

27th March 2024

PRESS STATEMENT

JOINT POSITION ON GOVERNOR JOHNSON SAKAJA'S DECLARATION ON REMOVAL OF HEIGHT RESTRICTIONS IN NAIROBI

As Professional Bodies in the built environment and Residents' Associations within Nairobi, we wish to express our reservations to the recent public declaration made by Nairobi City County Governor Johnson Sakaja concerning the rezoning of some areas and elimination of height restrictions on buildings within Nairobi County.

While we are in agreement that there is a need to accommodate Nairobi's projected growth of 10.5 million by 2050, we wish to categorically state that the governor's approach blatantly disregards the correct legal procedure and good order. We further wish to unequivocally state that the Physical and Land Use Planning Act (PLUPA) 2019 is the ultimate planning law in Kenya. It clearly provides a hierarchy of plans and guidelines on how ground coverages, skyline limits, plot ratios, and land use are arrived at through both technical processes and public participation.

While the governor has the right to initiate zoning at the County level through the respective County Executive Committee Member, the County Governments Act of 2012 explicitly states that such decisions must be aligned with relevant Plans. The 2014 Nairobi Integrated Urban Development Plan (NIUPLAN) identified 7 Sub-centers that had been earmarked as critical nodes requiring further detailed planning; we even note that bids for the planning of Woodley Estate, Ruai, Kasarani, Embakasi and Kibera were put out, yet to date this process has not moved forward. These plans and procedures, as laid out in law, would ensure the creation of a shared vision for Nairobi by Nairobian.

In addition, the governor should prioritize the expansion of critical infrastructure, including sewerage and water reticulation, solid waste management, public transport networks, schools, health amenities, open green spaces, fire and emergency services, and other social and physical infrastructure. Nairobian are currently suffering under the unmitigated weight of unplanned developments; many homes continue to suffer dry taps for days on end, infinite power outages, and children having no space to play, to name but a few. Only after these fundamental necessities are addressed should the County consider responsible densification guided by proper planning processes.

Furthermore, we categorically denounce the illegality of the Sessional Paper No. 1 of 2023 on Nairobi City County Development Control Policy, currently presented to the Nairobi County Assembly for approval. This policy fails to follow the correct procedure as outlined in the law.

Development control should be guided by physical land use plans and since the (NIUPLAN) is yet to be implemented, and neighborhood Local Physical Development Plans (LPDPs) are non-existent, the County should prioritize the formulation and implementation of these plans. Only then should the formulation of a development control framework in harmony with national and regional development plans be considered.

The recent flooding, gas explosions in residential areas, sewer bursts, worsening traffic congestion, limited to no water provision, constant electricity outages and rampant insecurity in Nairobi are clear indicators of the dire consequences of unplanned and haphazard development. Proper planning is the only solution to managing the chaos we are currently witnessing in Nairobi. There are a myriad of denser and more populous cities that run more efficiently than Nairobi with the quality of life we all aspire to due to well-thought-out urban planning and design.

We call upon Governor Sakaja and the County Department of Lands, Housing, and Urban Development to follow due process and deliver their promise to Nairobians to accord Kenya's capital its due dignity, by facilitating the development and implementation of Local Physical Development Plans at all levels, and having a shared vision with those who elected them by pursuing infrastructure-led development.

The residents of Nairobi, built environment professional bodies and the private sector at large, stand ready to engage with the County Government of Nairobi and offer expertise and support to ensure that the city's growth is orderly, sustainable, and in compliance with the relevant laws and regulations for an improved quality of life for all Nairobians.

Yours faithfully,

On behalf of the Architectural Association of Kenya
Arch. Florence Nyole, President

On behalf of the Kilimani Project Foundation
Emma Miloyo, Chairperson

On behalf of the Lavington Five Roads Association
Ndirangu Maina, Chairman

On behalf of the Kileleshwa Ward Neighbourhood Association
David Obuki, Chairperson

On behalf of the Kenya Institute of Planners,
Plan. Fawcett Komollo, President

On behalf of the Kenya Property Developers Association (KPDA)
Ken Luusa, Chairperson

On behalf of Town and County Planners Association of Kenya
Mairura Omwenga, Chairperson

On behalf of the Kenya Alliance of Residents Associations
Henry Ochieng, CEO

On behalf of the Alliance of Nairobi Metro -East Residents Association - ANMRA
Teddy Obiero, Chairperson

On behalf of Manyani Road Residents Association
Sanjeev Shah, Chairperson

On behalf of Kunde Road Residents Association
Raphael Nzomo, Chairperson

On behalf of Dennis Pritt Residents Association
Irene Aguttu, Chairperson

On behalf of Karen Langata District Association
Sikalieh, Samora M, Chairperson

On behalf of MARA Residents Association
Ben Kinara, Chairperson

On behalf of Rhapta Road Residents Association
Claire Anami, Chairperson

On behalf of Upper Leleshwa Residents Association
Paul Wasanga, Chairperson

On behalf of South C Residents Association
Dr. Tuesday Gichuki, Chairperson

On behalf of The Architects Alliance
Sylvia Kasanga, President

On behalf of LoreshoMount Community Alliance
Geoffrey A. Luseno, Chairman

On behalf of the Kenya Green Building Society
Nasra Nanda, CEO

On behalf of the Institution of Engineers of Kenya
Shammah Kiteme, President

On behalf of the Institution of Surveyors of Kenya
Eric Nyadimo, President

On behalf of the Northern Block Residents Alliance
Richard Vaughan, Chairman

On behalf of the Chalbi Drive Residents Association
Tony Ngige, Chairperson

On behalf of the Institution of Construction Project Managers of Kenya
Tom Oketch, Chairperson

On behalf of the Public Health Society of Kenya
Dr Teresa Kinyari Mwendwa, National Chairperson

Relevant notes on PLUPA:

3. The objects of this Act are to provide —

- (a) the principles, procedures and standards for the preparation and implementation of physical and land use development plans at the national, county, urban, rural and cities level;
- (b) the administration and management of physical and land use planning in Kenya; No. 3 of 1996. Objects of the Act. 614 No. 13 Physical and Land Use Planning 2019
- (c) the procedures and standards for development control and the regulation of physical planning and land use;
- (d) a framework for the co-ordination of physical and land use planning by county governments;
- (e) a mechanism for dispute resolution with respect to physical and land use planning;
- (f) a framework for equitable and sustainable use, planning and management of land;
- (g) the functions of and the relationship between planning authorities;
- (h) a robust, comprehensive and responsive system of physical and land use planning and regulation; and
- (i) a framework to ensure that investments in property benefit local communities and their economies.

3. Every State organ, State officer, public officer and person engaged in physical planning or land use regulation is bound by the Constitution and in particular —

- a) the national values and principles set out in Articles 10 and 232 of the Constitution;
- b) the principles of land policy set out in Article 60 of the Constitution;
- c) the leadership and integrity principles set out in Articles 73 and 75 of the Constitution; and
- d) the principles, procedures, and standards of physical and land use planning contemplated in this Act.

4. Every person engaged in physical and land use planning and regulation shall adhere to the following principles and norms of physical and land use planning —

- a) physical and land use planning shall promote sustainable use of land and livable communities which integrates human needs in any locality;
- b) development activities shall be planned in a manner that integrates economic, social and environmental needs of present and future generations; Values and principles. Principles and norms of physical and land use planning. 615 2019 Physical and Land Use Planning No. 13
- c) physical and land use planning shall be comprehensive, sustainable and integrated at all levels of government, taking into consideration the interests of all parties concerned;
- d) physical and land use planning shall take into consideration long-term optimum

utilization of land and conservation of scarce land resource including preservation of land with important functions;

- e) physical and land use planning shall be inclusive and must take into consideration the culture and heritage of people concerned; and
- f) physical and land use planning shall take into account new approaches such as transit-oriented development, mixed land-uses, planning for public transport and non-motorized transport among others to achieve sustainable development and more efficient use of natural resources

OBJECTIVES OF ZONING

In Physical Planning,

1. To enhance economic development.
2. To plan cities and towns.
3. To facilitate the provision of infrastructure, utilities and services.
4. To create order where there is chaos.

In Architecture,

1. A design exercise that uses the land use plan as a framework to propose the optimal physical infrastructure for a settlement or area, including infrastructure for public services, transport, economic activities, recreation, and environmental protection.
2. The physical characteristics for urban design qualities are imageability, enclosure, human scale, transparency and complexity, but also other less known qualities such as legibility, linkage, coherence, and tidiness.

These principles seem to have been completely disregarded for some unexplainable expediency. It is not true that Kenyans have NO AFFINITY to Aesthetic Cities. Government officials often travel all over the world to experience aesthetically appealing cities; Rarely do they go to Un-Aesthetic cities