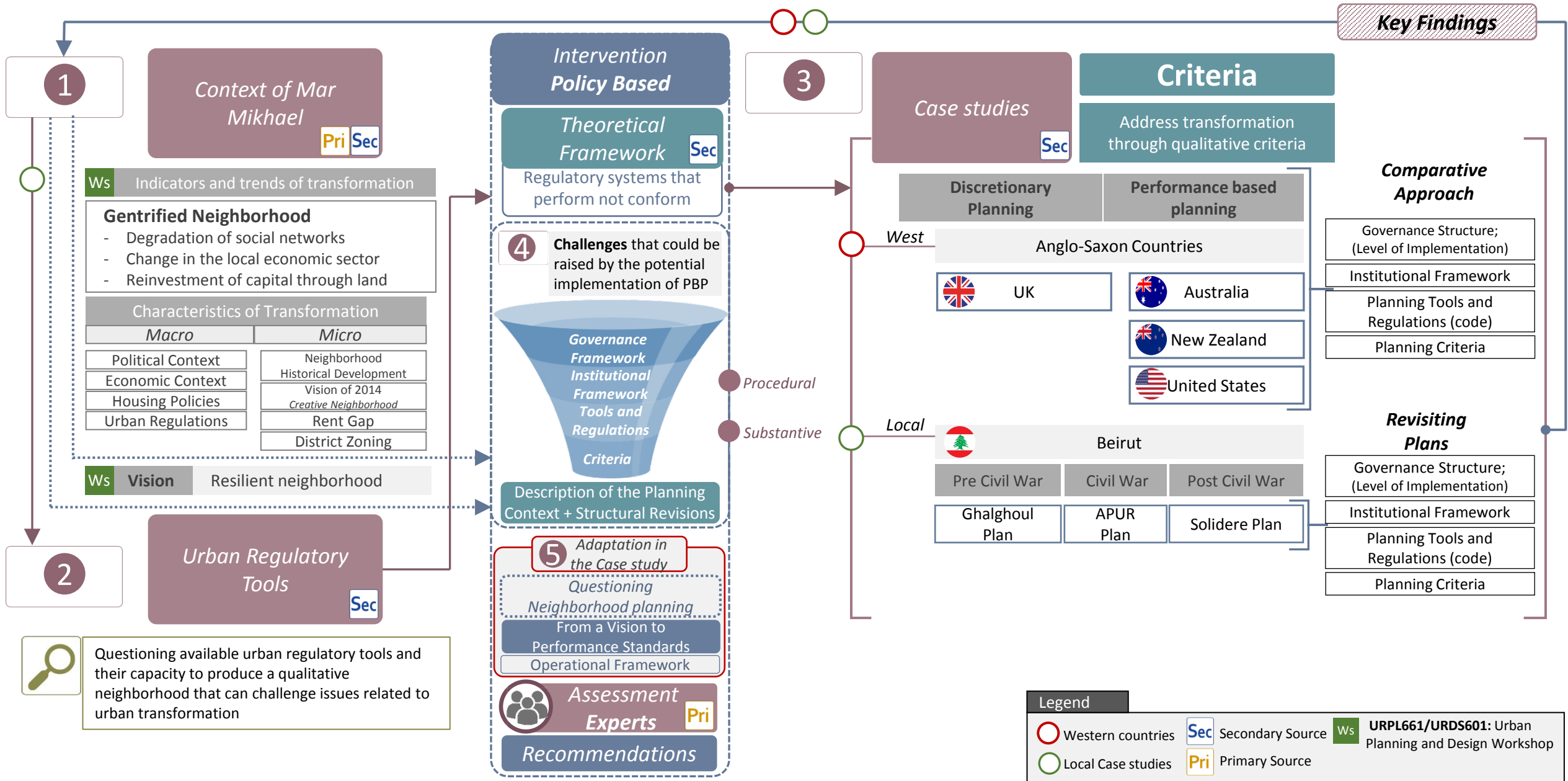
Data Category	Urban Morphology		
Data Subcategory	Infrastructure	Noise Simulation	Surveillance
Achieved Data	Public Equipment		
Primary Source of Data	Primary Sources of Information: Mapping institution, buildings and main facilities in District D on 00 October 2017.	Primary Sources of Information: Mapping noise pollution in District D, though recording audios in different areas of the neighborhood and translating the audios into sound wave diagrams to show the intensity and source of the noise through different times of the day and week. Inspired from Chatty Maps http://goodcitylife.org/chattymaps/	Primary Sources of Information: Mapped active and passive surveillance in District D on 04 October 2017.
Secondary Source of Data			
Source of Data	Primary: Fieldwork Observation	Primary: Sound record, Website	Primary: Fieldwork observation and survey
<u>Methods of Research</u> Significance and Objective			Active surveillance represents cameras and security points. Passive surveillance represents neighborhood resident's appropriation of the streets, Valet Parking employees.

Data Category	Social Makeup			
Data Subcategory	Demographic Analysis	Professional Analysis	Leisure and Creative Industry	Others
Achieved Data	Age, Gender, Place of Origin, Nationality	Occupation Status (Old rent, New rent, Owned), Work Place (Mar Mikhael, Beirut), Educational Level, Professional Status (Employed, Students, Unemployed, Retired)	Place for Leisure, Free time Place, Interest in Creative Industries, Level of Satisfaction with Change, Change in District	Religious Signs, Public Events/ Activities
Primary Source of Data				
Secondary Source of Data	Secondary Sources of Information: The data has been generated from the survey results on the socio-economic study conducted by Gaia Heritage on Mar Mikhael in 2014. The needed results were provided from Ms. Liliane Barakat and Ms. Maria Mounzer. The research followed simple random sampling method after dividing the neighborhood of Mar Mikhael into 9 sectors. After receiving the survey results, our group used the data specific to District D to acquire an accurate and representative reading of District D.			
Source of Data	Secondary: Source:© GAIA-heritage / ENPI CBCMED Medneta Project»			
Methods of Research Significance and Objective				

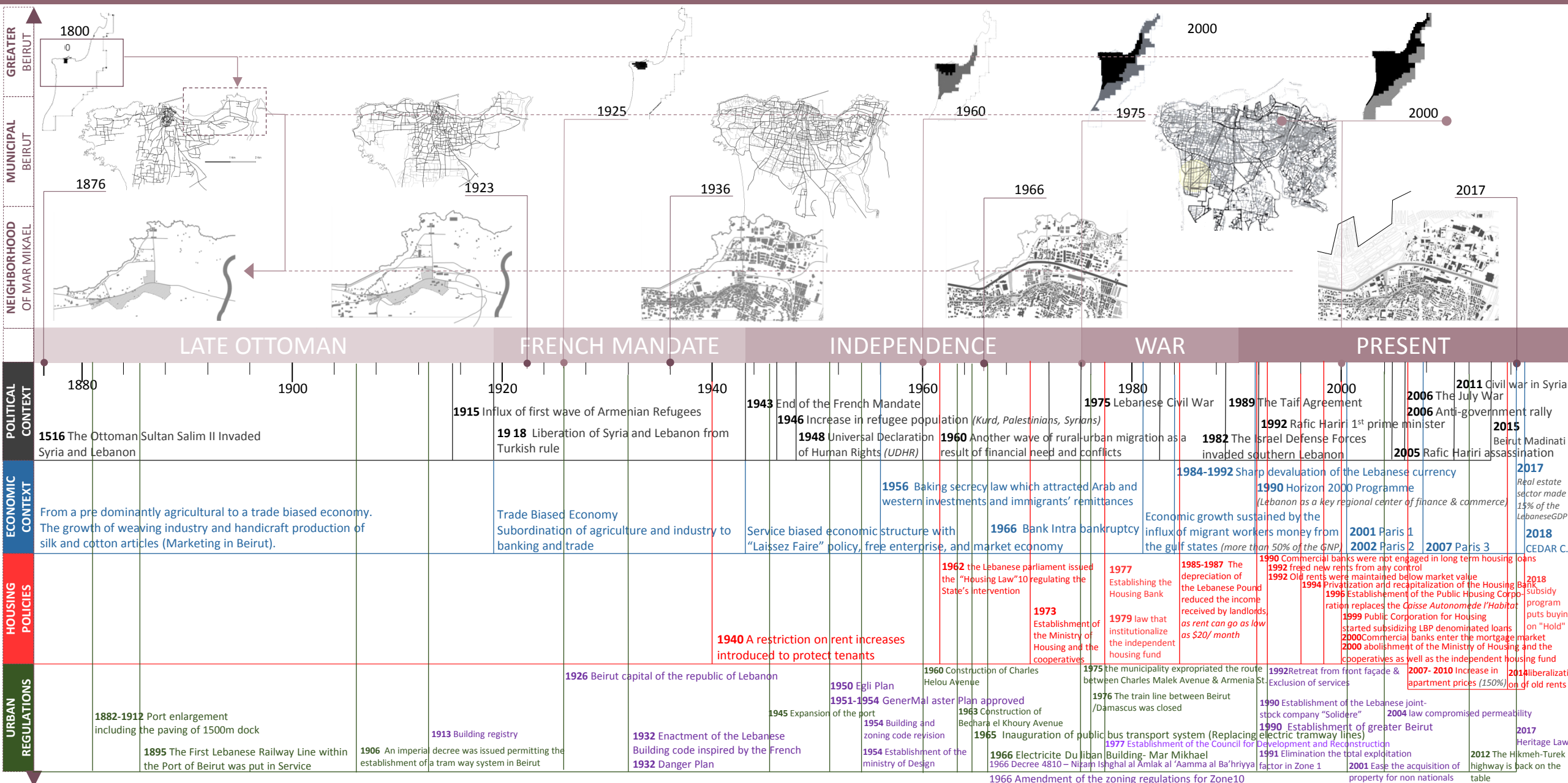
Data Category	Local Business Dimension			Real Estate Market
Data Subcategory	Occupancy Status	Employment	Economic Unit Properties	2007-2011 2012-2017
Achieved Data	Occupation Status, Type of Economic Activity, Renovated (Yes/ No)	Number of Employees, Type of Economic Activity, Gender Distribution of Employment	Economic Unit Yearly Rent, Value (in Lebanese Pound), Area of Economic Unit (in sqm)	Pooled Lots, Sold Lots, Demolition Permits, Renovation Permits, Reinforcement Permits, Construction Permits, Pooled Lots
Primary Source of Data	Primary Sources of Information: Mapped all the Pubs and restaurants in the neighborhood on 10 September 2017. In addition to the distribution of questionnaire over 60 businesses in the neighborhood to understand the dynamics of the economy in District D. The selection of the economic units was based on simple random sampling method to provide a clear representation of the economic dimension in the neighborhood. P.S: The findings of the survey represent as a preliminary understand of the economic sector of the neighborhood.			Primary Sources of Information: Mapping the demolition, construction, & renovation permits retrieved from the order of engineers & architects – Beirut, and conceiving diagrams and charts to understand the dynamics of growth of the real estate market in the area.
Secondary Source of Data	Secondary Sources of Information: Usage of Gaia Heritage’s study on Mar Mikhael’s Creative District to map all the ACDS falling within District D. In addition to the preliminary sketch of the old businesses in the neighborhood received from Mrs. Abir Saksouk.			Secondary Sources of information: Obtained demolition, construction, & renovation permits in Mdawar & Rmeil from the order of engineers & architects – Beirut for the period of 2017-2007. In addition to maps done by public works on building constructions and demolition in the area.
Source of Data	Primary: Fieldwork, observation and Questionnaire Secondary: Public works- © GAIA-heritage / ENPI CBCMED Medneta Project			Primary: Data Synthesis Secondary: Public works- Order of Engineers and Architects of Beirut
<u>Methods of Research</u> Significance and Objective				The maps show the permits issued between -2007 2017-2012 & 2011, considering 2011 as the peak of the real estate boom.

APPENDIX-II

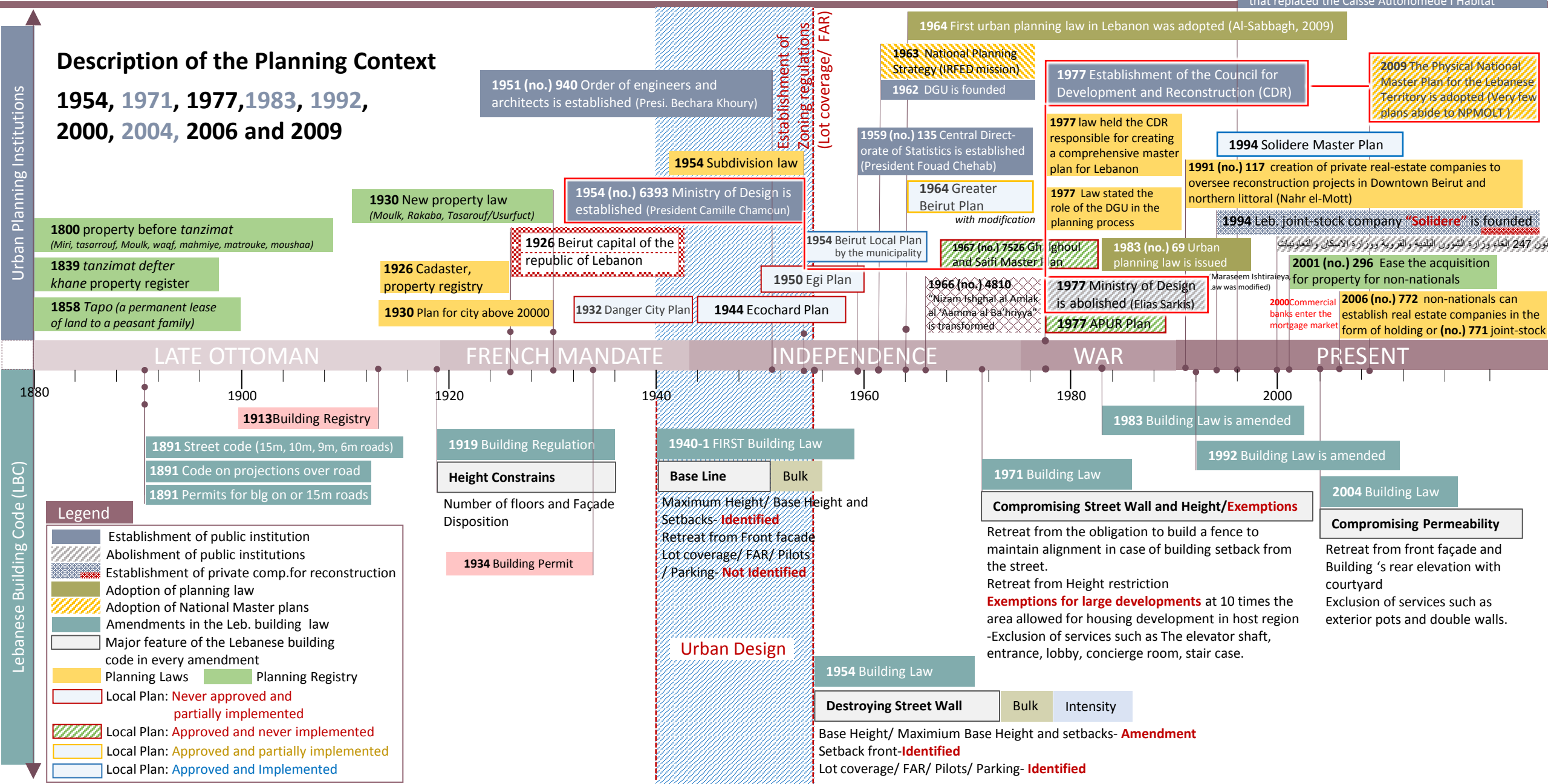
Thesis Methodology



City-Scale Characteristics of Urban Transformation



Timeline: Lebanese Planning Regulations and Institutions, and Building Law



UK: Local Plans Roadmap

