

SHARE BUCHAREST 2018

# The neighbours' rights in architecture

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Summary based on the debate titled 'Public consultation and neighbourhood agreements for development and construction'

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Text: SHARE Bucharest 2018

The current text is a summary of the '*Public consultation and neighbourhood agreements for development and construction*' entitled debate that had been realized on 9.10.2018 in the frame of the SHARE Bucharest 2018 International Architecture and Engineering Forum with the participation of the international speakers of the conference.

The discussion was an exchange of experiences via mapping the opportunities and challenges in planning processes those combined with public involvement, besides discussing best practices learned on different continents. Serban Tiganas, co-moderator summed up the theme shortly as the 'The neighbours' or the affected persons' rights, when the construction process is commenced' highlighting the beneficiaries of public consultations. Despite all challenges and not yet final models, it has been agreed from all sides, that the fruits of a well delivered collaboration with the public contributes to the merits of architecture.

Moderators:

- Serban Tiganas, Secretary General, The International Union of Architects, RO
- Alex Gavozdea, President, Romanian Order of Architects, RO

Speakers of the debate:

- Roland Bechmann, Partner / Managing Director, Werner Sobek, DE
- Carol Ross Barney, Founder / Design Principal, Ross Barney Architects, US
- Catherine Mosbach, Founding partner, Mosbach paysagistes, FR
- Hui H-sin Liao, Senior Project Leader, MVRDV, NL

### The case of Romania, hosting country of the discussion

Looking back to the history one must acknowledge that in the hosting country of the debate, in Romania 'public consultation does not have a long tradition' – as Serban Tiganas opened the discussion. Thus, Bucharest seemed to be a perfect location for such a debate, where experiences from countries of long-standing democracy are to be heard and conflicted with the term of cooperative planning. The Romanian methodology of public consultation in urban planning had been worked out by the ministry almost 10 years ago. In the practice it is applied only in case of exceptions, when the project meets a 'certain interference with the neighbours', for example when 'your building is on the edge of the site' or when 'you're going to dig close to

his foundations and he has to accept it'. These cases you need to get the written acceptance of the neighbour in the front of a lawyer. But public consultation, even it is included by the legislation, 'is not much detailed' nonetheless. 'The methodology is not applied, or it is applied by different authorities in different ways'. Investors address the lawyers to find arguments to avoid public negotiations. This process can also be supported via corruption. 'This is something which is absolutely unacceptable, but it happens' – said Tiganas.

### Expectations of the citizens over legislations

Roland Bechmann described a contradiction between public consultation driven by the law and the necessity of inclusion based on an obvious unwritten social contract, the common expectation towards shared decision making. As an example, Bechmann mentioned the railway station project in Stuttgart (Hauptbahnhof S21), his studio, Werner Sobek was jointly commissioned for.



The underground railway station in Stuttgart/Germany as part of the Hauptbahnhof Stuttgart (S21) project  
 © Ingenhoven Architekten, Düsseldorf/Deutschland and Werner Sobek, Stuttgart/Deutschland  
 Source: <https://www.wernersobek.de/projekte/focus-de/strukturen/s21-tiefbahnhof-stuttgart/>

The difference of federal policies across Germany results a variety of public involvement cases. Mostly those projects that are significant on an urban scale should be realized in a consultation process with the public. Yet, the railway station being a major, long-term investment of the city and a crossing point for most of the citizens of Stuttgart was planned in the lack of open discussion. But the 'the people simply took the right to discuss about it and to have a strong opinion for or also against the project' – as Bechmann described the protests on the streets and the public debates that happened 'without a legal background' but based on the right which the locals obviously have. It became 'the strongest public discussion in Germany in the last years' resulting a change of the perspective, because politicians noticed the that the citizens 'will always get in conflict with the road-blockings or the related traffic in the end', therefore the only way to diminish confrontations is to gain the support of the majority. The main concern of the Stuttgart debate was that the people didn't welcome the commercial parts of the project, the shopping mall and new profit areas those taking away space from the public and the public use. 'Now, at least in Germany, the public has to be part of the process even if

there is no legal requirement. The owners typically make a very large campaign, to get feedback from the public and in the best case even user's feedback on the design of the project'. The investors want to avoid 'bad reputation' this way.

### **Challenges of public involvement**

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Catherine Mosbach introduced the case of political dominance over seemingly public intervention in Paris, Les Halles; the council decided to arrange public consultations about the competing plans by exhibiting the models, but in fact Rem Koolhaas (OMA) lose the project because of the impact the mayor did on the decision making. This process led to the decision, OMA didn't want to participate any illusory consultation later. Roland Bechmann mentioned the downside, when appropriate guidance is lacking from the process, thus public involvement can 'hold up the development too long'. Therefore, he believes, that 'public votes on projects should be considered, we should have public debate only if the projects have a large scale influencing the day to day life of the people, like large infrastructure projects'. Concerning the process of public consultations Serban Tiganas added 'it's very difficult to express what the project actually meant, and also very difficult not to be influenced by emotions or by political manipulations, or populism'. Carol Ross Barney expressed her doubt, that even though public discussions in early design phase before starting the project are helpful if the format is right, the ideas will be changed based on public comment. 'When you start the project, you want to win it' at the same time you play a minor role 'so you're actually walking down [...] and things get more mediocre the more people are involved'. Ross Barney added later that the 'conversation needs to be curated, we can't count with everybody. [...] You have to find a person in the community who has either the elected or the popular authority and take their temperature on it. It could be a group of people, but it's not everybody, it's not the man on the street'. The question was raised from the audience, that among the contradictory and numerous opinions of the public and of the NGOs, 'which voices should be heard? People are usually fighting for their rights, which are named rights, though they aren't rights in legal sense. Only interests.'

### **Public consultation as a two-way road**

As a reaction to the challenges some aspects and examples were brought up from the audience. 'To listen to the people is a huge effort. But after listening to the other side, you have to try to convince them with presenting the advantages, to take the time to explain people what the idea was about. There is a huge chance to disagree with architectural projects, because they are entering the world and are very subjective. In some part of Switzerland now they were doing 1:1 model or symbolic scaffolding of the building and leave it there for six months to see the effects of the sun and to make people getting used to it. The power of construction is a tool. The dialog, the invitations and conversations before writing the purpose of the building or a competition, it's an effort that stand for anger management afterwards. You have to invest a lot in preparing the project. In Germany every neighbourhood has a community space where a public employee is present to explain the city council's intentions. And not only the actual projects, but the future projects, because people have memories and if you want to change their environment, you change their memories, you take a part of their life away. But investing in presenting the ideas and letting people dealing with their own thoughts related to the



project, is a two-way road that starts to function, and everybody seems more prepared to negotiate’.

### **Defending public interests through politics**

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Hui H-sin Liao presented shortly the example of his office’s commission, the Museum Boijmans van Beuningen in Rotterdam: ‘all the neighbours came along, after we have announced the project because everybody has issues’. Three associations debated that the site is a park which will be taken by the museum partly. ‘On the one side of the building stands a hospital for children. According to their argumentation the new facade will damage their patients’ because the façade is covered by mirrors. ‘So, ever since the city announced that project, then we had to encounter all the opinions around it, but the culture in Holland fosters to raise your voice’. The city asked to listen to the voices and ‘we had to adapt to the different opinions’. After all negotiations, the project could move forward. ‘I would say the power was not hold by the mayor because of the political system’. Different small parties are represented in the municipality, hence there is never just one political will. This means, that politicians have rather ‘a vision’ in mind.



Museum Boijmans van Beuningen, Rotterdam © MVRDV  
Source: <https://www.mvrdiv.nl>

Hui H-sin Liao continued with another example from Rotterdam, the Market Hall, highlighting the fine balancing capability of the municipality between flexibility and openness towards change, besides protecting citizens' rights to their heritage and customs at the same time. He believes, that this attitude is rooted in the history; after the world wars Rotterdam was reconstructed to keep up 'adapting different policies, because they see that things are quite quickly changing', at the same time they can view their goals and the consequences critically. The case of Market Hall presents it clearly. The building attracts 8 million people per year, being a significant financial interest of the private owner, a French company seeing a higher income in changing from vegetable shops to touristic programs. 'The city told them it is not allowed because the original goal was a public market' and not to raise a private company's profit. The negotiations included even the percentage of market booths, shops and restaurants, hence the owner couldn't succeed 'and they had to go to the court. In a way they reached a compromise, so at least the remarkable part remained. This won't happen in Thailand, where the city compromises to the private sector, but the Dutch government was quite clear about the initial goal'. Roland Bechmann underlined that the city benefits also, if the city architect has a strong personality, who fosters and conducts the city's development.

### Form-based codes, a model in the US

Carol Ross Barney stated, 'in the US property rights are extraordinary important'. In relation to the potential planning solutions regarding the public, she talked about the tool of form-based codes and zoning, which is not yet applied ultimately. Comparing to 'zoning ordinance, which was written 20 or 30 years ago' that could be better understood in a discussion with the municipality, *form-based codes* is more in respect of the citizens' perspective. 'Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks.'<sup>1</sup>



Rendering of development under a form-based code in Richmond, CA © Opticos

Source: <https://smartgrowthamerica.org/have-we-zoned-great-walkable-places-out-of-existence/>

<sup>1</sup> Form-Based Codes Institute <https://formbasedcodes.org/definition/> Viewed on 25.11.2018

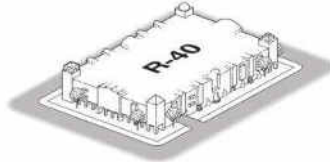
### Conventional Zoning

Density use, FAR (floor area ratio), setbacks, parking requirements, maximum building heights specified



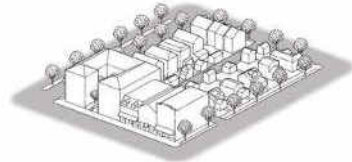
### Zoning Design Guidelines

Conventional zoning requirements, plus frequency of openings and surface articulation specified



### Form-Based Codes

Street and building types (or mix of types), build-to lines, number of floors, and percentage of built site frontage specified.



Source: <https://smartgrowthamerica.org/have-we-zoned-great-walkable-places-out-of-existence/>

### Company as a corporate citizen

To describe the complex environment one has to face when working on public projects, Carol Ross Barney brought the example of Springdale Arkansas, where they are to deliver a project at the moment. There are three businesses having a strong financial impact on the area; 'Walmart is one, the other one is a shipping company and the third one is livestock, people always raise chicken in Arkansas. Walmart has looked critically on their towns, and the people they need to attract for their business which still means pretty much labour, actual labour'. Thus, 'they actively participate in making regulations'. The layers of participation therefore contain the citizens, the businesses, the communities and the public communities, which 'all have different types of legitimacy'. Walmart as a corporate citizen influence and sponsor the fundraising in Springdale, also extending grant money to institutions that will design excellent environments. 'But I think that that's not the normal situation [...] I don't think that one person could control that much money and tell the architect what to do'. Another example is Amazon, building their headquarters in the US. 'They just put up an ad on the newspaper and they said: who wants us to come in their cities? And they had some 100 responses. In this case Amazon has the upper hand, and you don't have to wonder about the other side. I think public engagement is becoming more required'.

### A notion for the awareness raising, *Baukultur*

'There needs to be an understanding and a kind of teaching of the public concerning what is good architecture, what are good buildings, what does a good city mean [...] And it is more than design quality, rather a social quality, the comfort you have in the building, the way the building relates to the neighbouring buildings. All this is summarized in the term *Baukultur* [building culture]' – said Roland Bechmann about the wording they started to re-use in Germany in the last 15 years and give it an emphasis in public discussions. 'The German word '*Baukultur* is originally a very old term' – Bechmann adds, that was out of use until the near past.

### **Architect as initiator and game changer**

‘We have found that [public consultation] during the planning phase can be really useful [...], because we can identify win-win situation. [...] I think that we architects can offer those services to negotiate some of the balances that need to happen in complex urban projects. And I think you are better at it than attorneys, who have the role to generate lose-lose situation.’ – said Carol Ross Barney.

### **Visionary present and visions for the future**

Hui-Hsin Liao mentioned an Asian example, where schools, universities, professors, and students are involved. The students are brought, as a studio work or field research to a neighbourhood and work on it to be involved in the community. Serban Tiganas has met in Southern Korea a new approach, an experiment. They hired a number of architects, who should act as a neighbourhood. They are paid by the city and their role is to discover what could be done in different neighbourhoods, to generate projects. According to Roland Bechmann the vision in Germany is to reach jointly a status of the ‘future city, with less car traffic, with auto-mobility, with people connecting without emissions and with less use of resources. And that's a vision for our structures, for our buildings, for our cities; that we develop city concepts which adopt to this and result a liveable city’. As Bechmann summed up ‘it is still a very fresh start with the public consultations and debates, some challenges are still unsolved - also in most experienced grounds like Germany or US’. Bechmann believes, that strong characters and competent, good professionals as city architects should avoid getting diverted from the actual goal which is the prosperity of the community and the city. So, if these ingredients as well as the supporting legislations are given, ‘we can get to the turning point’.

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### **About SHARE**

The SHARE FORUM brings together each year hundreds of practicing architects and contractors from Europe, Asia and the United States of America, becoming one of the essential networking platforms for the construction-related fields in Central and Eastern Europe.

Its annual editions are a constant relevant presence in Albania, Bulgaria, FYROM, Greece, Hungary, Poland, Romania, Serbia and from 2019 in Latvia and Slovenia.

