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# The democratic foundations of the Just City: Comparing urban planning politics in Lyon and Zurich

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## 1. Introduction

There has long been concern in the social sciences about issues surrounding social justice in the city. Urban geographers such as David Harvey (1973; 1996) are inherently interested in the spatial dimension of urban society, seeking to understand the interactions between society and space in an urban context, and in particular in relation to social justice (Merrifield and Swyngedouw, 1997). This has led to the development of the notion of spatial justice (Soja, 2010), seeking to explore the relationship between space and (in)justices in society, whether it be in relation to spatial segregation (the 'unfreedom argument') or the unequal spatial allocation of resources (the 'unfair resources argument') (Marcuse, 2009a: 3). Spatial (in)justice is defined by Soja as "an intentional and focused emphasis on the spatial or geographical aspects of justice and injustice" with the starting point being "the fair and equitable distribution in space of socially valued resources and the opportunities to use them" (Soja, 2009: 2). This spatial turn in relation to justice is also reflected by a renewed interest in Henri Lefebvre's work (Lefebvre, 1968), in particular his notion of the "Right to the City" (Friedmann, 1995; Harvey 2008) which he defines as a "demand .... [for] a transformed and renewed access to urban life" (Lefebvre, 1996: 158).

The concept of social justice in the city has also been further elaborated recently in debates over "The Just City" (Marcuse et al, 2009), in particular as developed by the urban planner Susan Fainstein (2010). In her book of the same name, Fainstein presents the concept of "The Just City" as both an analytical concept as well as a political tool, aiming to set out a theory of justice that can be used to assess urban planning policies in different contexts. Her underlying narrative is that justice should be a guiding principle of urban planning policy, and should be given precedence in the face of an expanding neo-liberal ideology that in recent years has prioritised urban growth and competitiveness above social justice. In her book, she assesses the concept of the Just City through an evaluation of urban policy decisions using three core criteria related to outcomes (equity, democracy and diversity) applied in three case study cities: Amsterdam, London and New York.

Underlying these three related concepts (social justice, spatial justice and the Just City) is the assumption that justice is a desired goal for society. As John Rawls' writing on justice suggests (1971: 4), there is an "intuitive conviction of the primacy of justice" that underpins the work of scholars of social justice in the city. Similarly, there is an understanding that policies formulated at the city level by planners should have an underlying rationale to reduce social injustice and social inequalities, in order to address "unjust geographies and spatial structures of privilege" (Soja, 2009: 5).

While Fainstein's 2010 framework offers a useful starting point for analysing the Just City, we argue here that there is one key aspect missing from her analysis, that is, the role that the broader democratic institutional framework plays in producing equitable outcomes in the planning sphere. We suggest here that enhancing our understanding of how democratic institutions mediate planning processes and their outcomes could help to orientate urban institutional reforms closer towards the goal of the Just City.

The aim of this paper therefore is to introduce a political science perspective into the debate around the Just City. Instead of analysing the micro-level dynamics of single planning projects, we shift our attention to formal urban politics that contribute to determining the aims and practices of urban planners and private developers alike, either by encouraging just planning outcomes, or on the contrary by inhibiting them. More specifically, we propose an international comparative framework for investigating the role of urban political leaders and their institutional and regulatory context in

relation to urban planning policies that arguably contribute significantly to, or hinder, the ideal of the Just City. Using the two case study cities of Lyon (France) and Zurich (Switzerland), we seek to explore: what is the role of urban political leaders in contributing to the Just City; and how do the institutional and regulatory urban planning contexts impact on Just City outcomes?

The following Section 2 develops Fainstein's concept of the Just City, and sets out some of the urban planning domains that are mediated by the broader democratic institutions within the city. Section 3 elaborates the comparative framework for analysing the democratic foundations of the Just City, with reference to urban planning policies. In Sections 4 and 5 we delineate the cases of Lyon and Zurich in the particular planning domain of construction and zoning policies that are envisaged for deeper analysis in a next research step. Some concluding remarks are set out in Section 6.

## **2. The Just City and planning policies**

The starting point for this paper is Fainstein's concept of the "Just City" (Fainstein 2009; 2010), in which the notion of equity takes a central position, that is: "a distribution of both material and nonmaterial benefits derived from public policy that does not favour those who are already better off at the beginning" (Fainstein 2010: 36). Fainstein argues that to date, in discussions on social justice in the city, there has been over-emphasis by communicative planning theorists on democratic deliberation, whom she sees as focusing too heavily on planning processes and decision-making to achieve just outcomes. She argues that democratic procedures in planning do not necessarily produce equitable outcomes in the city, and there needs to be recognition of the differential outcomes of policy options in relation to urban justice.

Democratic theory has, in Fainstein's view, failed more broadly to demonstrate "adequate representation of all interests in a large, socially divided group, protecting against demagoguery, achieving more than token public participation, preventing economically or institutionally powerful interests from defining the agenda, and maintaining minority rights" (Fainstein 2010, 29). Social programmes, she concludes, depend on a combination of pressure from below, political-bureaucratic receptiveness at national and local level, and majoritarian support by the broader public and by centre-left coalitions in the case of Europe. Accordingly, social programmes and redevelopment policies are often based on coalitions involving down-town business and conservative segments of the population, resulting in further suburbanization and segregation (Fainstein 2010, 167–168).

In reaction to Fainstein's thesis, some have argued that her criticism of communicative planning is unjustified. Fischer (2009) suggests that the communicative approach urges planners to critically reflect on their own ways of arguing and on hidden forms of communicative power. While most planning practices are indeed limited to the level of technical assessments, deliberation on social justice includes a higher level discourse on broader societal impacts and alternative social systems. Marcuse (2009, 95) takes another position, criticising Fainstein's concept for "accepting the existing structures, laws, and institutions as given", thus neglecting the power structures that lead to injustice in the first place. In an alternative world, citizens might enjoy the right to decent living and decent work, community-based interests and decision-making processes might be formally binding on development, private property rights might be seen as endowed with a social purpose, and city agencies dealing with economic growth might be limited by other municipal agencies dealing with education, incomes, environment and family welfare (Marcuse 2009, 97–98). The legitimacy of

existing planning practices therefore needs to be challenged, placing those in power in the defensive position of justifying their approaches.

Here we elaborate on Marcuse’s point, by introducing into the discussion on the Just City an analysis of the institutional frameworks that structure urban planning decisions, as the democratic foundation of the Just City. We argue that institutional frameworks also play an important role in contributing to social justice in the city, an aspect which has hitherto been neglected in the debates on the just city. In “The Just City” (2010), Fainstein identifies three key urban planning domains through which urban political institutions can contribute to a more just city: urban regeneration including zoning; housing; and public space and amenities. Table 1 below elaborates on each of these domains, illustrating the parameters for formal political decision-making, and the criteria that could be used for assessing just urban planning policies. Under urban regeneration, decisions around for example the location of regeneration areas can have a major impact on the spatial concentration of social groups and potential mixed communities. Similarly, decisions related to housing and in particular the provision of social housing impacts on spatial justice through access to affordable housing in certain locations. Providing inclusive public spaces and amenities that are open to all represents a further example of where political decision-making can impact on justice in the city.

**Table 1: Urban planning domains and criteria for just urban planning policies**

<b>Urban planning domains</b>	<b>Parameters for formal local political decision making</b>	<b>Criteria for assessing just urban planning policies at the local level</b>
Construction and zoning regulations	Location of areas for regeneration, densification, residential use, mixed-use developments, and social housing	<ul style="list-style-type: none"> <li>• Ghettoization: avoiding spatial concentrations of disadvantaged groups</li> <li>• Gentrification: minimising displacement of disadvantaged groups</li> </ul>
Housing	Location of social housing; incentives, grants and land for non-profit / cooperative housing, prescription of means test, rent supplements	<ul style="list-style-type: none"> <li>• Affordable housing: Creation or preservation of sufficient affordable housing that is accessible to economically and socially deprived groups</li> <li>• Avoiding ghettoization and counteracting gentrification (see above)</li> </ul>
Public spaces and amenities	Location, funding, and design of public spaces, green spaces, public amenities (e.g. community centres)	<ul style="list-style-type: none"> <li>• Shared spaces: Creation or transformation of public spaces, green spaces and public amenities that are accessible to socially deprived groups</li> </ul>
Mega projects and special plans	Location/purpose of mega projects with public contributions and public requirements	<ul style="list-style-type: none"> <li>• Avoiding gentrification (see above)</li> <li>• Creation of affordable and accessible housing (see above)</li> <li>• Creation of accessible public spaces and amenities (see above)</li> </ul>

*Source:* Authors’ elaboration based on Fainstein (2010)

In this article, we concentrate on one of these key areas of planning policy in relation to the Just City, that of urban regeneration. As can be seen from Table 1, this is a core area of political decision-making that can have a profound impact on the criteria used to assess the Just City. It touches on issues of diversity and equality, through planning policies that work towards just outcomes, to ensure

that all social groups can take advantage of opportunities to use socially valued resources in the urban built environment (Soja, 2009). Through regeneration policies, political decisions are taken that work towards just outcomes for citizens, through encouraging mixed use and mixed income developments. The complex processes through which these just outcomes arise are detailed further in the following section, which provides a comparative framework for analysing the democratic foundations of the Just City, and the means through which such outcomes are achieved.

### **3. Comparative framework: urban leaders and their regulatory and institutional context**

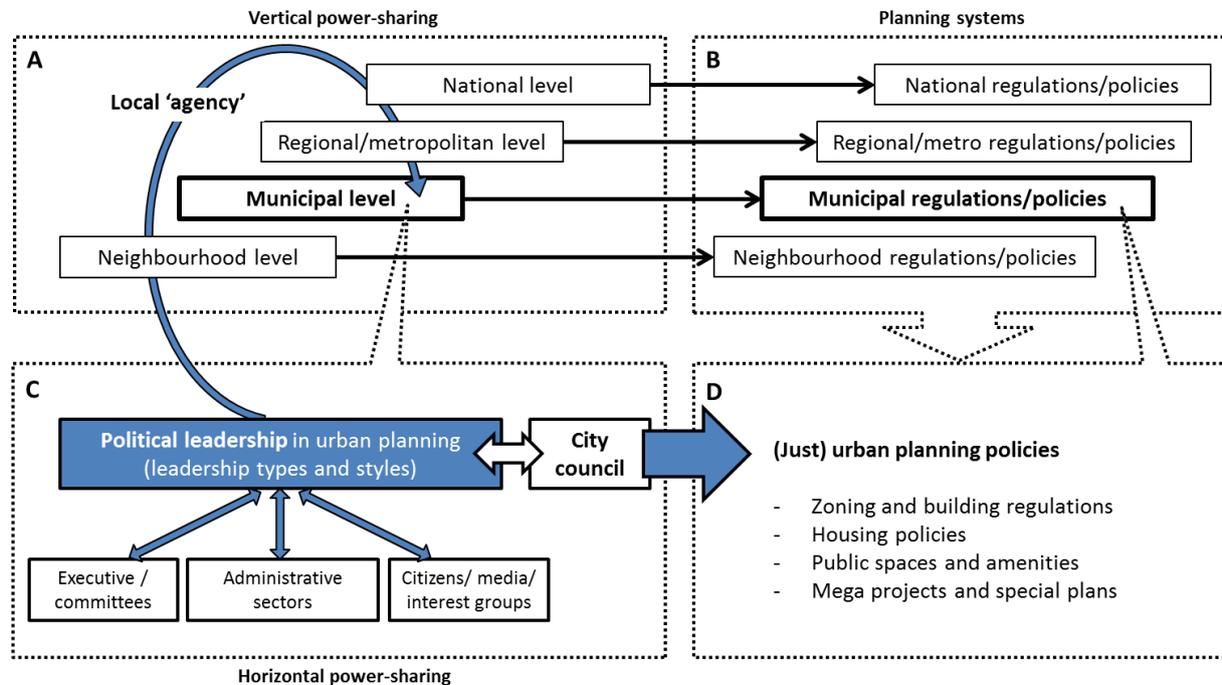
In order to study the role of urban political leaders and their regulatory and institutional environment for promoting or hindering just urban planning policies, we here develop a framework that allows for cross-national comparisons. We follow an 'actor centred institutionalism approach' (Mayntz and Scharpf 1995) and postulate that the regulatory and institutional context of urban systems defines a corridor of action for urban leaders: some options are made available, some constraints and incentives are introduced. Within this "feasible set", local political actors are able to manoeuvre. Urban political leaders, conceptualized as political actors with public visibility and accountability (as opposed to other influential local actors), may try to involve community groups into single planning projects in order to bring legitimacy to decisions. This aspect has been amply studied in a completed European research project exploring possible complementarities of urban leadership and community involvement at the neighbourhood level (Haus, Heinelt, and Stewart 2005; Heinelt, Sweeting, and Getimis 2006). At the end of the day, however, final decisions will often be taken in the city council (Haus & Heinelt 2005: 27-28).

As in our case we explicitly focus on planning politics with a broader view on formal planning policies at the city level (e.g. zoning regulations), it seems particularly relevant to account not only for institutional characteristics, but also for differing national and regional planning systems, i.e. the regulations and policies at different state levels restricting or enabling particular planning options at the municipal level. A further innovation of our framework regards the comparative institutional analysis. The vertical distribution of power among different state levels as well as the horizontal power sharing institutions at the municipal level can be conveniently integrated by applying a newer adaptation of Arend Lijphart's (1999) typology of consensus and majoritarian democracy that has emerged for describing power sharing institutions from the municipal rather than national perspective.

Figure 1 illustrates how we integrate the concepts of urban leadership, planning systems and consensual power sharing institutions into an encompassing comparative framework. Political leaders at the municipal level will try to exert their leadership in order to push their preferred planning policies through the council (quadrant C), thereby taking into account the power distribution among the actors and institutions, both horizontally within the municipality (quadrant C), and vertically across different levels of governance (quadrant A). Depending on the institutional structures, urban leaders may try to actively mobilize political, administrative and public support within their municipality (double-headed arrows), as well as political, administrative and material resources at lower and higher state levels (curved arrow) in order to expand their available options and political power base. Whatever the resulting formal policy output on urban planning (quadrant D), it will be strongly determined by the options and restrictions implied by the respective planning regulations and policies that are mainly defined at higher state levels (quadrant B). As we are

interested in the democratic foundations of the Just City in particular, a comprehensive assessment of the planning policies in different domains will have to consider their combined effects (beneficial or detrimental) with regard to just planning outcomes as defined in the previous section.

Figure 1: Comparative framework for the study of the democratic foundations of the Just City



In order to allow for systematic cross-country comparisons, we base the various elements of the framework on existing typologies of 'planning systems', 'consensual power sharing institutions', and 'types and styles of urban leadership'. While these typologies exhibit significant amounts of overlap, they cover the main areas of the comparative framework and allow us to derive a number of working theses. Let us turn to each of these typologies.

### 3.1 National and regional planning systems

One possible approach to building a typology of European models of planning has been to classify legal-administrative systems according to constitutional status and the relations of central and local governments (e.g. Newman & Thornley, 1996; ESPON, 2005), leading to five nation families resembling the classical typology of central-local relations and local autonomy developed by Hesse and Sharpe (1991). While constitutional status, control from above and political function of local governments are relevant for our study, we will treat these aspects in the next subsection when dealing with vertical power sharing institutions.

Here we will instead refer to a second, more encompassing approach to planning typologies, as epitomized by the EU Compendium of Spatial Planning Systems and Policies (CEC, 1997; also see Nadin & Stead, 2008). Therein, the *regional economic approach* is characterized by a broad meaning of the term spatial planning comprising social as well as economic aims. Central government becomes one of the main actors in the abatement of regional disparities regarding wealth, employment and social circumstances, in the management of development pressures across the country, and in undertaking public sector investments (CEC, 1997: 36). According to the *comprehensive integrated approach* "[...] spatial planning is conducted through a very systematic and formal hierarchy of plans from national to local level, which coordinate public sector activity across

different sectors but focus more specifically on spatial co-ordination than economic development" (CEC, 1997: 36-37). Planning institutions as well as mechanisms need to be responsive and sophisticated and a political commitment to the planning process is required. The third approach is the *tradition of land use management* with the narrower objective of sustainable development and growth. In order to achieve this objective, the change of land use is controlled. Local authorities are main actors in this approach and do most of the planning work, although central governments set guidelines and practice the function of supervision. The *urbanism tradition* as fourth and last approach is strongly inspired by architectural and urban design considerations. Rigid codes and zoning and multiple legal bases are means for regulation of spatial development. Because of low public support and political priority, such systems are usually not very effective in controlling developments (CEC, 1997: 37).

Based on this typology, the nationally concerted regional economic approach arguably offers urban leaders the widest array of options for pursuing just urban planning policies, particularly if national grants for housing, public spaces and amenities, and mega projects with public involvement need to be claimed on grounds of social justice. The comprehensive integrated approach, in comparison, makes just urban planning much more dependent on spatial coordination of public activities across sectors and state levels with the aim of just outcomes. In contrast, national planning systems based on the tradition of land use management or urbanism would seem as the least favourable environment for urban leaders for engaging in just urban planning policies.

### 3.2 Consensual power-sharing institutions

In his international comparative analysis, Lijphart (1999) distinguishes 'consensus democracies' from majoritarian 'Westminster democracies', of which the consensual type is associated with 'kinder and gentler' outcomes. This distinction is based on ten structural characteristics that can be assigned to two dimensions: a "horizontal dimension of institutions operating at the central level", and a vertical dimension having to do with "central-regional-local government relations" (Lijphart 2003, 23). In order to equally distinguish a *consensual* from a *majoritarian* type of local democracy, Hendriks (2010) has translated these structural characteristics to the local level. From the perspective of a municipality, then, vertical power sharing is not so much about federalism, bicameralism and constitutional review, but rather about 'complementary government', where different administrative tiers work together, share tasks and responsibilities in certain areas (Hendriks 2010: 72-73; Loughlin et al. 2011: 18):

- *division of local power*: multi-tier and multi-unit subnational government vs. centralised and unitary
- *dispersal of regulatory powers*: strong need for horizontal coordination of policy sectors vs. concentration in semi-autonomous administrative sectors
- *institutionalised interdependence*: strong sense of co-responsibility and tradition of co-governance in addition to autonomous responsibilities vs. home rule and strong sense of local autonomy
- *legal-administrative supervision*: preventive and repressive oversight by external bodies vs. limited supervision
- *financial-economic auditing*: independent audit committees or courts vs. local political control over financial-economic auditing

Directly taken from Lijphart are the five characteristics constituting the horizontal power-sharing dimension (Hendriks 2010: 72):

- *power distribution in local executive*: power-sharing in broad multiparty coalition vs. power-concentration in one-party executive
- *government-council relations*: dualistic and balanced vs. monistic with executive dominance
- *party system*: multi-party system vs. two-party system
- *electoral system*: proportional vs. majoritarian system for legislative elections
- *interest group system*: *coordinated local corporatism vs. uncoordinated pluralism of local interests*

With regard to vertical power sharing, a certain decentralisation towards the regional, municipal and even neighbourhood level will be required for urban leaders to effectively react to challenges to social justice usually first becoming visible in particular neighbourhoods. While dispersal of regulatory powers bear the opportunity for creating encompassing and coherent planning policies, their actual direction towards the Just City hinges on energetic political leadership. Similarly, institutionalised interdependence among state levels might sensitise higher state levels for problems of social justice in city regions, help create integrated policies across municipal borders, and counteract down-to-the-bottom spirals fuelled by inter-municipal competition for good tax-payers and against 'social tourism', where higher state levels deploy means of legal-administrative supervision against renitent municipalities. All these functions are arguably best fulfilled by full-fledged metropolitan governments with strong regulatory and policy competences and capacities. Poorer suburbs would get assistance for addressing their problems, prosperous core cities would have to justify central resource allocations on the grounds of social justice. However, where metropolitan arrangements are missing and sensibility for urban problems is limited at the regional level, progressive cities will fare better under conditions of strong local autonomy, whereas urban leaders in economically depressed areas will mainly depend on national programs for housing and urban regeneration. Financial-economic auditing, lastly, might enforce social justice by inhibiting corrupt practices by politicians and public officials, mainly in the domain of mega-projects.

Horizontal power sharing, the aspect that according to Lijphart (1999) is more closely related to 'kinder and gentler' outcomes, might arguably also make a difference for just urban planning. Just as at the national level, broad governing coalitions are more inclusive of diverse societal forces and allow disadvantaged minorities for voice and consideration, provided that these minorities are actually granted electoral rights. Additionally, minorities might try to influence planning policies via a broadly representative legislative council and its committees which actually work towards checking the executive, rather than as mere power base of the winning electoral party. Representation of minorities predisposes of a multi-party system which in turn is better achieved with a proportional electoral system. Additionally, social and ethnic minorities might be given a voice in corporatist arrangements, for example in the form of a housing council with binding decision power. On the other hand, consensual arrangements and the resulting compromises bear the risk of diluting policies that were originally aiming for social justice. Majoritarian institutions would offer visionary urban leaders the necessary political support for enforcing ambitious urban planning policies. This would, however, not only require that the party representing disadvantaged minorities wins the elections, but that this party also remains in power over an extended period of time. Consensual institutions therefore offer minorities more constant participation, even if at the price of diluted policies.

### 3.3 Types and styles of urban leadership

Mouritzen and Svava (2002) distinguish four ideal types of local government forms, from which different types of political leadership can evolve. In *strong mayor systems* a directly or indirectly elected mayor controls the majority of the city council and is responsible for all executive functions. In the *committee-leader form* the political leader is charged with some executive functions, but other functions are assigned to standing committees and to the top administrator (CEO, city manager, secrétaire générale or the like). In the *collective form* there is one elected collegiate body that is responsible for all executive functions, where the mayor presides the body. Finally, in the *council manager form*, all executive functions are in the hands of a city manager who is appointed by the city council, where the mayor is formally assigned presiding and ceremonial functions only (Mouritzen & Svava 2002: 55-66).<sup>1</sup> However, institutions cannot fully determine the actions of political leaders. Beyond their institutionally influenced leadership type, actions of leaders depend on their personal enactment, what is frequently termed leadership styles. Getimis and Grigoriadou (2005) distinguish four leadership styles: *visionary style*, *consensual facilitator*, *city boss* and *caretaker*. Depending on the institutional context, certain styles are more likely. For example a horizontally and vertically fragmented institutional structure enhances the chances that a cooperation and consensus-oriented leadership style such as the consensual facilitator is enacted (see Getimis & Grigoriadou 2005: 181-187).

In sum, we would see different paths for just urban planning outcomes, depending on the conditions of a particular municipality and its regional and national context. Economically depressed core cities and suburbs would usually benefit from a nationally concerted regional economic approach where urban leaders with strong council support and good ties to the national government would ideally exhibit the leadership style of a city boss. Urban leaders of prosperous cities, in turn, will have the highest incentives and largest opportunities for pursuing integrated just urban planning policies in the context of a comprehensive integrated approach, wide ranging planning competences shared between municipalities and metropolitan governments, and the existence of a broad government coalition and a strong and representative parliament, where the urban leaders assume a visionary and consensual role.

## 4. Zoning policies in the case of Lyon

Lyon is the third largest city of France with a total of about half a million inhabitants. If suburbs are included the population figure grows to nearly 1.3 million (INSEE, 2011). In terms of its economic make-up, Lyon is a relatively successful industrial centre, attracting businesses and investment to what is one of France's most industrialised urban economies (Carpenter and Verhage, 2014). However, within the agglomeration there are sharp contrasts in relation to the socio-economic fortunes of residents in different parts of the city (Agence d'Urbansime, 2012). As in many cities, low income groups are being increasingly excluded from the city centre, while there is also a clear east-west divide in the agglomeration, with the poorer eastern suburbs (*banlieues*), characterized by high-rise housing estates and rising unemployment, lying in stark contrast to the more affluent west of the city (INSEE, 2010).

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<sup>1</sup> Empirically, strong mayor systems and the collective form are most frequent in the European context. The council-manager form can only be found in Ireland, whereas the committee-leader form is dominant in Denmark, Sweden as well as a minority of English cities that have resisted introducing a strong mayor system (Heinelt & Hlepas 2006: 32-33).

## 4.1 The French planning system

Following the typology in the *EU Compendium of Spatial Planning Systems and Policies* (CEC, 1997) discussed in the comparative framework section, France has long been described as an ideal type of the *regional economic approach*. Although planning has traditionally be coordinated centrally from Paris, following the decentralisation reforms of the 1980s, powers were devolved to regional and local authorities, giving them autonomy to draw up planning documents and making decisions in relation to planning. With this, according to Geppert (2014), a shift towards the *comprehensive integrated approach* has taken place since the 1990s:

"It features more and more tools for horizontal and vertical integration of policies across sectors and jurisdictions. The formal hierarchy of plans is much improved at the local level, albeit still incomplete on the upper tiers. Higher-level procedures have been developed, including permanent consultation arenas such as development councils. On the other hand, processes are not linear and several hiccups show that the direction taken may still change." (Geppert, 2014: 124)

As Geppert suggests, the workings of the planning system have evolved considerably over the last 15 years, now with greater cooperation between actors and sectors. There has also been a move to integrate public consultations more closely into the planning process, through development councils that involve civil society representatives (*conseils de développement*), neighbourhood councils with local residents in discussion with municipal councillors (*conseils de quartiers*), as well as the more recently introduced citizens' councils (*conseils citoyens*) that were launched in 2014.

The key planning document at the level of the agglomeration is the SCOT (*Schéma de Cohérence Territoriale*), which was introduced through the SRU Act of 2000 (*Loi Solidarité et Renouvellement Urbains*). It is a master planning document, drawn up by a group of municipalities, typically by the core city and its surrounding *communes*. In the case of the Lyon SCOT, the document covers the Greater Lyon area (the 59 *communes of Grand Lyon*) as well as a further 15 municipalities, totalling 74 *communes* in all. Its role is to set the overarching strategy for the area, coordinating plans and policies both vertically and horizontally.

The SCOT defines the legally binding orientations for the city's regulatory local land-use plan, the *Plan Local d'Urbanisme* (PLU – Local Development Plan), which is the legal basis for zoning and land use in the city. The PLU must be compatible with the SCOT. Further local plans area also drawn up in alignment with the SCOT, such as the *Plan de Déplacements Urbains* (PDU - Urban Transport Plan), and the *Programme Local de l'Habitat* (PLH – Local Housing Plan), ensuring that sectoral plans fit with the SCOT's overall strategy for the agglomeration.

The Local Development Plan (PLU) is made up of two parts: a background document (*Project d'Aménagement et de Développement Durable – PADD – The Planning and Sustainable Development Project*), which sets out the main strategic development perspectives for the following 10 years; and the regulatory document, which defines the different land use zones, and sets out the legally binding provisions that inform decisions related to planning permission (CERTU, 2008; Wollmann 2008).

Much major urban development takes place through the ZAC planning instrument (*Zone d'Aménagement Concertée*, or Integrated Development Zone). A ZAC is a development zone, designated initially by the local authority, or by the State for major projects, which is used to plan

and implement a development scheme. The ZAC is managed by a semi-public company (SEM – *Société d'Economie Mixte*), but under the control of the local authority.

The issue of social diversity (*mixité sociale*) is high on planners' agenda. The SRU Act of 2000 introduced a requirement that municipalities provide at least 20% of their housing stock as social housing, which has since been increased in 2012 to 25%. Furthermore, policies directed at deprived neighbourhoods (*la Politique de la Ville*) also emphasise social and employment challenges, for example through designating tax-free zones to encourage job creation. Since 2006, there has also been a national programme of physical regeneration run by two specific agencies that target deprived areas: ANRU (*Agence Nationale pour la Rénovation Urbaine*) and ASCE (*Agence pour la Cohésion Sociale et l'Égalité des Chances*). These have been active in Lyon, targeting interventions in disadvantaged areas.

## 4.2 Local power sharing institutions

France has long been similarly majoritarian as the UK Westminster system, yet with a shift toward greater consensus by strengthening constitutional review in 1974 and by its decentralisation reforms after 1981 (Lijphart 1999, 256). Also from a local perspective, France has been the prototype of the Franco- or Napoleonic country group, with weak local government capacities and strict control from nationally nominated *prefects* at departmental level (Hesse and Sharpe 1991). Consequently, the role of local government has been rather political than functional, with local politicians lobbying at higher state levels through accumulation of mandates, whereas major services were provided at departmental level. Even if the decentralisation reforms of 2002 have further reduced central state tutelage and transferred regulatory powers to the directly elected regional, departmental and municipal councils (Cole 2011), in international comparison these tiers remain weak and under control of the national state (Marks, Hooghe, and Schakel 2008; Sellers and Lidström 2007). Moreover, there is no formal hierarchy with supervisory rights among the subnational tiers, leading to competing policy initiatives, unsatisfactory processes of ex post coordination, and parallel structures to the persisting national field services (OECD 2004: 70)(Cole 2011). So even if we find the consensual traits of divided regulatory powers at subnational level, these are overshadowed by central regulatory, administrative and financial control and a lack of co-responsible practices of co-governance.

More coherent and more consensual might be the intergovernmental relations within urban regions, where certain municipal powers must be transferred to inter-communal governing bodies (*établissements publics de co-opération intercommunale*) with strategic and operative tasks in various policy fields, e.g. urban planning and housing. For the 159 municipalities of the Lyon area, the government of *Grand Lyon* was established in 1966, which has de-facto been presided by the mayor of the core city and been marked by consensual politics, even though the representatives have (until recently) been municipal delegates with territorial interests rather than directly elected (Kübler 2012). But even downward, the core cities of Paris, Marseille and Lyon were prescribed to set up district councils (*conseil d'arrondissement*) in 1982 (*Loi PLM*), headed by a district mayor but basically depending on the city level. On an even lower scale, advisory neighbourhood councils (*conseil de quartier*) have been prescribed in 2002 for cities with more than 80'000 inhabitants (Marcou 2014; Bherer 2010).

Less has changed on the horizontal axis of French power concentration. Similarly to the national level, a disproportional majoritarian election system creates a bipolar left-right party system in most

municipalities with more than 30'000 inhabitants and secures a comfortable council support to the mayor (Cole 2011, 310). Since the three big cities Paris, Marseille and Lyon have introduced majoritarian elections by district in 1965 and proportional elections with majority premium (half the seats plus vote share) in 1983, the *disproportionality index* has risen dramatically above the already extreme values for the national level (index of 40 in 1983 and 2008; own calculations). Still, the common party lists of either left or right party coalitions often allow having several parties represented in council (*effective number of parliamentary parties*: between 1 and 4). But even if local government structure is dualistic and parliamentary with indirect elections of the mayor and his assistants from within the council, it is the mayor who clearly dominates the council, whose role is often reduced to approving mayoral propositions. The striking power asymmetry between mayor and council is marked by mayors exerting “overwhelming political and administrative local leadership” (Wollmann, 2008b: 288).

Just as at the national level, horizontal power concentration in the mayor goes along with an uncoordinated pluralistic interest group system. In Lyon, local interest committees (*Comité d'intérêt local*) arised from citizens' mobilization already at the end of the 19<sup>th</sup> century, and these have been unionised in 1960 with the aim to gain more influence on local elects and on the public debate (Amzert 2000: 70-75). More formalised relations were introduced with the *Loi PLM* in 1982, when representatives of associations were invited into committees at district level (*comité d'initiative et de consultation d'arrondissement*) in order to consult the newly created district councils. Local corporatism, however, would require that the main leaders of associations are consulted at the municipal level, with the aim of arriving to binding agreements (cp. Lijphart 1999, 172).

### 4.3 Zoning policies since the 1990s

The local land use plan in operation during the 1990s was the *Plan d'Occupation du Sol* (POS - Plan for Land Occuption), which came into being in 1967. Following decentralisation in the 1980s, the responsibility for drawing up the POS was transferred from the State to the municipality, and in the case of Lyon, to the Grand Lyon agglomeration, in consultation with the composite municipalities (Coudereau, 2013). Following the SRU Law of 2000, which introduced the PLU, there was a transitional period between the POS and PLU, from 2000-2006, while the new PLU was negotiated between the different actors, finally being approved in 2005. The key changes between the PLU and POS included the introduction of the PADD which defined the global context and overarching aims, the requirement to take the three pillars of sustainable development into consideration in drawing up the PLU, and the necessity to involve residents in the PLU process from the beginning (Grand Lyon, 2004). These changes, it could be argued, bring the zoning document closer to a “Just City tool”, by considering the economic, social and environmental implications of the zoning regulations, and by involving citizens more closely in the process.

Indeed, in its guide to citizens produced during the PLU public enquiry in 2004, which was to replace the POS, the Grand Lyon states:

“Despite best efforts and success stories, the Grand Lyon doesn't always offer, in certain areas, an adequate quality of life, or one that is affordable for families. The PLU should help provide answers, respecting the framework fixed by documents such as the Local Housing Plan (PLH) and the Urban Transport Plan (PDU). The redevelopment of centres and their surrounding areas, taking more care of quality in construction, should encourage more social cohesion. Similarly, a better distribution of social housing and improving public transport routes in line with the PLH

and PDU, but also having commercial activities, should contribute to greater social and urban diversity.” (Grand Lyon, 2004: 14)

“The change in zoning regulations of the PLU promotes the creation of sufficient housing that is diverse and affordable:

- There is a 42% increase in zoning of central areas that are to be redeveloped
- The regulations have evolved to:
  - o Take between account of neighbourhood identities and heritage
  - o Allow for more construction that falls between the formats of individual houses and large collective housing estates
  - o Encourage the presence of services and economic activities that are necessary for the life of the neighbourhood”.

(Grand Lyon, 2004: 15)

Such statements reveal the intention to work towards Just City outcomes, although the reality of increasing socio-spatial disparities since the mid-2000s between the core city and its suburbs, as well as between the east and west of the agglomeration, suggest that such intentions haven’t necessarily been translated into results that promote a more Just City.

#### **4.4 Leadership and consensual institutions in the context of the Just City**

The Socialist Gérard Collomb was elected Mayor of Lyon in 2001 and is, by default, President of the Grand Lyon agglomeration. Collomb has had ambitious plans for Lyon on the international stage, developing a series of high-profile urban development projects aiming to attract international capital and to enhance Lyon’s reputation as a European hub for business and investment. However, a range of tensions have surfaced in trying to achieve the twin aims of economic competitiveness and social cohesion (Carpenter and Verhage, 2014), which have impacted on outcomes in relation to the Just City. These have included the need to ensure that there is sufficient affordable housing in new flagship developments such as La Confluence, and securing investment in the disadvantaged high rise housing estates in the suburbs (*banlieues*) with concentrations of socially disadvantaged groups.

Lyon has traditionally been characterised by a culture of consensual politics and leadership (Boino, 2010). The case of Lyon illustrates “the important role that actor constellations play in dynamic terms” (Getimis, 2012, p 26), in relation to negotiated arrangements between different partners. In general, leadership is based on cooperation rather than hierarchy, illustrated for example in the elaboration of the SCOT, with the involvement of the 59 member municipalities that make up the Grand Lyon agglomeration. A total of 9 geographical conferences of Mayors from the Grand Lyon area were organised through which negotiations were carried out, managed by the Lyon planning agency (*Agence d’Urbanisme*), and where in general, the decisions of the municipalities prevailed (ESPON, 2013). Such consultation illustrates how Lyon has the potential to contribute to finding just solutions to planning challenges, through a collaborative approach to negotiating the master planning document for the area.

### **5. Zoning policies in the case of Zurich**

Zurich is the largest city in Switzerland with a population of slightly more than 400’000 inhabitants. It is the principal town of the canton of Zurich, which is one of the 26 states constituting the federal

country of Switzerland. It is part of a highly fragmented agglomeration with 130 municipalities and the economic centre of the country, a European centre of finances and insurance services. With the growing population, sufficient housing is a lasting issue, and there are growing social disparities within the city and within the agglomeration, which are exacerbated by inter-municipal tax competition creating large disparities between affluent low-tax enclaves and socially burdened suburbs. With the construction of a highly efficient regional public transportation system, the core city has for several decades suffered from a loss of good tax-payers to the suburbs, but has in the meanwhile become very attractive again, leading to processes of gentrification in neighbourhoods that have previously been predominantly inhabited by low-class immigrants.

## 5.1 The Swiss planning system

The Swiss planning system has been categorised as following the *comprehensive integrated approach* (ESPON 2006, Annex F: 79), even though the emphasis of coordination has been on the vertical axis between the federal government and the constituent cantons, as well as between the cantons and the municipalities, and much less on horizontal inter-sectoral coordination. The federal level has only in 1980 introduced its framework legislation on spatial planning (*Raumplanungsgesetz, RPG*), its environmental legislation in 1985. The framework legislation limits itself to general principles on planning, planning instruments and procedures, and requiring municipal re-zoning not to surmount the needs of the next 15 years. Actual planning competencies remained with the cantonal authorities. In the case of Zurich, the cantonal construction and planning legislation (*Planungs- und Baugesetz, PBG*) was also only introduced in 1975, stipulating for cantonal, regional and municipal structure plans and special use zones and plans. Before that, the municipal construction and zoning plan (*Bau- und Zonenordnung, BZO*) of Zurich, firstly introduced in 1946, was particularly vulnerable to cantonal and federal judicial appeals by land owners and developers. In 2013, the federal framework legislation was amended in a popular referendum in order to stipulate an inward-oriented development of settlement.

The cantonal construction and planning legislation has to conform to the federal framework legislation and to the pertinent federal sectoral laws (mainly transportation, energy, economy, environment), whereas municipal planning documents need to conform to cantonal legislation. Aiming at improving inter-sectoral coordination of the federal ministries, a decree from 1997 led to the formation of a committee for spatial organisation (*Raumordnungskonferenz*). Consequently, the federal Agglomeration Policy (*Agglomerationspolitik*) and the federal New Regional Policy (*Neue Regionalpolitik*) targeting more rural areas emphasise the need to integrate infrastructure projects, agricultural and hotel industry support, and spatial planning into an overall strategy of urban and rural development. No consideration is given to housing policies, which at both the federal and cantonal level are limited to public loans for non-profit housing cooperatives. In fact, active housing policies have been pioneered by cities like Zurich (since 1907), before cantonal (1930s) and federal (1942) support was granted.

Besides vertical and horizontal coordination mechanisms (e.g. Tripartite Agglomeration Conference, inter-cantonal Conferences of Planning Directors, inter-municipal planning boards), the Swiss planning system is marked by legislative consultation procedures (*Vernehmlassungsverfahren*) and direct democratic votes at all three state levels, and – at the level of single projects – informal procedures of public consultation and rights of appeal by affected residents and environmental associations (*Verbandsbeschwerderecht*).

## 5.2 Local power sharing institutions

In his comparative analysis, Lijphart (1999: 249) classifies Switzerland as the clearest prototype of consensus democracy, best visible in the multi-party government coalition and the proportional multi-party parliamentary representation, but also in its federal constitution and one of the world-wide highest degrees of decentralisation. From a local perspective, Switzerland belongs to the Northern and Middle European group (Hesse and Sharpe, 1991), but it stands out in its exceptional degree of regional and municipal fiscal autonomy and its particular emphasis on local democratic self-government. In reflection of the strong sense of municipal autonomy and the up-holding of the subsidiarity principle, the cantonal constitution of Zurich grants its municipalities wide freedoms in terms of political and administrative organisation. Also, as most policy fields are characterised by national framework legislation, cantonal norms and substantial leeway in municipal implementation, this form of cooperative federalism has led to strong ties for consultation and cooperation across all three state levels (Schenkel and Serdült 1999). The metropolitan conference, which actually stretches beyond the narrow cantonal borders, constitutes rather a forum for inter-municipal debate than an actual governance body. Even though the cantonal executive of Zurich and its subordinated district councils possess legal-administrative supervisory rights on the municipalities, regulatory interventions occur very rarely. Citizens can raise complaints about the municipal administration to the district council and proceed to the cantonal or federal administrative court. The financial-economic audit of the City of Zurich is under local political control, both in terms of the financial audit commissioned by the local administration and in terms of the parliamentary audit committee checking the city's budget. On a vertical axis, Zurich thus exhibits strong consensual traits of institutionalised interdependence and co-governance, but rather than on supervision and external financial control the Swiss municipal system seems to rather rely on local democratic control.

On the horizontal axis, power sharing in the City of Zurich very much resembles power sharing at the federal level. The parliament with 125 seats is elected by proportional rule (bi-proportional apportionment since 2006; *disproportionality index* of 7 and less), resulting in the representation of multiple parties from across the left-right spectrum (*effective number of parliamentary parties* of around 5). The members of the executive council, including the mayor, are directly elected. Notwithstanding the majoritarian executive elections, the parties abstain from advancing candidates for all nine seats, thus practicing "voluntary proportional representation". Since decades, the surplus majority government was therefore composed by at least four political parties or political groups. The executive is collegial, with equal competencies given to the mayor and the ordinary councillors. While propositions brought forward to the parliament rest on the support of the cabinet majority, they tend to reflect the sectoral organisation of the administration, with each councillor heading one of the branches. The parliament, composed by laymen devoting their leisure time to politics, has a certain leverage on the executive by its right to set up the budget, propose and adopt laws, and approval of the annual report. Moreover, parliamentary members are appointed to permanent and special legislative committees, preparing decisions on propositions in their policy area, auditing the budget and controlling legal conformity. Moreover, the parliament has the competency to set up a fact-finding committee in case of important incidences.

The interest group system in Switzerland is treated as corporatist by Lijphart (1999), even if labour unions are weakly organised and business associations have been clearly more influential. Swiss corporatism is thus not characterised by centralised interest intermediation, but rather by a decentralised corporatist form of decision making and implementation (cp. Siaroff 1999, 186). The

Swiss legislative consultation procedure (*Vernehmlassungsverfahren*) as well as the possibility to raise signatures for a popular referendum gives interested associations at all state levels strong political leverage, whereas associations can be called to co-operate with the implementation of the executive rules. At municipal and regional level, potent interest groups that are relevant in the field of urban planning include the house owners' associations, business associations, the larger housing cooperatives and their association, and the local branches of environmental associations. Although the municipal administration has entered a treaty with the 25 existing quarter's associations for information exchange, these traditional associations only become influential stakeholders at the level of controversial public development projects within their particular neighbourhood.

### 5.3 Zoning policies since the 1990s<sup>2</sup>

After a strong growth and development in the 1960s, the revisions to the construction and zoning plan in 1974 and 1992 (*BZO 74 / BZO 92*) were concerned with the ever expanding office space that had pushed out young families to the friendlier and cheaper housing options in the suburbs. Municipal tax revenues thus became more dependent on business taxes and the economic cycle. The often elderly 1-2 person households occupied the ever scarcer residential space. For the first time, the partial revision with the *BZO 74* had introduced a minimum share for residential use within construction parcels, which was set between 33 and 90%, depending on the zoning code. The total revision in 1992 was even more resolute in its ambition to re-establish a balance between the further expanding service sector and the increasing residential need for living space. The *BZO 92* was intended to preserve as much affordable residential space as possible, improving its quality rather through renovation or conversion (e.g. attic flats) than new constructions, in order to attract young families. In order to contain secondary residences in the draining downtown, these were no longer accounted for in the residential share. Besides, stores and craft should remain in the neighbourhood, as should industrial sites with low added value. Furthermore, the still intact small-scale mansions and family houses and the greening at the exposed hillsides at the North should be preserved. Whereas the cantonal structure plan declared most of the city as centre area allowing for considerably higher buildings, the *BZO 92* kept construction heights as it were and simply introduced residential zones with centre or service function that were flexible in their residential share. In addition to construction-free recreation zones within the city, agricultural land at the city borders was secured as a recreation site.

Even though the controversial *BZO 92* gained a narrow majority in a popular referendum, its implementation was blocked by 430 complaints by land owners and developers, mainly because construction of office space in the quite centrally located large brownfield area "Zurich West" required a special development plan to be negotiated with the city administration. Given the legal uncertainty with the concurrent old and new law, in 1995 the cantonal Direction for Construction surprisingly intervened with an own building construction and zoning plan for the city, a fact which was perceived as an affront towards the city. This cantonal *BZO 95* relaxed the prescriptions for residential share to a large extent, for preservation of small-scale residential structures and greenings. Moreover, the utilisation factor regulation was abolished altogether, and construction heights were elevated in most zones. The brown field area Zurich West was opened up for office developers, expanding the capacity for office floors by more than 50%.

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<sup>2</sup> This subsection heavily draws on a commented overview of the planning history co-drafted by Richard Heim, the project leader for the revisions of 1992 and 1999 (Stadt Zürich 2013).

With the *BZO 99*, the city developed the basis for regaining control on urban planning, yet with a more pragmatic approach than 1992. Some industrial zones were re-zoned for residential use, with a particular aim of constructing larger departments for families – but generally industrial zones were further opened up for office space. Densities along main traffic arteries were elevated, but then the already dense urban block structures should be preserved in order to secure affordable housing. Buildings higher than 25 meters are only allowed in specially designated areas and only if neighbouring residents are not substantially affected by prolonged shadow casting.

In 2010 the municipal executive adopted a spatial development strategy, which serves as the basis for the revised *BZO 14* that is now pending for parliamentary approval. As the construction land foreseen in the cantonal structure plan is to large extent already being used, and the last brown fields are already being redeveloped, development pressure in the city leads unavoidably to a densification of the existing built environment, making the preservation of residential and living quality a difficult task. New buildings have to conform to the neighbourhood, strengthen the neighbourhood character, and be complemented with good greening. This should be achieved through protection of residential- and greening characteristics in certain zones, while densities along main communication routes should be further enhanced. Parks and squares should become better accessible. Central areas in the neighbourhoods should become more attractive through the prescription of public-oriented uses of ground floors – an idea stemming from the *BZO 92*. Special plans and site specific amendments to the *BZO* are foreseen for value adding deviations from the zoning plan, but only in return for minimum shares of flats with cost-induced rents. These are negotiated in cooperative planning procedures between the administration and the developers and require an overall concept under consideration of greenings, accessibility, and public infrastructure.

#### **5.4 Leadership and consensual institutions in the context of the Just City**

In the heated discussions preceding the *BZO 92*, the executive councillor heading Zurich's Department of Structural Engineering of that time, Ursula Koch from the Social Democratic Party, took a firm stance against re-zoning the large brown fields for the expanding service sector, thus protecting industry and strengthening the city's bargaining position for negotiating special plans with developers. In 1987 she initiated a broad based participatory process with 50 events in the neighbourhoods, with quarter's associations and interest groups, presenting and discussing the new plans, inviting the participants to fill a feedback form. Complaints were addressed in the new draft or individually explained. Whereas the electoral victory of the left and green parties in 1990 made parliamentary approval no particular concern, the participatory procedure may have helped the progressive zoning plan to narrowly pass the popular referendum in 1992. The intervention by the cantonal Director for Construction (Swiss People's Party) in 1995, however, reveals the intergovernmental tensions caused by the ideologically motivated municipal BZO.

The Social Democratic mayor Josef Estermann contributed significantly to the breakdown of the deadlock in Zurich's urban planning. Between 1996 and 1996 he conducted a series of ten planning workshops (*Stadtforum Zürich*), bringing together business, land owners, administrative officials, neighbouring municipalities and the canton, experts, and residents in order to develop a common vision for the re-development of the large brown field Zurich West. This marked a start of further cooperative meetings between the administration and land owners (yet without inclusion of residents and the broader public) leading to overall concepts and special plans in Zurich West and other parts of the city (Devecchi, 2012: 48).

The recapture of the municipal construction and zoning plan in 1999 took place under the newly elected head of the Department of Structural Engineering, Elmar Ledergerber (Social Democratic Party). The political pressure from the bourgeois parties in the parliament had increased considerably since the elections of 1994, explaining some of the reluctance for implementing some of the elements foreseen in the *BZO 92*. The pragmatic and consensus oriented approach has certainly helped him to be elected mayor in 2002, whereas the bourgeois parties remained strong until the election of 2006. The *BZO 14* is now proposed to the parliament under the guidance of executive councillor André Odermatt (Social Democratic Party) elected in 2010. With regard to affordable housing and preservation of stores and craft, the green/left parties have in recent years successfully gained the support of the Christian Democratic Party.

In 2014, a cantonal direct democratic initiative from the Social Democratic Party for introducing minimum share of affordable housing into the cantonal planning and construction law, has led to a popular approval for a more moderate counter-proposal, allowing municipalities to prescribe a minimum share of affordable housing in case a parcel is being rezoned with added value. Whether this new legal possibility will lead to changes to the pending revision (*BZO 14*) is not clear yet (Unternährer and Gasser 2014).

## 6. Preliminary conclusions

The delineated cases of construction and zoning policies in Lyon and Zurich make clear, that different patterns of planning systems and consensual democracy together with the agency of urban leaders play out on the particular policy motivations, policy outputs and expected outcomes with regard to the Just City. While both cities are struggling with development pressures, lack of affordable housing, and local and regional social segregation, horizontal and vertical consensual democracy in Lyon has its locus at the metropolitan level, allowing for certain policies that are unthinkable in Zurich. On the other hand, the most progressive zoning policy in Zurich has actually been formulated in times with rather majoritarian municipal power relations, but taken an abrupt end due to vertical checks by means of the cantonal level. The unilateral vision of the Just City has thus not materialised in the fragmented sub-national environment departing rather from a multi-level land use management tradition. While direct democracy at all state levels is increasingly pushing for solutions to spatial challenges, horizontal and vertical power constellations might dilute the proposed policy solutions beyond recognition. French developments, in contrast, offer an interesting combination of majoritarian horizontal power relations at the traditional scales, coupled with a culture of a stronger state commitment and new forms of consensual horizontal relations at the metropolitan level.

We believe that the comparative framework set out in this paper, together with thorough process tracing analysis (Mahoney 2012) and systematic comparative analysis, helps disentangling the various forces at work when it comes to urban planning for the Just City. In a next step, we will therefore conduct exploratory interviews with local planning experts in both cities, providing us with information on relevant issues and actors within the several domains of urban planning. These exploratory interviews will set the guidelines for the second interview phase, in which semi-structured expert interviews are planned. Interviewees will cover mayors, municipal planning deputies, senior planning officials, council representatives from incumbent and opposition parties and with members of planning committees regarding planning politics and the possible role of the regulatory and institutional framework.

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