

Urban Transformation Current Practices And Current Laws Turkey Example

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It is the production and implementation of projects for demolition, reconstruction, revitalization, rehabilitation or restructuring in order to reconsider urban development in terms of social, economic and spatial aspects and to make problematic areas in the city healthy and livable. In summary, urban transformation means eliminating the problems that disrupt the fabric of a city. In slum transformation/urban renewal projects, it is aimed to "restructure the illegal construction areas and areas that have reached the end of their economic life in the city, in accordance with the rezoning standards, by providing all the necessary urban and social equipment services and taking into account all possible natural disaster risks." Urban transformation should not turn into a practice of dispossessing and displacing the urban poor; This resource transfer should not proceed through the liquidation of slum areas and informal settlements, which are the places of lower income groups, through urban transformation and the opening of their lands to expensive projects (Harvey 2008). In Istanbul, worn-out historical areas within the city (Sulukule, Tarlabaşı, Fener, Balat, Ayvansaray, Tokludedede Türk Mahallesi, etc.) and slum areas (Küçükçekmece Ayazma, etc.) are being liquidated through urban transformation. The process is carried out in cooperation with local governments and TOKİ.

Keywords: Developing countries, housing finance, quality, design, architecture, real estate, capital markets, appraisal applications.

1. Introduction

Cities are undergoing transformation due to reasons specific to the urban development process, such as industrialization and migration, as well as extraordinary reasons such as war and disasters. Areas subject to urban transformation are areas that have become obsolete or have somehow been excluded from current planning. For example; such as old central business areas that have lost their charm, urban protected areas, unhealthy and illegal buildings in the city, and slum areas. In addition, the need for urban transformation may arise due to disasters such as fire and earthquake; Urban transformation

practices can also be carried out in order to eliminate the destruction that occurs after the disaster or to reduce possible damages before the disaster occurs. In our country, the issue of urban transformation has become one of the most talked about and debated issues in recent years, especially with the urbanization and settlement problems that have become more visible with the destruction experienced in the 1999 Marmara and Duzce Earthquakes. Urban transformation projects have begun to be implemented for various purposes, especially reducing disaster risks and transforming slum areas; TOKİ and metropolitan municipalities played the leading role in these. The legal basis for these practices has been tried to be created by the Urban Transformation Bill, which aims to eliminate unhealthy built-up areas of cities, especially natural disaster risks, as well as new local government laws that give local governments authority regarding urban transformation. However, both the design and the practices are criticized for various reasons.

2. Urban Transformation In Turkey

Cities are shaped by new needs arising from factors such as migration, industrialization, war and disaster. The concept of urban renewal, which expresses this transformation that cities experience for various reasons, is defined in different ways². In its most general definition, urban renewal refers to the revitalization of urban areas that have become obsolete, abandoned, devalued and tending to become obsolete over time due to different reasons, in accordance with the socio-economic and physical conditions of the day and bringing them into the city (Özden, 2000: 257; Yiğitcanlar, 2001: 55). The events that cause urban renewal are various (Sönmez, 2005: 16; Tekeli, 2003: 3; Özdemir et al., 2005: 22; Ünverdi, 2005: 31; Çakılcıoğlu and Cebeci, 2003: 296). The need for urban renewal is a solution to problems such as illegal construction, accessibility, unhealthy and inadequate infrastructure supply, and natural disasters that occur in a historical settlement within the city, an industrial area that has lost its function, or a residential area with many social and spatial problems, or in cities that develop rapidly and unhealthy. It may arise from the need to find Urban renewal is not only one of the architectural preservation methods to prevent the collapse of old city centres; In order to solve the housing problem; As well as those that are discussed within the framework of urban development (Çubuk, 1998: 6); There are also those who divide it into two: those that arise within each city's own development line (normal) and those that arise from unexpected factors (Cundy, 1979: 353; Gaffney, 1989: 2; Özden, 2000: 255).

When considered for Türkiye, the reasons that create the need for ordinary urban renewal are closely related to the urbanization characteristics and problems specific to our country. Cities in Turkey face problems arising from various reasons such as overpopulation, disaster hazards and risks, and

wrong site selection decisions. Each of these problems are factors that create the need for urban transformation / renewal for our country. The reasons for extraordinary urban renewal are disasters and disaster risks, especially earthquakes. In our country, urban renewal practices, the first examples of which were seen with the reconstruction of fire zones in the Ottoman period, were followed by studies on urban sites, with the understanding of protecting cultural and natural assets, and today, legalization and rehabilitation of illegal urban areas with low quality of life, prestigious new central business areas, fairs and fairs are implemented. , continued with transformation applications such as shopping and entertainment centers, international holiday villages and golf courses. Recently, it has been observed that applications aimed at solving urban problem areas such as slums and disaster risk areas have come to the fore in urban renewal/transformation projects. While the developments in the socio-economic structure of the country in the 1950s and the following years led to an increase in the rate of urbanization and urban population, cities have also entered a process of rapid transformation that they have never seen since these years. In this process, new centers emerged, the development directions of cities changed, with the increase in urban rents in the central business area, most of the buildings were demolished before completing their economic life and multi-storey buildings were built in their place, areas that were not suitable for settlement such as green areas and agricultural lands began to be covered with residences, and city centers became more crowded. and has become valuable (Tekeli, 1991: 41; Kıray, 1982a: 270).

During this transformation process, cities have grown by ignoring both the natural, historical and cultural environment and disaster risks, as well as unplanned developments. Since the 1950s and 60s, big cities, especially Istanbul and Ankara, have become symbols of this transformation (Keskinok, 2001: 37; Tekeli, 1982: 70; Görmez, 2004: 43). In addition to the transformation of the inner city, after 1980, cities began to grow without gaps, like an "oil stain", with new formations added to their surroundings (slum areas, industrial zones, government institutions, university campuses, etc.) (Tekeli, 2001: 83). Since these years, the problem of slum settlement has become an urban phenomenon within the framework of its ties with the economic and social structure, and has become widespread (Kıray, 1982b: 278; Keleş, 2002: 557; Görmez, 2004: 16; Eke, 1998: 24). When looked at in terms of extraordinary reasons for urban renewal, it can be seen that natural disasters and natural disaster risks, especially earthquakes, are the factors that create the need for renewal of cities in our country.

For example, Istanbul has experienced many major earthquakes throughout history and has been rebuilt in the same place, with demolition and repairs. In addition to renewal for the city, disasters also created the opportunity to implement new zoning regulations (as in Istanbul after the 1509 earthquake).

In our recent history, following the 1998-Ceyhan, 1992-Erzincan, 1995-Dinar, 1966-Varto, 1971-Bingöl earthquakes, the cities in question were rebuilt in the same place. In our country, there are settlements that are relocated after and before the disaster in order to reduce the risk of the current danger. Following the earthquakes of 1939-Erzincan, 1970-Gediz, 1942-Erbaa, 1975-Lice, 1939-Dikili, these cities were rebuilt with partial risk reduction measures in safe areas, near the old settlements. Among the earthquakes that occurred in Turkey, the 1999-Marmara and Düzce Earthquakes are important in terms of the magnitude of the loss of life and property they caused, the width of the area affected, the renewal and risk reduction practices implemented afterwards, as well as the risk reduction-based renovation works initiated in different cities, especially Istanbul. created a turning point.

In Turkey, practices similar to urban transformation in developed countries have been carried out both in some slum areas (areas such as Ankara Dikmen Valley, Portakal Çiçeği Valley, Esenboğa Airport Protocol Road) and in city centers outside these areas. In recent years, there has been a noticeable increase in integrated project applications in the form of business centers, sports complexes, recreation facilities, hotels, congress fair-cultural centers in the areas vacated by the removal of the industry in the city center, in idle and empty places and in collapsed areas. Such urban transformation practices increased and diversified even more after the HABITAT II Conference held in Istanbul in June 1996. With the ongoing urban transformation activities, it is aimed to increase the history, tourism, trade, congress and fair center functions of the cities. With the implementation of prestigious projects, the attractiveness of the city is increased and it is envisaged that it will be able to compete with world cities. In projects carried out under the name of urban transformation, it is seen that public and private sector partnerships are concentrated only in city centers where urban restructuring is attractive and the rent value, in other words, rent sharing, is high. This situation is criticized as urban transformation projects have developed as a rent sharing model. Additionally, it is pointed out that these projects created in city centers cannot be fully integrated with the surrounding physical and social structure (GÖKSU 2003).

When we look at urban transformation practices across Türkiye, it is seen that there are very different transformation processes. This difference leads to the enactment of special laws for each practice and special situation. The special laws enacted so far regarding urban transformation are as follows; 1. Law on Amendments to Certain Laws and Decree Laws No. 5234 dated 21.09.2004 regarding the real estate used as Haydarpaşa Port (Provisional Article: 5), 2. Municipality Law No. 5393 dated 03.07.2005 (Urban Transformation and Development Area Article titled: 73), 3. North Ankara Entrance Urban Transformation Project Law No. 5104 dated 04.03.2004, 4. Law No. 5366 dated 16.06.2005 on the Renovation and Protection of Deteriorated Historical and

Cultural Immovable Assets. The approach of urban transformation in certain places and with special laws enacted specifically for those places is undoubtedly appropriate. However, there is a need for some regulations in a general law such as the Zoning Law, on which these special laws will still be based. In addition, the places chosen for urban transformation should not be chosen in a way that is contrary to the purpose of urban transformation and aims to transfer urban rent to some segments. When we look at the purpose and content of special laws in Turkey, the abundance of rules that justify doubts draws attention.

Regulations regarding the area where the real estate used as Haydarpaşa Port is located can be given as an example of this. The most positive of these are the practices related to the "North Ankara Entrance Urban Transformation Project". The number of applications to improve the unhealthy urban appearance created by the slums around the Protocol Road, which connects the airport of the capital Ankara to the city center, through "transformation" should be increased. It should be emphasized that while urban transformation is regulated by special laws, it should be preferred to define general rules within the Zoning Law. It should be preferred that the Zoning Law proposes a framework and practices are shaped accordingly. A good framework for planning, land regulation, zoning and infrastructure issues is important for the success of the practices envisaged by special laws. The process in Turkey is developing contrary to this approach. With a bill submitted to the Turkish Grand National Assembly; It is recommended that all lands of the country, whether rural or urban, built or unstructured, be included in the scope of urban transformation. This development is extremely harmful. Regarding this draft, "the management of the country's land with the principle of 'piecemeal development'; aims to intervene in the whole by starting from the parts; Looting of the country's lands through municipalities and governorships with the support of the Council of Ministers; The assessments that "it foresees all kinds of interventions for all kinds of profit" are correct (www.yayed.org). In GÖRGÜLÜ (2005), "...an urban plan that is not only concerned with development rights and construction densities, does not expect solutions from today's shallow planning approach, and provides partnerships with the active participation of the local people, central government, local government and civil organizations along with the private sector." He is of the opinion that "the transformation ... should be defended and supported ...". Two issues should be emphasized in urban transformation applications; 1. The use of public real estate, 2. The limit of the authority granted to municipalities and governorships regarding planning and land regulation.

Use of Public Real Estate

In Law No. 5366, one of the urban transformation laws, it is stated that the real estate belonging to the Treasury within the renewal area will be transferred free of charge to the special provincial administrations or

municipalities carrying out the project without the need for any other action (Article: 4); In Law No. 5104, it is envisaged that among the lands and plots needed for the project in the region within the boundaries of the project area, those owned by public legal entities will be transferred to the municipality free of charge (Article: 5). No explanation has been made on issues such as the nature of the immovable properties subject to transfer and whether they can be subject to registration. The transfer of almost all public real estate to municipalities or special provincial administrations, free of charge, has become a prerequisite for the success of the transformation project. Leaving aside the rules on public real estate regulated by many laws, especially the Constitution (Article: 43, 44, 168, 169), Turkish Civil Code (Article: 715, 999), Cadastre Law (Article: 16), unlimited and unconscionable An application has been launched. All lands of the country are placed at the disposal of municipalities and special provincial administrations, without discrimination. 9 In many decisions of the Constitutional Court, it has been stated that the limits of authority given to the administration should be clear and regulated by law. As a requirement of Article 35 of the Constitution, there is a need for detailed explanations in terms of the number, location, purpose, condition and principles to be observed in the transfer of public immovable properties subject to transfer.

Among the public immovable properties subject to transfer, there may be different types of immovable properties such as pasture, plateau, winter pasture, pasture, mountain, hill, rocky land, forest, and places taken out of the forest. The legal regime to which these properties are subject and the procedures to be carried out are different from each other. Leaving them at the disposal of municipalities and special provincial administrations without considering these differences, keeping them all subject to the same process, may lead to the disposal of these places altogether. The success of urban transformation laws has been seen in placing as many public immovable properties as possible at the disposal of administrations, provided that they are used as a financing tool. The fact that the share of the individuals or organizations that carry out the project, participate in the project and benefit from the project in the financing is lower than the public, causes doubts in the transfer of the rent generated by public support. Failure to resolve these doubts will make projects and implementation results constantly controversial.

Limits of the Authority Granted to Municipalities and Governorships Regarding Planning and Land Arrangement

In places declared as urban transformation areas, planning and implementation powers are transferred to municipalities and governorships, outside the limited tutelage control of the central government. This transfer of authority cannot be seen as the performance of an ordinary job. When it comes to urban transformation, the participation of local people and non-governmental organizations in that region should be ensured in the planning studies to be

carried out within the framework of delegation of authority. On the other hand, when the laws regarding urban transformation are examined, it is stated that urban design projects and other works, including construction, within the project area will be carried out by the municipality and the administration, and no rules are included regarding participation (Law No. 5104, Article: 6; Law No. 5366, Article: 3).). The rules will be set by the administration, and the property owners within the scope of the project, the beneficiaries of the project, the public and non-governmental organizations in the project area will comply with these rules without objection. This situation shows that an anti-democratic approach is preferred regarding participation in urban transformation. The "Draft Law on Transformation Areas" submitted to the Turkish Grand National Assembly goes even further, by setting rules on an application based on the "equivalence principle" instead of the "land and land regulations" rule specified in Article 18 of Law No. 3194 in transformation areas, and that real estate valuations in project areas are made by municipal councils. states that it will be done (www.yased.org). In land regulations in Turkey, instead of the current practices based on the "equal land deduction principle", it seems positive at first that the immovable properties participating in the regulation are valued twice, before and after the regulation, and that the land regulation is made on the basis of the "equivalence principle". However, it is seen that a modern form of practice such as "Equivalence" has been modeled incorrectly and incompletely in the draft law, and if it is regulated in this form, it will outperform the old one and increase the problems. Some of the reasons that would justify such an evaluation are as follows:

1. In Turkey, instead of bypassing Article 18 of the Zoning Law No. 3194, which sets out a basic "principle" regarding land regulation, it is rewritten and regulated on the basis of the "equivalence principle" instead of the "equal land deduction" principle. is required. Contrary to this approach, the Urban Transformation Bill tries to set rules and excludes the Zoning Law from implementation. Bypassing a fundamental law in this way may cause significant problems in the future.

2. The issue of land regulation should be regulated and modeled only within the Zoning Law. In the implementation of zoning plans, solutions should be proposed with special laws, referring to this principle.

3. The legal, technical and institutional structure of the principle of equivalence should be explained in detail. Considering that it is explained in the 45 articles of the German Zoning Law, the inadequacy of the explanations made by the Turkish Zoning Law becomes apparent.

4. In the principle of equivalence, bringing the issue into a fait accompli without clarifying the experts who will perform the valuation, the valuation system to which these experts will be affiliated, the control mechanisms that supervise this system, and the independent and autonomous

nature of this mechanism may lead to major drawbacks. It is an unforgivable mistake to leave the valuation system to the discretion of the "Municipal Council" or the "First General Assembly" and therefore the politicians. There is no contemporary country where a body that determines the "rent" by approving zoning plans is given the authority to also determine the values of immovable properties within the scope of the zoning plan. Turkey's cities and places are too important to be left to the irreversible consequences of a historical mistake and faulty modeling.

5. In determining the principle of equivalence, a sufficient infrastructure has not been established to ensure consensus in the political, economic and social structure. Theoretical and practical examples that would make this principle applicable have not been produced. In this regard, the Ministry of Public Works and Settlement (General Directorate of Technical Research and Application, General Directorate of Land Registry and Cadastre) has important duties.

6. Land arrangements are made by mapping and cadastral (geodesy and photogrammetry) engineers. In the Mapping, Land Registry and Cadastre Sector, the subject of "Equivalence Principle" is not well known. The surveying engineering profession needs to be enabled to make land arrangements on the basis of the principle of equivalence. It can be seen that an infrastructure and time are needed to propose and model a new principle in land regulations. Proposing a new model haphazardly and hastily implementing it without creating this infrastructure may do more harm than good. It is of no benefit to anyone to make everyone regret it by incorrectly applying a method that will inevitably be implemented in the future. Everyone needs to work on modeling the principle of equivalence in land regulations and try to make this principle applicable in Turkey. In this respect, it is wrong to implement the issue with an urban transformation law that is controversial in itself, without sufficient preparation, and this narrow, non-participatory approach should be abandoned.

3. Legislative Dimension Of Urban Transformation

While cities are transforming in this way within the normal development courses in connection with urbanization problems in our country, the introduction of the concept of urban renewal into urbanization and planning practice in Turkey dates back to the 1970s, and its use as an application tool in planning corresponds to the 1980s (Sönmez, 2006: 121). Regulations and practices regarding urban transformation have been carried out for a long time within the framework of existing legislation and legal regulations. For this reason, rather than versatile, comprehensive policies, techniques and methods, institutional and financial structure as in the examples in the West, there have been disconnected and temporary regulations and practices that different units within the management system have tried to develop as problems arise (Dündar,

2003: 65). . Until the regulations made on the subject in recent years, there were implementing units that carried out duties related to urban renewal in some metropolitan municipalities on the basis of local governments.

While the issue of urban renewal started to be on the agenda more frequently after the 2000s in our country, the issue started to be discussed in the academic community with the Urban Transformation Symposium organized by TMMOB Chamber of City Planners (ŞPO) in 2003. The subject was discussed for the first time with international examples and concrete solution suggestions in the "International Urban Transformation Applications Symposium: Küçükçekmece Workshop" organized jointly by TMMOB ŞPO and Küçükçekmece Municipality in 2004 (Özden, 2007: 215). In 2004 and after, the issue of urban transformation/renewal began to be heavily included in the EU harmonization laws. In addition to these developments, with the influence of the EU candidacy process, legal regulations regarding urban transformation were made in the public administration reforms made in the 2000s. Some of the prominent ones are: a) "Law on Certain Procedures to be Applied to Buildings Contrary to the Zoning and Slum Legislation No. 2981 and on the Amendment of an Article of the Zoning Law No. 6785" (With this law, the possibility of making zoning improvement plans for slum areas has emerged and indirectly enabled urban transformation projects to be carried out.) b) Law No. 5216 on the Amendment and Adoption of the Decree Law on the Management of Metropolitan Municipalities (OG 10.7.2004) c) Municipality Law No. 5393 (OG 3.7.2005) d) Land Office Law No. 5273 and the annex to the Law on Mass Housing and the Law on General Staff and Procedure Law on Amending the Section of the Tables Pertaining to the Mass Housing Administration (OG 12.5.2004) e) Law on Amendments to the Law No. 5226 on the Protection of Cultural and Natural Assets and Various Laws (OG 27.7.2004) f) Law No. 5366 on Deteriorated Historical and Cultural Immovable Assets Law on Renewal, Preservation and Use by Sustaining (OG. 5.7.2005) g) Draft Law on Transformation Areas h) North Ankara Entrance Urban Transformation Project Law No. 5104.

While metropolitan municipalities were authorized for urban renewal in the Metropolitan Municipalities Law No. 5216, municipalities were given duties regarding urban transformation for the first time with the Municipality Law No. 5393. In the 69th article of the law titled land and housing production, "Municipality; In order to ensure orderly urbanization and to meet the residential, industrial and commercial needs of the town, within the borders of the municipality and adjacent areas, to produce lands with development and infrastructure, excluding places that need to be protected according to special laws and agricultural lands; It has the authority to build housing, mass housing, sell, rent and purchase land for these purposes, to expropriate, to barter these lands, to cooperate with other relevant public institutions and organizations and

banks in this regard and to carry out joint projects with them when necessary. According to Article 73, "The Municipality shall rebuild and restore worn-out city parts in accordance with the development of the city; It can implement urban transformation and development projects in order to create residential areas, industrial and commercial areas, technology parks and social facilities, to take measures against earthquake risk or to protect the historical and cultural texture of the city. Areas that will be subject to urban transformation and development projects are announced by the decision of the absolute majority of the total number of council members.

For individual buildings that will be demolished and rebuilt in urban transformation and development project areas, one quarter of the relevant duties and fees will be collected. In order for a place to be declared as an urban transformation and development project area; That place must be located within the boundaries of the municipality or adjacent area and must be at least fifty thousand square meters. Agreement is essential for the evacuation, demolition and expropriation of buildings located in urban transformation and development project areas. "The lawsuits filed by property owners within the scope of urban transformation and development projects are first discussed and decided in the courts." In addition, there are some provisions in the law indirectly related to urban transformation that may facilitate urban transformation practices; Article 13, where civil law is defined, Article 14, where municipal powers are defined. and such as Article 38 (Özden, 2007: 217).

The purpose of the Law No. 5366 on the Renewal, Preservation and Use of Deteriorated Historical and Cultural Immovable Assets (Article 1) is: "Metropolitan municipalities, district and first level municipalities within the borders of the metropolitan municipality, provincial and district municipalities, municipalities with a population exceeding 50 thousand and by these municipalities." Regions registered and declared as protected areas by the cultural and natural assets protection boards that are worn out and about to lose their characteristics by special provincial administrations outside their jurisdiction, and the protected areas of these regions are reconstructed and restored in accordance with the development of the region, and housing, commerce, culture and tourism are established in these regions. and social reinforcement areas, taking precautions against natural disaster risks, renewing and protecting historical and cultural immovable assets and using them by keeping them alive. According to the law (Art. 2), "Renewal areas are determined by the decision of the absolute majority of the total number of members of the provincial general council in special provincial administrations and of the municipal council in municipalities.

Decisions taken by the provincial council in special provincial administrations and by the municipal council in municipalities other than metropolitan cities are submitted to the Council of Ministers. In metropolitan

cities, these decisions taken by the district and first level municipal councils are submitted to the Council of Ministers if approved by the metropolitan municipal council. The Council of Ministers decides within three months whether the project will be implemented or not..." One of the regulations put forward on the subject is the Draft Law on Transformation Areas⁵. The general justification of the bill includes the rapid and unhealthy urbanization trend that has been going on since the 1950s, development differences between regions, unhealthy urbanization features such as the opening of forests, coastal and agricultural areas, and water basins to settlement, and the suggestions developed in the past as a solution to these problems and their inadequacies (tearing down slums). , not having a new one built, enabling low-income people to acquire land, etc.) are mentioned.

Following this determination of the situation, the general justification states that "in order to make the physical space safe, qualified and livable, areas at risk of disaster, areas of physical, social and economic dilapidation, and natural, historical and cultural environmental areas that need to be protected must be liquidated and renovated within the scope of transformation plans and projects, based on the benefit of society." It is stated that it should be subject to improvement. In the general justification, it is also stated that the law no. 5366 is based only on the "renewal and protection of worn-out historical and cultural immovable assets remaining in areas registered and declared as protected areas" and the new legal regulation requirement arising from the assignment of duties related to urban transformation to municipalities with article 73 of the municipality law no. 5393. is stated. The purpose of the bill is "To create living environments that are sensitive to disasters and urban risks, in all urban and rural areas, whether or not there is a zoning plan, in accordance with the rules of science, technique, art and health, or to improve and liquidate areas that are physically dilapidated and where the social and technical infrastructure is inadequate and unqualified." "To determine all kinds of works and procedures and principles and principles regarding the identification of transformation areas and the realization of transformation in order to ensure renewal and development." (Art.1) With the awareness that began to emerge after the 1999 Earthquakes, urban renewal/transformation began to be mentioned as one of the risk reduction tools against disasters. According to the Legislation Commission Report of the Earthquake Council prepared by the Ministry of Public Works and Settlement (BİB) in 2004 (BİB, 2004: 7), the total physical arrangement and social regulation of high risk areas that require urgent intervention and areas that are necessary for the public interest, determined within the scope of the avoidance plans. defines "urban transformation action plans" as a special type of planning aimed at urban development. These plans use tools such as building reinforcement, evacuation, consolidation, redistribution, co-creation in renewal projects, rapid expropriation, and real estate transfer rights.

Another document in which the transformation/renewal strategy is expressed as a recommendation due to natural disasters is the 2004-Turkish Economic Congress Disaster Commission Report. Accordingly, within the scope of the prevention plans, local governments should evacuate, renew, strengthen, etc. in urban transformation areas. It is recommended to develop tools (DPT, 2004: 15).

4. Application Dimension Of Urban Transformation

The concept of urban renewal, which can be said to be new in the Turkish planning system (Özdemir et al., 2005; Çakılcıoğlu and Cebeci, 2003: 296), started to be implemented after 1980, especially for the purpose of transforming slum areas (Dündar, 2003: 65). The first urban transformation projects prepared for this purpose in the 1980s and implemented under the leadership of the public were the Dikmen Valley and Portakal Çiçeği Urban Transformation Projects. After these years, urban transformation projects have been implemented at various scales, from the improvement of slum areas to large projects involving international capital.

Istanbul, Turkey's fastest growing city, is the scene of various types of urban transformation projects, both with and without public intervention (Kahraman, 2006: 95). In addition, different types of urban transformation projects are being implemented in most cities of the country, especially Ankara and Izmir. It is possible to group some of these projects according to their types as follows;

a) Transformation of slum areas / slum areas: In the coastal areas of Istanbul, slum areas in Tuzla, Beykoz, Sarıyer, Silivri, old industrial areas (Kağıthane Creek and its surroundings, Pendik, Kartal coast and the area where old marble quarries are located in Maltepe; Beykoz The construction of luxury residential areas and business centers in the vacant areas created by the discontinuation of production of Beykoz Deri Kundura and Paşabahçe facilities; Güneypark Residences in Ankara, projects implemented by TOKİ in different cities, İzmir Kadifekale, Karşıyaka-Şemikler, Ege Mahallesi examples. Urban transformation projects are being implemented in Ankara, especially in the regions where slum areas are concentrated (Çankaya, Altındağ, Etimesgut, Gölbaşı, Keçiören, Mamak, Sincan, Yenimahalle). GEÇAK (Çankaya), Aktaş-Atilla (Altındağ), Ege (Mamak) and Şirindere (Yenimahalle) urban transformation projects can be given as examples (Eke and Uğurlar, 2005: 383).

b) Gentrification: In historical buildings in the coastal area of Istanbul; The transformation of districts such as Kuzguncuk, Arnavutköy, Ortaköy, Cihangir, Beyoğlu, Galata, Balat and Fener, which had historical or original characteristics and had entered a process of collapse over time, in the 1970s and 1980s (Uysal, 2006: 88).

c) Transformation of the central business area: Beşiktaş and its

surroundings in Istanbul become the new central business area, and the transformation experienced by business centers choosing to locate here; Maslak and Büyükdere axis; 3rd Izmir City Center Project in Izmir.

d) Transformation with prestige projects: Beyoğlu, Galataport in Istanbul, Haydarpaşa Port Area in Kadıköy.

e) Protection of protected areas and transformation for tourism purposes: Partial projects in Tarlabası, Hacıhüsrev, Tophane, Dolapdere, Okmeydanı in Istanbul; Transformation for tourism purposes in Fatih and Eminönü covering the Historical Peninsula, Ulus Historical City Center Transformation Project, Beypazarı Houses Restoration Project, Edirne

f) Transformation projects initiated under the leadership of TOKİ: in Istanbul Tuzla, Pendik (Istanbul park Formula 1 Track, marina, Sabiha Gökçen airport, Sabancı University) (Kahraman, 2006: 95).

g) Urban transformation due to natural disasters: Projects are being carried out for this purpose in Zeytinburnu, Bakırköy and Küçükçekmece in Istanbul. Liquidation of landslide areas in Ballıkuyu and Vezirağa in Izmir. In addition, cities damaged by the earthquake (such as Adapazarı, İzmit, Değirmendere, Düzce) have entered the transformation process with the construction of new residential areas and the determination of new development areas. In transformation projects, in addition to the public and private sectors, the Prime Ministry Mass Housing Administration (TOKİ) is the trigger of the movement in transformation areas. As of 2006, TOKİ signed slum transformation protocols with 100 municipalities and completed 65 thousand houses in 52 different regions in the first stage. While private companies carry out their own projects in vacant lands or privately owned areas of the city, the practices of TOKİ and municipalities are generally seen in slum areas where projects are risky (Kahraman, 2006: 98). In addition, the central government is also involved in some major transformation projects in Istanbul, as it is the authority that approves the development plans (such as the Dubai Towers to be built on IETT land, the land of the General Directorate of Highways in Zincirlikuyu). In addition to projects where the municipality and cooperatives and contractor companies act together (such as GEÇAK), there are also projects carried out by municipalities through municipal companies. For example, KİPTAŞ in Istanbul Metropolitan Municipality and Kent Konut in Kocaeli.

Toki's General Process Operation

Term Sheet Process Flow

- 1- Identification-valuation study and determination of the total valuation amount
- 2- Geological-geotechnical study and interpretation
- 3- Preparation of preliminary urban design project and development plan

4- Determination of strategies for reconciliation negotiations with rights holders

5- Feasibility analysis

6- Signing the main protocol

Master Protocol Process Workflow

1- Conducting project presentation and reconciliation negotiations with rights holders

2- Transfer of title deeds belonging to the agreed rights holders

3- Finalization of the same zoning plan and urban design project

4- Completion of the liquidation of the structures on the immovable properties for which an agreement has been reached in the area by the municipality.

5- Construction tender by TOKİ

6- Carrying out the construction process

7- Delivering keys to rightful owners

We can collect the works subject to transformation under the following headings:

1- Urban renewal project

2- Housing + social facilities

3- Administration housing application

4- Lower income group

5- Consultancy services

6- Infrastructure and social facilities

7- Other

Legal Basis

Metropolitan Municipality Law No. 5216

“To provide all kinds of support upon the request of district municipalities regarding the evacuation and demolition of buildings that pose a risk of disaster or pose a danger to life and property safety (Amended: 12.11.2012-6360/7 art.)”

“...Using the powers given to municipalities in the Slum Law No. 775...”

Municipality Law No. 5393

Article 14- Municipality, provided that it is of a local common nature;

“... afforestation, parks and green areas; housing; ... provides services or has them performed.”

Mass Housing Law No. 2985

Article 1- “Meeting the housing needs, regulating the procedures and principles to which those who need housing will be subject, the development of industrial construction techniques and tools and equipment in accordance with

the conditions and materials of the country, and the supports to be provided by the State (...) (2) are subject to the provisions of this Law.

Law No. 5366 on the Renewal, Preservation, and Utilization of Deteriorated Historical and Cultural Immovable Assets

Article 1- "... taking precautions against natural disaster risks, renewing and protecting historical and cultural immovable assets and using them by keeping them alive."

Slum Law No. 775

Article 1- The provisions of this law shall apply to the rehabilitation and liquidation of existing slums, to prevent the construction of slums again and to the measures to be taken for these purposes.

5. Scope, Basic Principles And Strategic Planning Of Urban Transformation

Urban transformation emerged in developed countries as a restructuring approach to overcome the socio-economic and spatial problems that occurred in cities after the industrial revolution. It was put forward as a solution and as a result of the search for changing, transforming and revitalizing the areas vacated by the removal of industrial facilities, ports and shipyards within the three cities, unused storage areas, residential areas that have lost their value, as well as places with historical textures. In Europe, after World War II, in addition to repairing or rebuilding destroyed and deteriorated spaces, it came to the fore again with the improvement, rehabilitation and revitalization of worn-out, collapsed and devalued residential areas (KESKİN et al. 2003). With urban transformation, it is aimed to restructure the urban people together with the urban space, urban culture and urban life, and to revitalize the urban economy together with the environment.

The aim is not only to reorganize the physical space, but also to revitalize the city by ensuring the participation of local people and to give cities a new place in the globalizing world. In the 21st century, economic, political, social and cultural transformations are accelerating in an increasingly globalizing world. In this process, cities are at the center of global restructuring, and the increasing competition between cities brings about transformation/innovation in physical space. Urban transformation;

- It revitalizes abandoned ruined areas within the city,
- It develops the city in a healthy and effective way,
- It strengthens the city economy,
- It increases the quality of urban life and social welfare.

With urban transformation, it is aimed for the city to develop in a planned manner, to have multi-participatory and safe investment opportunities, and to become an important center of attraction. Urban transformation is mostly carried out through public-private sector cooperation and is widely implemented

with the idea of reintroducing the collapsed areas in city centers with high rent values to the city. Thus, a livable environment is realized and the resulting economic and social gains are shared. Therefore, urban transformation is used as an entrepreneurial and resource-generating effective tool of sustainable planning in developed countries (SÖKMEN 2003).

With urban transformation, certain parts of the city change their quality and undergo structural change (TEKELİ 2003). It is necessary to examine this process by taking into account the specific conditions of each country. Because there are many different reasons that make urban transformation necessary. And these reasons have similarities as well as differences according to countries. Reasons such as reducing damages and losses that may arise as a result of earthquakes and similar natural disasters, protecting historical urban areas, and transforming illegally built and slum areas are reasons specific to developing countries. Differences in economic, cultural, political and social development levels between countries also increase these reasons. Every formation that requires the transformation of space should be evaluated in detail within the planning system. However, in developing countries, the development of the city within a planning discipline cannot be achieved. Moreover, in these countries, urban problems cannot be solved with an authoritarian planning approach that is limited in space and managed from the centre. For this reason, especially in developing countries and in Turkey, new planning approaches are needed instead of the classical planning approach. At this stage, it is inevitable to adopt "strategic planning" that perceives cities as a place of constant transformation.

The Relationship Between Strategic Planning and Urban Transformation in Sustainable Urbanization

For sustainable urbanization, it is necessary to reconstruct the planning system and provide an effective control system. For this purpose, the planning system must be strategic, flexible, action-based, participatory and capable of introducing improved implementation tools (IMM 2003). 4 Strategic planning is an integrated approach within a contemporary planning approach, with economic, cultural and social change and restructuring targets throughout the city or in different regions (KONUK 2003).

It is a resource-generating, entrepreneurial basic development tool and a set of associated actions. It is the understanding of integrating the projects, transformations and dynamics envisaged for the city together and in harmony. Strategic planning is a tool that assumes all responsibilities of the change process and ensures the reproduction of space by ensuring public participation, and includes participation and openness in this direction. Urban transformation constitutes an important pillar of action plans with determined strategic goals. With this feature, it is considered an entrepreneurial and resource-generating tool of sustainable and strategic planning and one of the most important implementation methods that enable these plans to be implemented.

Action Plan for the Implementation of Urban Transformation

The action plan includes the activities of researching and implementing urban transformation policies and strategies. For this; Issues such as:

- Urban transformation project and implementation programs,
- Management structure of the project,
- Financing of the project need to be modeled separately.

Urban transformation works have a complex order in which these three issues are carried out intertwined and many parties participate. Experiences in Europe show that the success of urban transformation depends on its being considered as a national strategy of the countries and adopted as a state policy. It is stated that the implementations, which must be carried out without compromising the principles of strategic planning and public interest, are difficult to realize if a consensus cannot be reached between the parties creating the project and if they cannot receive the support of the central government (KESKİN et al. 2003: 402).

This assessment is correct when looking at the urbanization practice in Turkey. However, in order to evaluate this issue in more detail, the period from the founding of the Republic of Turkey in 1923 to the present day needs to be examined.

6. Urban Transformation Activities In Turkey

Türkiye's rapid urbanization movements, which started in the 1950s, brought with it irregular housing. This urbanization process has increased exponentially since the 1980s as a result of the importance our country attaches to industrialization. The rapid urbanization process and many needs of this population coming to the city from rural areas uncontrolledly have become unmet. As a result of rapid population growth, deterioration in the tissues has begun to occur in cities. It has been observed that especially errors in land use have greatly increased illegal construction in cities and caused visual pollution. For this reason, urban transformation projects have become mandatory in our country in order to reintroduce unplanned urban land use to the city and use it more effectively. It is a fact that unless Turkey's cities are cleared of unlicensed, unlicensed buildings and unplanned illegal structures, unless we make the buildings on the earthquake fault line safe against earthquakes in our country, which is in an earthquake zone, many losses of life and property will continue in Turkey. The most important and effective means of ensuring sustainability in earthquake transformations is to make urban transformations widespread.

Generally, it has been in the form of the implementation of projects that will contribute to the economic development of the city in old empty ports and industrial areas, in slums and fern-shaped residential areas without

infrastructure, where depopulated or low-income groups live in poor economic and physical conditions and where social solidarity is lost. Methods of intervention in the spatial formation of Western cities began to be developed over time, based on the existence of institutional structures and social dynamics specific to those societies, with the lessons learned from the mistakes made. The first step in the urban transformation, in which 6.5 million risky houses will be demolished throughout Turkey, started in Istanbul on October 5, 2012.

Urban transformation can be implemented as a strategy in the Turkish city planning system, but projects are implemented without serious interdisciplinary research in Turkey. For this reason, it can be said that it will be insufficient to explain the transformation phenomenon in Turkish metropolitan cities without taking into account the dynamics of the formation of the spatial structure of Turkish cities. In order to find solutions to the problems, intervention methods for spatial formation in the West have been applied to a certain extent in the Turkish planning system in every period. However, since transformation interventions are generally brought to the agenda for political and economic reasons, they have not been developed within the framework of a conscious approach. Applications generally changed or renewed the physical structure of the city. Such physical processes have not been examined in the context of social transformation. In each period, the strategies and tools developed for transformation in developed countries have been implemented in different combinations. For example, while urban renewal and reconstruction were transformation tools that were widely used in developed Western countries at the end of the Second World War, tools such as urban revitalization, improvement, rehabilitation and protection, suitable for different contextual needs and changes, came to the fore in later periods. However, recently in Turkey, the local government approach has mainly adopted the urban renewal strategy. Urban transformation activities have been initiated in 33 cities in Turkey, especially in big cities such as Istanbul, Ankara and Izmir. It is planned to renew illegal, unlicensed and unplanned buildings, and create infrastructure, roads, social areas, parks and gardens, not as in the West, but rather due to the earthquake risk.

Major Cities Planned for Urban Transformation Projects in Turkey and Application Methods Used in Urban Transformation

Adana, Afyonkarahisar, Ağrı, Amasya, Ankara, Aydın, Balıkesir, Bilecik, Bitlis, Bolu, Bursa, Çanakkale, Denizli, Düzce, Edirne, Elazığ, Erzurum, Gaziantep, Hakkâri, Hatay, Istanbul, İzmir, Kahramanmaraş, Kırıkkale, Kırşehir, The application has been started in the cities of Kocaeli, Malatya, Nevşehir, Samsun, Sinop, Tekirdağ, Tunceli and Van. The application is being expanded in new settlements every day. Apart from these cities where urban transformation projects will be implemented, it is planned that transformation activities in Turkey will continue by spreading throughout the country. The

methods applied in these cities may have different characteristics from each other.

It is the introduction of strategies for the most effective use of urban areas and avoiding unnecessary urban expansion. In Urban Transformation projects, one or more of these goals may come to the fore, depending on the nature of the region's problems and potentials. Urban transformation can be described as a general concept that includes applications for the renewal of the existing urban structure. Demolition and reconstruction of old buildings and residences; prevention of unplanned land use; creation of livable spaces; Considering the tectonic features in our country, planning safe residential areas against natural disaster risks, especially earthquake risk; In addition, revitalization, re-planning of commercial and residential areas that have lost their functionality and transforming them into attraction areas; redevelopment, restoring areas that have lost their development for any reason with various functional features; Carrying out studies on regulation, strengthening of social facilities and infrastructure works of commercial and residential areas; cleaning, eliminating the negative effects on the environment, especially the appearance, of areas concentrated with a certain functional feature; development by filling the gaps, sparsely textured housing areas, and the planning and inclusion of idle empty areas in areas where unplanned construction is dense, into land use; Various application examples such as renovation - bringing visuality to the fore, demolishing old buildings and renovating them with buildings with architectural features, and improving their appearance - are being implemented in different cities in our country.

7. Istanbul, Ankara And Some Urban Transformation Project Examples

Istanbul is the first largest city in Turkey with a population of 13.9 million. Approximately one third of the population lives in slum areas in very poor conditions. The majority of slum areas are located on the hillsides in the most central and valuable part of the city. Only some of the people living in slum areas have access to their needs such as water and electricity. It creates a serious pollution and danger problem in slum areas due to reasons such as lack of sewage infrastructure, non-collection of garbage, and especially the fact that these unlicensed buildings are not earthquake resistant. The harsh living conditions of the people living in slum areas bring about various social problems. The crime rate is increasing in the region. The people's struggle with poverty, limited employment opportunities, and lack of educational opportunities also bring about various social inequalities. There are many problems in slum areas, especially due to criminal gangs. Negative living conditions, various social and economic problems, visual and environmental pollution in the area considered the heart of the city have made an urban transformation inevitable in the region. To give an example, the transformation

projects of the Ankara Bent stream continue in this context. There is a danger of mass movements and debris falling in hilly areas where slums are built. For this reason, urban transformation has become almost inevitable.

The aim of the project, within the framework of the program, is to improve residential areas and build their capacities considering the next generation, to eliminate social problems, to increase job and education opportunities to ensure equality of opportunity, and to improve living conditions in the region thanks to all these. In addition, organizing the public and benefiting from their opinions is among the aims of the project. First of all, it is aimed to meet the basic needs of the people such as basic infrastructure, sewerage, water and electricity distribution, and to eliminate environmental pollution through garbage collection. Within the framework of social functions, social facilities will be improved by building large squares, centers for sports activities, and child care centers.

It is aimed to re-plan the core area, which traditionally constitutes the administrative function areas, commercial and cultural center in Istanbul. Within the scope of the project, the necessity of renovating 2,000,000 buildings in Istanbul was revealed in preliminary studies. It is stated that 12,000 buildings have been renewed so far in accordance with the urban transformation regulations. The project continues primarily in the districts of Kadıköy, Bağcılar, Fikirtepe, Sancaktepe, Küçükçekmece, Fatih and Beyoğlu. In our country, especially in the last 30-35 years, slum settlement has intensified due to intense migration movements to cities, especially big cities. There is no engineering or manufacturing in these unplanned and unlicensed structures. These residences, which have infrastructure and transportation problems, were formed as a result of unplanned urbanization. Daytime slums, which are called slums and are mostly built during the daylight period, are built in natural river basins, steep slopes prone to landslides, morphologically risky areas and stream beds. The flood events in the Ayamama stream and Alibeyköy stream valley in Istanbul can be shown as the best current examples. Therefore, many renovation activities should be targeted, such as the reconstruction of similar residential areas damaged by natural disasters, the reconstruction of the historical and cultural city center of Istanbul, which has become idle and ruined, and the revival of commercial activity. Restoration of historical buildings and conservation areas, taking into account the original architecture of the period, is important in terms of housing geography. Renovation and restoration works continue in many districts of Istanbul, especially around Suleymaniye and Sultanahmet and Hagia Sophia.

For areas to be opened for new development, they must be livable and infrastructure works have been completed. Urban transformation is carried out especially in Istanbul, Izmir, Antalya, Trabzon etc. The architecture of residences and business centers to be built on slopes in accordance with the

morphological characteristics of our country in coastal cities such as Turkey and the maximum sea view from these buildings throughout the project area will be of particular value. In our country, like Türkiye, which has a narrow coastline surrounded by seas on three sides and where hillside settlements are dense; Creating an urban area open to the sea and providing a modern infrastructure system is very important in terms of settlement geography.

In order to be least affected by natural disasters such as earthquakes, floods and landslides, official institutions and organizations provide wide and multi-functional usage opportunities such as rearrangement of areas, construction and organization of observation terraces, excursion areas and pedestrian paths, workplaces and campuses of these institutions, cultural and recreational opportunities. It is necessary to create harmony between modern and traditional architecture (Şişman and Kibaroğlu, 2006). Urban transformation will reshape the residential fabric of the city. In addition, by providing many functional features, living spaces and commercial areas will become a lively urban area for a significant part of the day. Another achievement is to ensure the activity and continuity of the production-marketing and trade areas. While doing all these, implementing environmental awareness at the EU level should be essential in terms of ecological balance. The renewal of the city center and the installation of new functional features will create an important area for the city and make it a center of attraction, acting as a magnet.

8. Conclusion

Although the housing problem that we encounter as a result of rapid urbanization is being addressed by the state, it has still not been fully resolved. Projects carried out for the public in accordance with the concept of 'social state' constitute a positive example in terms of reorganizing disaster areas and slum structures and bringing them into the city.

Thanks to TOKİ, people were saved from difficult living conditions and had decent and comfortable homes with natural gas, heating systems and social facilities. While new buildings replaced the houses that left a negative impression on people's minds in terms of environmental factors, established ideas were tried to be broken in this way. It is aimed for the new generation to grow up in a calmer environment. In the past, the difficulties of owning a house were tried to be overcome in this way. Citizens are provided with payment facilities.

Urban transformation can be an effective tool to ensure the continuous transformation process of cities, the efficient use of cities' existing resources, infrastructure and investments, and ultimately to control the development of cities within the framework of long-term plans. Especially in making cities like Türkiye, which have many problems, especially natural disaster risks, safer and more livable; Urban transformation can be used to preserve and keep alive the

cultural and natural assets of cities with their unique characteristics.

Urban transformation applications; It is carried out for the purpose of restructuring the unqualified and unhealthy areas resulting from rapid urbanization. By definition, urban transformation aims to improve the living standards of cities. In city centers; Urban areas damaged by illegal construction or occupation of treasury lands should be brought back to the city through urban transformation projects. Therefore, it is necessary to identify these areas and carry out urban transformation projects in the order of implementation. Identifying the areas in question is a process that will take time. First of all, it is necessary to determine the location of treasury lands, determine the ownership structure and identify areas whose ground structure is not suitable for construction. When an urban transformation decision is made for an area that needs to be revitalized and improved, a process that must be handled with seriousness and sensitivity needs to be mentioned. Urban transformation should not be considered as just demolishing and renovating houses.

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